

October 2023

Policy Statement

POLICY STATEMENT ON FLIGHT OPERATIONS USING VTOL AIRCRAFT

1 Introduction

- 1.1 This document presents UK Civil Aviation Authority's (CAA) current position on regulatory requirements applicable to organisations wishing to operate VTOL aircraft.
- 1.2 The CAA is using existing legislation for the regulation of VTOL operations to the greatest extent possible, as we appreciate that our collective understanding of the new technology will grow as designs mature and operations commence. This understanding will inform the CAA's ongoing work of amending existing legislation to better enable deployment of new aviation technologies such as VTOL operations.
- 1.3 In the meantime, the CAA has developed this policy statement as interim guidance to allow stakeholders to proceed with planning operations in line with CAA's thinking while the formal rulemaking process is taking place. Formal rulemaking will involve industry input and formal consultation as per CAA procedures and best practice.

2 Scope

- 2.1 This policy statement is applicable to all operators of VTOL aircraft.
- 2.2 The diverse designs of VTOL aircraft make it difficult to categorise them more specifically at this stage without potentially constraining further innovation. Prospective operators of these new designs should seek advice from the CAA at an early stage to clarify the regulatory framework that is applicable. It may be appropriate to use the rules applicable to aeroplanes or helicopters depending on their design.
- 2.3 The CAA will amend the UK Regulation (EU) No. 965/2012 (the UK Air Operations Regulation) in due course to clarify the operational regulatory framework to be used.

3 Interpretation

- 3.1 In this document, references to EU regulations are to those regulations as retained and amended in UK domestic law under the European Union (Withdrawal) Act 2018 and are referenced as "UK Regulation (EU) year/number" or "UK Regulation (EU) No. number/year".

4 Definitions

- i) VTOL aircraft means a heavier-than-air aircraft, other than aeroplane or helicopter, capable of performing vertical procedures by means of more than two lift/thrust units

and certified for one or more occupants.

Note: For the purposes of the application of the Air Operations Regulation, a VTOL aircraft may be classified as an aeroplane, helicopter or tiltrotor according to the specific design of the aircraft. Tiltrotor shall be taken to include all aircraft designs that are supported in flight by a combination of the reactions of the air on two or more lift/thrust units and the dynamic reaction of the air against wings. In such a case, the regulations applicable to a helicopter or an aeroplane should be applied according to the phase of flight and the method of supporting the aircraft in flight at that point. All VTOL aircraft shall be considered to be complex motor-powered aircraft for the application of the Air Operations Regulation.

- ii) 'aeroplane' means an engine-driven fixed-wing aircraft heavier than air that is supported in flight by the dynamic reaction of the air against its wings.
- iii) 'helicopter' means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes.
- iv) 'tilt-rotor' means a powered-lift aircraft capable of vertical take-off, vertical landing and sustained low-speed flight which depends, principally, on engine-driven rotors mounted on tiltable nacelles for the lift during these flight regimes and on nonrotating aerofoil(s) for lift during high-speed flight.
- v) 'commercial air transport' (CAT) means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration.
- vi) 'commercial operation' means any operation of an aircraft, in return for remuneration or other valuable consideration, which is available for the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator.

5 Flight Operations Applicable Regulations

- 5.1 All operations by VTOL aircraft must be conducted under UK Regulation (EU) 2018/1139 (the UK Basic Regulation) and the associated Implementing Rules (IRs). Annex 5 of the Basic Regulation lays down the essential requirements for Air Operations.
- 5.2 UK Regulation (EU) No. 965/2012 (the UK Air Operations Regulation) sets out the IRs and lays down detailed requirements for air operations.
- 5.3 Operators of VTOL aircraft engaged in commercial air transport (CAT) operations must operate the aircraft in accordance with the provisions of Annexes III (Part-ORO) and IV (Part-CAT).
- 5.4 Operators of VTOL aircraft must comply with the relevant provisions of Annex V (Part-SPA) when wishing to operate under a Specific approval.
- 5.5 Operators of VTOL aircraft engaged in non-commercial operations must operate the aircraft in accordance with the provisions of Annex III (Part-ORO) and Annex VI (Part-NCC).

- 5.6 Operators of VTOL aircraft engaged in either commercial or non-commercial specialised operations must operate the aircraft in accordance with the provisions of Annex III (Part-ORO) and VIII (Part-SPO).

6 Commercial Air Transport

- 6.1 Operators with a principal place of business in the UK wishing to conduct Commercial Air Transport (CAT) operations will need an Airline Operating Certificate (AOC) and an Operating Licence (OL) from the CAA. The OL reflects the nature, ownership and financial health of a business, not operational safety. Operational safety is assessed under the Air Operator Certificate (AOC) scheme.
- 6.2 An air operator's certificate (AOC) is the approval granted by the CAA to an aircraft operator to allow it to use aircraft for commercial purposes. This requires the operator to have personnel, assets, and a safety management system in place to ensure the safety of its operations.
- 6.3 An Operating Licence can only be granted to applicants who hold a valid AOC.

7 Non-Commercial Operations with other-than-complex aircraft (Part-NCO) - Cost Sharing

Under article 6 para 4a.(a) of the UK Air Operations Regulation there is an exception to the CAT rules for Part-NCO aircraft to conduct a flight where the cost of the flight is shared by the occupants. As all VTOL aircraft are considered to be complex motor-powered aircraft, cost sharing is not permitted.

8 Related Applicable Regulations

- [UK Regulation \(EU\) No. 2018/1139 \(the UK Basic Regulation\)](#)
- [UK Regulation \(EU\) No. 965/2012 \(the UK Air Operations Regulation\)](#)
- [UK Regulation \(EU\) No. 1008/2008 \(the UK Operation of Air Services Regulation\)](#)
- [Air Navigation Order 2016](#)
- [UK Regulation \(EU\) No. 923/2012 \(UK SERA\)](#)
- [The Rules of the Air Regulations 2015](#)
- [The Air Navigation General Regulations 2006](#)
- [UK Regulation \(EU\) No. 2002/2786 \(Dangerous Goods\)](#)

9 Review of Policy

- 10 The CAA retains the right to review this statement on a discretionary basis to consider technological developments, own research and new evidence it receives from stakeholders that may affect its views and policy.

11 Point of Contact

- 11.1 Any queries or further guidance required on the content or implementation of this Flight Operations Policy Statement should be addressed to:

AAMEnquiries@caa.co.uk