

CODE OF PRACTICE FOR GYROPLANE HIRE

Introduction

Hire of a Type Approved Gyroplane is allowed¹ subject to a General Exemption published by the CAA. The exemption applies to all type approved gyroplanes subject to the conditions as listed in the exemption.

There are risks to hiring out a Gyroplane, from a safety, legal and financial perspective, without proper controls being in place. This document describes a code of practice for Gyroplane hire to minimise those risks. Aircraft hire is a reasonable and safe activity as long as this code of practice is adhered to.

Pilots might wish to hire a Gyroplane for a variety of different reasons. This could include newly qualified pilots who have not yet bought their own aircraft, light aircraft pilots maintaining Gyroplane currency, pilots who cannot afford their own aircraft, qualified gyroplane instructors who wish to provide flying instruction, or simply experienced pilots wishing to occasionally fly something different. Only a qualified pilot with a current aircraft rating entitling them to fly Gyroplane aircraft can be allowed to hire a Gyroplane.

For the rest of this document 'pilot' will refer to the pilot hiring the Gyroplane and 'hirer' will refer to the flying club from whom the pilot is hiring the aircraft.

What aircraft may be hired

Only Type Approved Gyroplanes may be hired. Amateur Built and Type Accepted Gyroplanes may not be hired. This is consistent with flight training rules and regulations, and is due to the different approval criteria and limitations imposed on Amateur Built and Type Accepted Gyroplanes.

As with all Gyroplane operations, the aircraft must have a current Permit to Fly and not carry any unapproved modifications (including modifications pending approval or being flight tested). The gyroplane must be owned or operated under arrangements entered into with a flying club of which the owner of the gyroplane and the pilot using the gyroplane are both members.

Who may hire an aircraft

The hirer and the pilot must both be members of the same flying club. The aircraft may only be used for recreational purposes or for aerial work which consists of the giving of instruction in flying or the conducting of flying tests, subject to the installation of any required and approved instructional modifications. In addition, the Gyroplane must be owned or operated under arrangements entered into by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

Although the giving of instruction in flying or the conducting of flying tests constitutes aerial work, article 262 of the Air Navigation Order (ANO) 2009 deems that when an aircraft is hired for a flight then that flight is public transport for airworthiness purposes. In other words, where a pilot hires an aircraft to fly it himself or herself, that aircraft is required to be maintained to the highest practicable standards – public transport standards. However, article 23(1)(b) of the ANO states that an aircraft with a national permit to fly is prohibited from flying for the purpose of public transport. Consequently, to allow the hire of type approved gyroplanes, the CAA has published a General Exemption "Use of type approved gyroplanes for self-fly hire, including instruction and testing" which exempts a type approved gyroplane from article 23(1)(b). Accordingly, a pilot may hire such a gyroplane for his or her own use, provided the conditions of the exemption are complied with.

1. Note that this is separate from arrangements that exist for solo instruction in flying schools.

For flights not involving flying instruction, the only payment that may legally be made is from the pilot to the hirer for the purpose of using the aircraft. The passenger is non-fare paying and may not pay the pilot to be carried in the aircraft. Reasonable sharing of the direct costs of the flight – hire and fuel costs for example – to a maximum of 50% from the passenger is not considered payment. The flight shall not be advertised (for the purposes of attracting a passenger) except within the premises of the flying club. The authoritative rules regarding cost sharing and advertising can be found in the ANO²: “Public transport and aerial work – exceptions – cost sharing”.

Pre-hire briefing and checkout

The hirer must provide a briefing and, if required by the aircraft's insurer, a check-flight with a qualified instructor. It is recommended that a check-flight is conducted for any pilot with less than 10 hrs in total, or less than 1 hr in the previous month, on the same or a similar type; and always on the first occasion that a pilot flies the aircraft. If it has not previously been submitted for inspection, and currency and qualification recorded, the pilot must present their licence, medical certificate and logbook, all of which must be valid and current in line with whatever current rules and regulations pertain at the time. Note that it is a legal requirement for flight crew licences that photographic proof of identity is kept with a pilot's licence, and this may be considered good practice also for a Gyroplane licence.

Paperwork

Before an aircraft is hired, copies or originals of the following documents must be made available to the pilot for inspection³

- Permit to Fly and Certificate of Validity.
- Registration document.
- Written authority from the flying club under whose conditions the hiring of the Gyroplane will take place and, if separate, the legal owner of the aircraft.
- Aircraft and engine logbook(s). In the logbook must be a summary of the aircraft's approved modification state⁴. The logbooks must be up-to-date to the end of the last flight or maintenance action.
- Operator's manual, including the engine manual and all modification approvals applying to the aircraft
- Weight and balance report.
- Insurance certificate(s), with any necessary explanation of what is insured.
- A clear statement of the charging scheme, any hire conditions and, if such applies, the insurance excess⁵.
- Airfield briefing sheet for the airfield at which the aircraft is based.

If the aircraft is to be flown away from base for an overnight stop, then the logbooks, a technical log (to record any defects) and a copy of the operator's manual and engine manual must be kept in the aircraft for the duration of hire. It is permissible to reduce the size of the operator's manual on a photocopier, or to supply in a readable electronic format; indeed, this may be essential in order to fit the manual inside some aircraft types. The technical log need not be of an approved type.

Insurance

It is mandatory for aircraft operators to have minimum levels of passenger and third-party insurance (EC Regulation No. 785/2004). For Gyroplanes hired out in accordance with this code of practice the hirer, not the pilot, is considered the aircraft operator. Therefore it is the hirer who must ensure the legally required insurance is in place. The mandatory insurance requirements differ for commercial and recreational operations. Hiring of Gyroplanes in accordance with this CoP is considered a commercial operation in relation to the regulation. It is important to check that insurance at a level suitable for a commercial operation is in place.

2. Article 267 at the time of writing (Air Navigation Order 2009 including amendments up to and including amendment 1/2012).

3. A recommended checklist, to help owners adhere to this, is at Appendix A.

4. This is already part of the approved logbook, and is situated in the rear of the document.

5. Sample hire conditions are given in Appendix B.

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It is recommended that the Gyroplane carry hull insurance to its replacement value. Alternatively the owner may self-insure (that is, guarantee the value themselves in the case of an accident). In either case it is permissible to charge the pilot an agreed excess in the case of an accident; expecting the full value from the pilot is unacceptable⁶.

The aircraft insurer must have been notified that the Gyroplane will be used for hire, and have approved this in writing. It is important that the terms of the policy are carefully read by the hirer to ensure that cover is satisfactory for individual circumstances and that the minimum insurance requirements are met. The policy must also be provided for the pilot to read before flight.

Maintenance

All maintenance must be up to date and properly recorded in the logbooks. Maintenance must have been carried out in accordance with the schedule in the Aircraft Maintenance Manual (AMM) (and, if separate, the engine and variable pitch propeller manual).

Although any competent person can maintain the aircraft, the previous scheduled check as per the manufacturers maintenance manuals must have been countersigned and released (PMR) by an authorised A3-7 person. In providing this release, the A3-7 authorised person is confirming that he has satisfied himself that the inspection items and any maintenance actions specified in the schedule have been satisfactorily carried out.

Note that:

- An appropriately authorised A3-7 person may carry out and sign for the scheduled check. However only the sign-off is performed in his capacity as an authorised person; he carries out the maintenance activity as a private individual.
- The owner or hirer may carry out the work; he may also sign for the scheduled check if he is an appropriately authorised A3-7 person.
- It is important to note that if the work is carried out by an authorised A3-7 person this does not remove the requirement for a second inspection⁷ if, for example, primary structure or a control system is disturbed.

The previous Permit to Fly revalidation must have been carried out by an Inspector and Check Pilot who are acceptable to the CAA.

Before their first flight on any day in the aircraft, the pilot must make a signed entry in the aircraft logbook stating that their daily inspection (DI) was satisfactory.

Other equipment

The hirer must make the following available. They might either be included in the aircraft hire, or a separate charge may be made.

- If the home airfield requires radio, a radio and headset compatible with the aircraft and each other.

Other equipment may be required, such as a filter funnel, current chart, gloves, helmet, or thermal flying suit. If required but not provided, this must clearly be stated in the terms and conditions.

Summary

This document contains a code of practice that provides a means whereby the hire and operation of Type Approved Gyroplanes (in compliance with the conditions contained in the General Exemption and the aircraft Permit to Fly) can be carried out safely and legally.

6. Charging the pilot the full amount is not illegal but is poor practice and outside the terms of this code.

7. Full details of the requirements surrounding second inspections may be found in the manufacturers maintenance manuals.

The manufacturer will not support members who have encountered difficulties as a result of hiring out an aircraft without adhering to this code of practice, nor will it support attempts to operate outside of this code. Pilots hiring an aircraft should also satisfy themselves that this code of practice has been properly adhered to, whilst remembering that once airborne they are the captain of the aircraft and responsible for it.

Prepared by: A Wall

Authorised by:

This document has been written in consultation with the UK Civil Aviation Authority and supports CAA General Exemption "Use of type approved gyroplanes for self-fly hire, including instruction and testing". It may not be amended without further consultation with the UK Civil Aviation Authority.

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Appendix A - Sample Pre-Hire Checklist

Top part to be checked and signed by the pilot, bottom part by the hirer, prior to hire.

Tick when checked, then initial at bottom to show who carried out the checks to show that hirer has satisfied themselves that the pilot is fit to fly the aircraft.

Date:										
Permit and CofV available and current										
Registration doc. Available										
Owner's authority to hire Letter ⁸ available.										
Aircraft logbook up to date										
Engine logbook up to date										
Operator's manual available and complete, including engine manual.										
Insurance certificate(s) available, current, understood.										
W&CG report available										
Terms and conditions available										
Briefing sheet and home airfield details available.										
DI carried out, aircraft satisfactory.										

Checked by Pilot:

Identity of pilot:										
Current club member?										
First time / repeat hire?										
Pilot in currency (logbook checked):										
Pilot's licence.										
Pilot's medical checked										
Briefing / checkout as Necessary										
Authorised by hirer:										

8. If required.

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Appendix B - Sample Conditions of Hire

1. These conditions are to be read by any pilot hiring <insert aircraft type>, registration G-<insert registration>, before they first fly the aircraft. The pilot is also to have read the operator's manual and made note of all limitations and performance figures relevant to their flight.
2. The owner is <insert owner's name>, trading as <insert company name>, <insert company address>.
3. Carriage of a passenger is permitted but no charge may be made. Cost sharing is acceptable up to a maximum of 50% of the direct costs of the flight.
4. The pilot is liable for the following charges: -
 - a. Use of the aircraft at £<x> / hr, as indicated by the Hobbs meter.
 - b. If hired by the day, the aircraft will be charged at a minimum of 2 hours per day unless the weather was too poor to permit a landing back at the home airfield during that time, in which case only the flying done will be charged.
 - c. All fuel used. The aircraft is provided with at least 20 litres of fuel on board, and is to be returned with at-least 20 litres of fuel on board. If less fuel is on board, any fuel less than 20 litres will be charged at £<x>/litre including oil.
 - d. All landing fees, except for their final landing at the home airfield, which is <insert airfield name>.
 - e. In the event of an accident, an insurance excess of £<x>.
 - f. Full cost of any loss or damage to the headset, helmet, radio, operator's manual and funnel provided with the aircraft.
5. Payment should be made by cash or cheque only to <insert payee name>.
6. The aircraft may not be flown outside UK airspace (Isle of Man and Channel Islands are not UK airspace) without written permission of the hirer (and of the Aviation Authority of that country, as required by that country's regulations), and in any case not outside the permitted geographical limits of the insurance.
7. When refuelling, the following fuel and oil must be used: - Avgas 100LL unless otherwise permitted in the aircraft operators manual. (A filter funnel must be used when filling the aircraft fuel tank to prevent the ingress of small particles.)
8. In the event of a mechanical failure of the aircraft, the pilot is to secure the aircraft, if possible at an airfield, and contact the hirer for instructions <insert contact telephone number>.
9. In the event of an accident, the pilot, as aircraft commander, is responsible for notifying the relevant authorities. Unless incapacitated by injury, the pilot is also responsible for notifying the hirer before the end of the hire period.
10. The aircraft is not to be flown past the next required maintenance or inspection action. The pilot may only carry out this action himself with the prior agreement of the hirer.
11. No other pilot, including another club member, is to fly the aircraft without the hirer's written permission.
12. The pilot is responsible for making all aircraft and engine logbook entries at the end of the hire period.

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Appendix C

Declaration to the manufacturer of agreement for a Type Approved Gyroplane to be used for self-fly hire.

Reg G- _ _ _ _ _	Type :	TADS:
	Serial No.	Permit To Fly No.

Owners Name:	XXXX No :
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Address :

Tel (Home / Office)	Tel (Mobile)
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Email :

OWNER'S DECLARATION : I own the above aircraft and agree to allow the use of my aircraft for hiring, and undertake only to hire out this aircraft in full accordance with the latest version of the Code of Practice.	
Signed	Date

OFFICE USE ONLY (1)	
Date received:	Checked By (initials)

OWNER: Send this completed form to: XXXX ADDRESS TO BE INSERTED HERE
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Appendix D

General Exemption Example

**CIVIL AVIATION AUTHORITY
AIR NAVIGATION ORDER 2009**

Use of type approved gyroplanes for self-fly hire, including instruction and testing

Exemption

- 1) **THE CIVIL AVIATION AUTHORITY**, in exercise of its power under article 242 of the Air Navigation Order 2009 (the Order), exempts, subject to the conditions contained in paragraph 2, any gyroplane with a national permit to fly from the provisions of article 23(1)(b) of the Order.
- 2) This exemption only applies if:
 - (a) the gyroplane is Type Approved;
 - (b) the gyroplane is owned or operated under arrangements entered into with a flying club of which the owner of the gyroplane and the pilot using the gyroplane are both members;
 - (c) no valuable consideration in respect of the flight or the purpose of the flight is given or promised other than—
 - (i) valuable consideration given or promised by a pilot for the primary purpose of conferring on that pilot the right to fly the gyroplane on that flight; or
 - (ii) the valuable consideration described in (i) above, coupled with valuable consideration given or promised for the purpose of obtaining instruction or testing to be conducted by that pilot in accordance with a permission granted under article 23(3) of the Order;
 - (d) the gyroplane owner has made the appropriate declaration as per Appendix C of the “Code of Practice for Gyroplane Hire”.
- 3) In this exemption, a “Type Approved gyroplane” means a gyroplane which has been designed in accordance with BCAR Section T.
- 4) This Exemption has effect from XX XXXX 2013 until XX XXXX 2015, unless revoked, suspended or varied.

EXPLANATORY NOTE

Self fly hire

Where a pilot hires an aircraft to fly it himself or herself, that aircraft is required to be maintained to the highest practicable standards – public transport standards. This is because article 262 of the Air Navigation Order 2009 deems such a flight to be public transport for airworthiness purposes.

An aircraft with a national permit to fly is prohibited from flying for the purpose of public transport by article 23(1)(b).

These provisions have the effect of prohibiting an aircraft with a national permit to fly from being hired by a pilot for his or her own use – because it would be public transport for airworthiness purposes and the aircraft must not fly for public transport at all.

The attached exemption exempts a type approved gyroplane from these restrictions. Accordingly, a pilot may hire such a gyroplane for his or her own use, provided the conditions of the exemption are complied with. In particular, the gyroplane being hired must be owned or operated under arrangements entered into with a flying club of which the owner of the gyroplane and the pilot using the gyroplane are both members.

Instruction and testing

An aircraft with a national permit to fly which has been hired in accordance with the attached exemption, may be used for instruction and testing if it is conducted in a club environment with the permission of the CAA in accordance with article 23(3).

A permission for type approved gyroplanes to be used for instruction and testing may be found on the permit granted for such a gyroplane.

Before using a type approved gyroplane for instruction or testing, the pilot should confirm that the permit does indeed include such a permission. If it does not, the pilot should contact CAA Applications and Approvals.

A club environment

Article 259(3) defines a club environment as meaning where an aircraft owned by, operated by or operated under arrangements entered into by a flying club of which both the instructor or examiner and student or examinee are members.

The Code of Practice for Gyroplane Hire

The “Code of Practice for Gyroplane Hire” provides useful information and guidance material and represents best practice in support of this exemption. This includes—

- ② *Hirer to provide a briefing*
- ② *Pilot to present licence, medical certificate and log book*
- ② *Provision of documents for inspection by the pilot*
- ② *Scheduled maintenance checks countersigned by a person authorised to issue a Permit Maintenance Release in accordance with BCAR A3-7*
- ② *Revalidation to be carried out by an authorised Inspector and Check Pilot*
- ② *Signed entry in aircraft log book re daily inspection before first flight*
- ② *Specified equipment to be made available*