EXPLANATORY MEMORANDUM TO

THE AVIATION SAFETY (AMENDMENT) (NO. 2) REGULATIONS 2025

2025 No. 878

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Mike Kane MP, Parliamentary Under Secretary of State and Minister for Aviation, Maritime and Security at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Jenny Ward, Deputy Director for Aviation Safety, Innovation and Skills at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Emily Lee at the Department for Transport Telephone: 07977284994 or email: aviationsafety@dft.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends assimilated law in relation to aviation safety and is in three parts. Part 1 contains introductory provisions. Part 2 makes amendments to four pieces of assimilated law and Part 3 makes corrections to one piece of assimilated law.

4.2 Part 2, Chapters 1, 3 and 4 of this instrument makes amendments to UK Regulation (EU) 1178/2011 ("the Aircrew Regulation"), UK Regulation (EU) 2018/395 ("the Balloon Regulation") and UK Regulation (EU) 2018/1976 ("the Sailplanes Regulation"), as part of a wider project led by the Civil Aviation Authority (CAA) aiming to simplify the regulations governing licensing and training for general aviation pilots. Part 2, Chapter 1 also revokes an amendment to the Aircrew Regulation made by the Aviation Safety (Amendment) Regulations 2024[1] ("the 2024 Regulations") which could have led to an unexpected consequence (see paragraph 5.5).

4.3 Part 2, Chapter 2 of this instrument improves safety and consumer protection by strengthening the cost sharing regulations contained in Article 6 of UK Regulation (EU) No. 965/2012 ("the Air Operations Regulation") to minimise the potential for both misunderstanding and abuse.

[1] https://www.legislation.gov.uk/uksi/2024/1290/contents/made

4.4 Part 3 of this instrument makes amendments to UK Regulation (EU) 748/2012 ("the Initial Airworthiness Regulation") to update references and correct typographical errors arising from the Aviation Safety (Amendment) Regulations 2023[2] ("the 2023 Regulations").

Where does the legislation extend to, and apply?

4.5 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.

4.6 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland.

5. Policy Context

What is being done and why?

5.1 This instrument makes amendments to flight crew licensing as part of a wide-ranging package of reform to the flight crew licensing regime for general aviation pilots, as set out in paragraphs (a) to (c) below. Flight crew licensing for general aviation pilots operates on a mixed legal basis across the Aircrew Regulation, the Balloon Regulation, the Sailplanes Regulation and the Air Navigation Order 2016 (S.I. 2016/765) ("ANO"). This instrument only makes amendments to flight crew licensing regulations contained in the Aircrew Regulation, the Balloon Regulation and the Sailplanes Regulation. Amendments to flight crew licensing regulations contained in the ANO will be made by the Air Navigation (Amendment) Order 2025.

a) **Simplifies and aligns various pilot licensing requirements**: key changes include discontinuing new Light Aircraft Pilot Licences for Aeroplanes (LAPL(A)) from September 2025 and integrating it into the National Private Pilot Licence (NPPL). Those who hold an NPPL(Aeroplanes) licence will then be able to transition to a PPL(Aeroplanes) licence through bridging exams. The amendments will also align experience requirements and the credits required to secure a PPL(A) to international standards. For those pilots seeking an Aerobatic rating, the amendment will also remove the pre-course experience requirement. Further amendments will require British Gliding Association approved training for sailplane towing instead of having a Sailplane Towing rating, and the requirement for a Sailplane Towing rating will be removed. Finally, the changes will allow Single Engine Piston-rated pilots to fly electric aircraft if they have undertaken appropriate differences training.

b) **Clarifies and consolidates balloon licensing and training requirements**: key changes include provision to allow for recognition of the PPL(Balloons and Airships) as equivalent to the Balloon Pilot Licence (BPL) for certain operations, clarifying commercial rating validity, and allowing balloon instructors to provide training for the BPL without being an Approved Training Organisation or a Declared Training Organisation. This instrument will also introduce requirements for tethered balloon training and periodic refreshers for mixed balloon classes. In addition, Commercial ratings will be split into Passenger and Non-Passenger categories with tailored requirements and pre-test training for each, and new training and experience standards will be set for Balloon Flight Instructors and Examiners.

[2] https://www.legislation.gov.uk/uksi/2023/588/contents/made

c) **Streamlines Sailplane Pilot Licence requirements**: key changes include adjusting theoretical exam validity periods to remove unnecessary barriers to qualification, removing the need for a Sailplane Towing Rating in Touring Motor Gliders (but still requiring British Gliding Association approved training), and introducing a Basic Instructor (Sailplanes) qualification for gaining instructional experience. Additionally, a 'Gliding Club' will be defined as a British Gliding Association member club, allowing them to provide training without separate CAA approval, based on the British Gliding Association's existing structure, safety culture, and oversight.

5.2 This instrument also amends the cost sharing regulations (regulations governing how to undertake a legal non-commercial flight where the costs of the flight are shared between pilots and private individuals) to strengthen the regulations and remove areas that are currently open to interpretation with the potential for abuse. These amendments were developed as a result of the CAA Cost Sharing working group identifying confusion between legal cost sharing flights and illegal commercial transport. Key changes include:

a) Direct Costs – defines clearly what expenses (e.g. fuel, airfield charges etc.) may be shared by the pilot and private individuals.

b) Equal Shares – provides clarity by requiring pilots to contribute at least the same proportion of costs as each passenger, preventing the pilot from making profit as a cost shared flight is not a commercial flight.

c) Passenger Awareness and Declarations – requires the pilot or operator to provide clear notification that a flight is cost-sharing, not commercial, in all promotional material and requires passengers to confirm they understand this.

5.3 The cost sharing regulations are contained in Article 6 of the Air Operations Regulation and Article 13 of the ANO. This instrument only makes amendments to the cost sharing regulations contained in the Air Operations Regulation. Amendments to the cost sharing regulations contained in the ANO will be made by the Air Navigation (Amendment) Order 2025.

5.4 This instrument also updates references and makes minor typographical corrections to the Initial Airworthiness Regulations arising from the 2023 Regulations.

5.5 Lastly, this instrument amends the Aircrew Regulation to correct an unexpected consequence arising from the 2024 Regulations. This was raised by a stakeholder who was concerned that an amendment made by the 2024 Regulations regarding helicopter cross-crediting could result in a number of repetitive checks of the same skill sets, wasting resources. The CAA reviewed the language of the amendment and concluded that the 2024 amendment does not reflect the intended policy of the 2024 Regulations[3]. The correction made by this instrument will come into force on the 30th October 2025 immediately after the coming into force of the relevant amendments in the 2024 Regulations to ensure there will be no impact on industry from the unexpected consequence.

What was the previous policy, how is this different?

5.6 The current cost sharing and general aviation flight crew licensing regulations are overly complex, leading to confusion. Industry feedback has highlighted the need for simpler, clearer rules to improve compliance and safety. The proposed changes stem from extensive industry consultations aimed at addressing these issues. These

[3] https://www.legislation.gov.uk/uksi/2024/1290/pdfs/uksiem_20241290_en_001.pdf

amendments will make the regulations clearer, easing the burden on the CAA's administrative processes by reducing the number queries and incorrect applications for licences. In future, gyroplane pilots flying different types of gyroplane (a type of rotorcraft similar to a helicopter) will be required to undergo differences training. This is an example of how the amendments will enhance safety. Additionally, the CAA Cost Sharing working group identified confusion between legal cost sharing flights and illegal commercial transport. The changes will clarify these distinctions and ensure passengers are informed and formally acknowledge the flight's status as a non-commercial, cost shared flight.

5.7 There is no policy change associated with the amendments this instrument makes to correct references and errors in the Initial Airworthiness Regulations.

6. Legislative and Legal Context

How has the law changed?

6.1 Regulations 3 to 9 amend the Aircrew Regulation to streamline licensing and training rules including for PPL(A), move some responsibilities from the CAA to training organisations, and remove or update outdated categories of licence such as the LAPL(A). The unexpected consequence described in paragraph 5.5 is also corrected.

6.2 Regulations 11 to 13 amend the Air Operations Regulation to clarify the definition of a "direct cost", update compliance requirements for cost shared flights, and make a small correction to a definition erroneously inserted in the wrong place by the 2024 Regulations.

6.3 Regulations 15 to 16 amend the Balloon Regulation to align national balloon pilot licences with new categories including ratings for Passenger and Non-Passenger commercial operation, streamline licence conversion and medical rules, and update training, testing, and experience requirements for various balloon operations.

6.4 Regulations 18 to 21 amend the Sailplanes Regulation to introduce the definition of a 'Gliding Club' as a training organisation, make updates to theoretical knowledge examinations, the removal of the requirement for the Sailplane Towing Rating when conducted in Touring Motor Glider Class of aircraft, and introduce a pre-Flight Instructor qualification.

6.5 Regulation 22 amends the Initial Airworthiness Regulation to correct reference errors.

Why was this approach taken to change the law?

6.6 This is the only possible approach to make the necessary changes. The regulations are currently unnecessarily complicated and inefficient, and legislative change is required to simplify them and make them easier and safer for use by industry.

7. Consultation

Summary of consultation outcome and methodology

7.1 The CAA conducted two consultations on the general aviation Pilot Licensing and Training Simplification project: a thematic consultation in November 2020 and a second with detailed proposals in March 2024. After leaving the European Union Aviation Safety Agency, the CAA launched a six-week consultation in November 2020, reaching approximately 22,000 stakeholders, and received 952 online responses. This feedback highlighted the need to simplify the licensing system, leading to the start of the Licensing and Training Simplification project. The

consultation[4] and consultation response document[5] were both published on the CAA website.

7.2 In March 2024, the CAA launched a 10-week public consultation on proposed changes to licences and ratings across general aviation aircraft categories, receiving 1,411 responses. Most respondents supported flexible experience requirements for the PPL(A) and the introduction of differences training for gyroplanes. Proposals for private ballooning were also well received, while only minor feedback was given on maintaining aircraft rating privileges. The consultations and consultation response documents for each category have been published on the CAA website[3].

7.3 The CAA also consulted industry in November 2021 on proposed changes to the ANO, receiving responses from 1,260 commentators. The consultation revealed strong support for reviewing and amending the cost sharing regulations. Both the consultation[6] and consultation response document[7] have been published on the CAA website.

7.4 One proposal, introducing a 'common purpose' or 'common destination' requirement, caused confusion and was widely opposed. After reviewing the feedback, the CAA removed the proposal as it could negatively affect cost sharing flights and restrict legitimate arrangements within the general aviation community without providing a safety benefit. The CAA also addressed concerns about advertising cost sharing flights, leading to a second consultation focused solely on this issue. The second consultation[8] was published in November 2023 and the consultation response document was published in February 2024[9].

7.5 No consultation was required for the amendments this instrument makes to rationalise and correct references and errors in the Initial Airworthiness Regulations arising from the 2023 Regulations.

7.6 There was no consultation required for the amendment to the Aircrew Regulation because it is correcting an unexpected consequence arising from the 2024 Regulations. Information on the consultation for the 2024 Regulations can be found in its Explanatory Memorandum[10].

8. Applicable Guidance

8.1 To help and guide industry with changes to aviation safety legislation, the CAA is required to publish Acceptable Means of Compliance (AMC), Guidance Material (GM) and, where appropriate, Certification Standards (CS). These flow from, and are consistent with, the language and requirements of the aviation safety regulations they accompany. AMC also refers closely to the regulations and the numbering reflects that of the amended requirements. The CAA can therefore only finalise the AMC shortly before the instrument is made, despite preparations beginning far in advance, and therefore aim to publish guidance as close to the laying date of the SI as possible but before the first coming into force date of 15th September. All approved and

[4] https://www.caa.co.uk/our-work/publications/documents/content/cap1985/
[5] https://www.caa.co.uk/our-work/publications/documents/content/cap2146/
[6] https://www.caa.co.uk/our-work/publications/documents/content/cap2270/
[7] https://www.caa.co.uk/our-work/publications/documents/content/cap-2391/
[8] https://www.caa.co.uk/our-work/publications/documents/content/cap2601/
[9] https://consultations.caa.co.uk/ga/proposed-change-advertising-cost-share-regulations/
[10] https://www.legislation.gov.uk/uksi/2024/1290/pdfs/uksiem_20241290_en_001.pdf

published UK civil aviation safety regulations and AMC/GM/CS are stored on the CAA website[11].

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no, or no significant, impact anticipated on businesses.

9.2 Instead, a De Minimis Assessment has been prepared alongside this instrument to measure the impact of the changes made to general aviation flight crew licensing. The amendments are expected to lead to annual net direct costs of £1.1 million. This consists of familiarisation costs, the impact on pilots of having to undertake differences training when flying a different type of gyroplane, the impact on business of PPL changes, and the impact on pilots of adding an aerobatic rating requirement to a licence issued under the ANO. This also includes time and cost saving benefits to general aviation pilots and the CAA in terms of reduced processing effort.

9.3 A second De Minimis Assessment has been prepared alongside this instrument to measure the impact of the changes made to the cost sharing regulations. The amendments are expected to lead to annual net direct costs of £0.1 million. This consists of the costs associated with familiarisation, updating documentation, communicating these changes to pilots and ensuring compliance. There are no monetised benefits of the policy, but it is highly likely to reduce the number of flights operated without suitable consideration for safety, thereby improving the safety profile of cost sharing flights. In addition, the updated regulations will provide greater clarity to general aviation pilots regarding the regulations, leading to greater confidence in undertaking cost sharing flights. In turn, this will enable general aviation pilots to gain experience at a lower cost, leading to an overall improvement in general aviation safety.

Impact on businesses, charities and voluntary bodies

9.4 The impact on business is £1.1 million for amendments to general aviation flight crew licensing and £0.1 million for amendments to the cost sharing regulations.

9.5 The legislation does impact small or micro businesses.

9.6 The CAA understands that one small business dominates the cost sharing market, operating a platform with around 20 employees. Several smaller, micro businesses (with fewer than 10 employees) also run similar platforms. While all may be affected by the regulations, the impact will be proportional to their size and activity levels. There is no evidence of a disproportionate burden on smaller business, so mitigation measures are not considered necessary.

9.7 There is no, or no significant, impact on the public sector because there are no public sector financial costs associated with either of the changes to the regulations.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring of this legislation is that aviation safety legislation is subject to regular review. The regular review takes place on a much more frequent

[11] https://www.caa.co.uk/uk-regulations/

basis than the five-year interval required under the Post Implementation Review clause. Necessary and appropriate amendments are identified through a process of ongoing review of aviation safety legislation necessitated by being part of an international system and being required to regularly consider, update and align with international standards and developments in aviation safety.

10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Mike Kane MP, Parliamentary Under Secretary of State and Minister for Aviation, Maritime and Security, has made the following statement:

"In my view, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, the provisions of the Aviation Safety (Amendment) (No 2) Regulations 2025 are such that a statutory review clause would be inappropriate, for proportionality reasons, given the costs associated with such a review and the limited scope for change."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 The Department has become aware that corrections to the Initial Airworthiness Regulations are needed, following on from amendments made by the 2023 Regulations. As the instrument is correcting errors in the above Regulations, a copy will be issued free of charge to all known recipients of those Regulations.

11.2 The unintended omissions or errors resulting from the 2023 Regulations could have caused confusion as they introduced irregularities and inconsistencies, which impact the ease of use of the regulations by industry. This could have safety consequences as the confusion could lead to human factor-related safety issues as a result.

11.3 The Department has also become aware that a correction to the Aircrew Regulation is needed following an amendment made by the 2024 Regulations. This was not the intended effect of the policy and this instrument will correct the error on the same day it comes into force meaning there will be no real world impact of the unexpected consequence. As the instrument is correcting an error, a copy will be issued free of charge to all known recipients of those Regulations.

12. European Convention on Human Rights

12.1 Mike Kane MP, Parliamentary Under Secretary of State and Minister for Aviation, Maritime and Security at the Department for Transport has made the following statement regarding Human Rights:

"In my view the provisions of the Aviation Safety (Amendment) Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").