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BMAA CODE OF PRACTICE FOR MICROLIGHT HIRE

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Introduction

The CAA has issued General Permission ORS4 No. 1190<sup>1</sup> to allow the Self-Fly Hire<sup>2</sup> of **Type Approved** Microlight Aeroplanes in accordance with this BMAA Code of Practice. Note: up until 2016 each Microlight required an individual Exemption before it could be hired; this General Permission supersedes these individual Exemptions and effectively makes them redundant.

It is risky – from a safety, legal and financial perspective – to hire out a microlight without proper controls being in place. This TIL describes a code of practice for microlight hire to minimise those risks. Aircraft hire is a reasonable and safe activity so long as this code of practice is adhered to.

Pilots might wish to hire a microlight for a variety of different reasons. This could include newly qualified pilots who have not yet bought their own aircraft, light aircraft pilots maintaining microlight currency, 3-axis pilots maintaining flexwing currency and vice versa, pilots who cannot afford their own aircraft, or simply experienced pilots wishing to occasionally fly something different.

Only a qualified pilot with a current aircraft rating entitling them to fly microlight aircraft can be allowed to hire a microlight.

For the rest of this leaflet ‘pilot’ will refer to the pilot hiring the aeroplane and ‘hirer’ will refer to the flying club from whom he is hiring it.

What aircraft may be hired

Only **Type Approved** Microlights may be hired. Amateur Built and Type-Accepted Microlight Aeroplanes 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 Microlight Aeroplanes.

As with all microlight operations the aircraft must have a current Permit to Fly and not carry any unapproved modifications (including modifications pending approval or being flight tested).

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.

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. In this case the hirer, the pilot and the passenger must all be members of the flying club.

The authoritative rules regarding cost sharing and advertising can be found in the ANO<sup>3</sup>: “Public transport and aerial work – exceptions – cost sharing”.

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<sup>1</sup> ORS4 No. 1190 dated 25 August 2016, available at [www.caa.co.uk](http://www.caa.co.uk)

<sup>2</sup> Note that this is separate from arrangements that exist for solo instruction in flying schools.

<sup>3</sup> Article 13 at the time of writing (Air Navigation Order 2016 as amended).

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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 checkout 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.

Paperwork

Before an aircraft is hired, copies or originals of the following documents must be made available to the pilot for inspection<sup>4</sup>.

- Permit to Fly and Certificate of Validity.
- General Permission ORS4 No. 1190.
- Registration document.
- Written authority from the flying club under whose conditions the hiring of the microlight aeroplane will take place and, if separate, the legal owner of the aircraft.
- Aircraft and engine logbook(s). In the front of the current logbook must be a summary of the aircraft's approved modification state<sup>5</sup>. 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 excess<sup>6</sup>.
- 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 a technical log 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; 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.

If the type is normally operated with Flight Reference Cards (FRCs), a set of these must be provided with the aircraft.

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<sup>4</sup> A checklist, to help owners stick to this, is at Appendix A. Its use is recommended but not mandatory.

<sup>5</sup> This is already part of the BMAA approved logbook from Pooleys, it may need pasting into other logbooks.

<sup>6</sup> Sample hire conditions are given in Appendix B.

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Insurance

It is mandatory for aircraft operators to have minimum levels of passenger and third-party insurance (EC Regulation No. 785/2004). For microlight aircraft hired out in accordance with this TIL 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 microlight aircraft in accordance with this TIL 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.

It is recommended that the aircraft 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 unacceptable<sup>7</sup>.

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

Maintenance

Note: the maintenance requirements for a hired BMAA aircraft are essentially no different to those for a non-hired BMAA aircraft of the same type. The only difference is that a BMAA Inspector regularly confirms that the required maintenance has been performed, as described in this section.

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 operator's manual (and, if separate, the engine manual); if none exists maintenance schedule MMS-1 may be used (see TIL 020).

Although any competent person can maintain the aircraft, the previous scheduled check – of interval 50 hours / 6 months or greater<sup>8</sup> – must have been countersigned by a BMAA Inspector. In countersigning, the BMAA Inspector 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 qualified BMAA Inspector may carry out *and* sign for the scheduled check. However only the sign-off is performed in his capacity as a BMAA Inspector; he carries out the work 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 qualified BMAA Inspector.
- It is important to note that if the work is carried out by a BMAA Inspector this does not remove the requirement for a second inspection<sup>9</sup> if, for example, primary structure or a control system is disturbed.

The previous Permit to Fly revalidation must have been carried out by a BMAA Inspector who is not the owner or hirer (even if they have authority from the BMAA to inspect their own aircraft). There is no exception permitted to this rule. Ideally the pilot who performs the check flight should also be independent of the day-to-day operation of the aircraft.

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

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<sup>7</sup> Charging the pilot the full amount is not illegal but is poor practice and outside the terms of this code.

<sup>8</sup> For example 50 hour, 100 hour, 6 month and annual checks must be countersigned; 25 hour and monthly checks need not.

<sup>9</sup> Full details of the requirements surrounding second inspections may be found in the BMAA's Guide to Airworthiness Procedures or SIGMA (Standard Inspection Guidelines for Microlight Aircraft).

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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.
- If the hirer requires a particular 2-stroke oil to be used, a supply of this must be available for purchase on the home airfield<sup>10</sup>.

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 TIL contains a code of practice that provides a means whereby the hire and operation of Type Approved Microlight Aeroplanes (in compliance with the conditions contained in General Permission ORS4 No. 1190 and their Permits to Fly) can be carried out safely and legally.

The BMAA 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 TIL has been properly adhered to, whilst remembering that once airborne they are the captain of the aircraft and responsible for it.

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This Technical Information Leaflet has been written in consultation with the UK Civil Aviation Authority.  
It may not be amended without further consultation with the UK Civil Aviation Authority.

<sup>10</sup> If the aircraft owner has his own special fuel / oil requirements he should placard these at or near the appropriate filler openings alongside the (mandatory) minimum fuel / oil grade placards.

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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.									
<b>Date:</b>										
Permit and CofV available and current										
General Permission ORS4 No. 1190 available										
Registration doc. Available										
Owner's authority to hire letter <sup>11</sup> available.										
Aircraft logbook up to date										
Engine logbook up to date										
Operator's manual available and complete, including engine manual.										
Flight reference cards provided <sup>12</sup>										
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 <sup>13</sup> .										
<b>Checked by Pilot:</b>										
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										
<b>Authorised by hirer:</b>										

<sup>11</sup> If required.

<sup>12</sup> Only if these are normally needed for the type. This would not, for example, be appropriate for most flexwings.

<sup>13</sup> This isn't required if a DI signature is instead made in the aircraft logbook or travelling tech log.

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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. Reasonable cost sharing is acceptable.
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. A supply of Shell Advance VSX 2-stroke oil is available at £<X>/litre.
6. Payment should be made by cash or cheque only to <insert payee name>.
7. 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 in any case not outside the permitted area covered by the insurance.
8. When refuelling, the following fuel and oil must be used: -
  - a. Unleaded fuel to BS(EN)228 or Avgas 100LL.
  - b. 1 part in 50, to be mixed before putting it into the aircraft, Castrol TTS or Shell Advance VSX 2-stroke.
  - c. A filter funnel must be used when filling the aircraft. One is kept in the baggage compartment.
9. 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>.
10. In the event of an accident, the pilot, as aircraft commander, is responsible for notifying the relevant authorities. Unless incapacitated by injury, they are also responsible for notifying the hirer before the end of the hire period.
11. The aircraft is not to be flown past the next required maintenance or inspection action. The pilot may only carry out this action themselves with the prior agreement of the hirer.
12. No other pilot, including another club member, is to fly the aircraft without the hirer's written permission.
13. The pilot is responsible for making all aircraft and engine logbook entries at the end of the hire period.