

► This RA has been substantially re-written; for clarity no change marks are presented – please read RA in its entirety ◀

RA 1240 – Chartering of Civilian Air Systems for Military Purposes

Rationale

The Ministry of Defence (MOD) has a requirement to charter civilian Air Systems to supplement shortfalls in the availability of military Air Systems. The scope of chartering activity is broad, but common to all chartering activity is that the MOD has a Duty of Care to ensure that appropriate safety assurances are met with respect to Risk to Life (RtL), including pilots, passengers and any other person who may be affected by the activity. Having such assurances in place supports the operational capability of the MOD and reduces the potential exposure of individuals to harm; therefore, a full understanding of the risks involved, through the completion of a suitable and proportionate safety assessment, with appropriate signoff is required to ensure the safety of all affected personnel.

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1240(1) The Sponsor of the chartering activity **shall** only charter civilian Air Systems for military purposes after appropriate safety assurances have been obtained and endorsed.

Acceptable Means of Compliance

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1. The Sponsor **should** provide justification for the circumstances of the charter to, and any additional requirements as required by, the Approving Officer.
2. In all circumstances, to assess the level of risk associated with the chartering of civilian Air Systems, the Sponsor **should** prepare a coherent and proportionate safety assessment for Approving Officer consideration and approval. The Sponsor **should** ensure that, as a minimum, the safety assessment:
 - a. Affirms the competence of the contracted, or any sub-contracted, organization.
 - b. Affirms, where appropriate, the material state of the contracted Air System, including any safety and emergency equipment provided.
 - c. Affirms, where appropriate, an assessment of the contracted Air System, to identify any operating or handling characteristics that could affect flight safety.
 - d. Mandates the use of appropriate clothing, protective clothing, and Aircrew Equipment Assemblies.
 - e. Confirms that charter carriers / contractors hold all of the following International Civil Aviation Organization (ICAO) and National Airworthiness Authority (NAA) requirements:
 - (1) Certificate of Competency, Air Operators Certificate or Operating Licence.
 - (2) Certificate of Airworthiness or valid Airworthiness Review Certificate for the relevant Air System.
 - (3) Certificate of Registration for the relevant Air System.
 - (4) Certificate of Insurance for the relevant Air System.
 - f. Confirms that the Air System meets the traffic collision avoidance system requirements in accordance with (iaw) the National Aviation Authority Regulations the Air System is to be operated in.
 - g. Confirms that the Air System meets the Carbon Monoxide detection and active warning requirements iaw the National Aviation Authority Regulations the Air System is to be operated in.

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- h. Confirms that the Air System's Maintenance schedule includes the engine manufacturer's guidance on inspecting and testing the engine exhaust system.
- i. Confirms that wherever possible the carrier / contractor, and the contracted airframe, are registered in one of the European Union Aviation Safety Agency (EASA) nations, Australia, Canada, New Zealand, the UK, or the USA¹.
- j. Confirms that the carrier / contractor, and the contracted airframe, are not on the European Union (EU) Air Safety List Annex A² or on the Federal Aviation Administration (FAA) International Aviation Safety Assessment (IASA) Category 2 list.
3. The Sponsor **should** ensure that the completed safety assessment is presented to the relevant Approving Officer for consideration and approval.
4. The Sponsor **should** ensure that:
- a. Foreign registered chartered Air Systems, permanently based and / or operated in the UK, comply with the requirements of the Air Navigation Order (ANO) and their Certificate of Airworthiness.
- b. The chartered organization is effective in maintaining accurate and up-to-date records related to personnel licences, certificates and ratings (for EASA registered Air Systems this is iaw EASA Part ARA. GEN.220).
- c. There are no applicable ANO related restrictions on the charter Air System or aircrew.
- d. There is no ambiguity regarding which Regulations and supervisory oversight the charter is being operated within.
- e. The Certificates at paragraph 2e are valid in the location(s), including all of the route, and for the purposes of the intended charter.
5. **Approving Officer requirements.** The Approving Officer, who is exercising the MOD's Duty of Care for the charter, **should** satisfy themselves that the supporting safety assessment is robust, fully recorded, and that the carrier / contractor is a competent organization with robust safety management processes in place with respect to RtL. The Approving Officer applicability is as follows:
- a. **Provision of Air Systems by Defence Support Chain Operations and Movements (DSCOM) for passengers and escorted freight.** The Approving Officer for the movement of DSCOM passengers and / or escorted freight **should** seek appropriate Air Safety and air engineering advice from Suitably Qualified and Experienced Persons (SQEP) and be the appropriate Air Safety aware 2* (or higher if no 2* has appropriate Air Safety awareness and understanding).
- b. **Provision of Air Systems for Test and Evaluation activities, Airborne Equipment (AE)^{3,4} activities, and Defence personnel parachuting⁵ activities.** The Approving Officer for chartering Air Systems for Test and Evaluation activities (including trials, testing, training⁶, and usage), AE activities, and Defence personnel parachuting activities **should** seek appropriate Air Safety and air engineering advice from SQEP, and be the appropriate Air Safety aware 2* (eg Air Officer Commanding 1 Group, Air Officer Commanding 2 Group, etc) in consultation with their Chief Air Engineer.
- c. **Provision of Air Systems by organizations other than DSCOM for all other activities.** The Approving Officer for Air Systems to be chartered for any

¹ The countries listed are those that the MAA has confidence in the regulatory framework (including the Five Eyes Air Force Interoperability Council nations).

² For the avoidance of doubt, EU regulations do not permit any flight over EU territory by any Air System belonging to an air carrier which is on the EU banned list.

³ Refer to RA 1150 – Airborne Equipment and Airborne Forces.

⁴ Refer to MAA02: Military Aviation Authority Master Glossary.

⁵ Defence personnel parachuting includes both Force Elements at Readiness (FE@R) and sports parachuting activities.

⁶ This RA does not apply to Aircraft chartered or hired by the QinetiQ Civil Flying Organization to enable Empire Test Pilots' School (ETPS) course delivery.

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other activity **should** seek appropriate air engineering advice from SQEP, and be one of the following:

- (1) The relevant Air Safety aware 2*, in consultation with their Chief Air Engineer, with responsibility for exercising the MOD's Duty of Care related to the charter.
- (2) The Accountable Manager (Military Flying) of the organization in receipt of the chartered Air System.
- (3) The Head of Establishment in receipt of the chartered Remotely Piloted Air System, with responsibility for exercising the MOD's Duty of Care related to the charter, whilst ensuring compliance with appropriate civil regulation.

6. **Long-term arrangements.** In circumstances where the organization chartering the Air System has entered into long-term arrangements for service provision, the Sponsor **should** assure themselves that appropriate procedures are in place to ensure that the Air System is maintained in a serviceable and airworthy condition in accordance with the approved Maintenance data, and is certified as fit for flight by the Air System operator.

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7. This RA only covers the chartering of civilian Air Systems for military purposes and does not absolve individuals from their Duty of Care or Aviation Duty Holder responsibilities for any activity to be carried out in the chartered Air System.

8. When constructing the safety assessment and ascertaining the appropriate safety assurances, consideration may be given to information provided by aviation safety assurance websites. The EU Air Safety List Annex A, the FAA IASA Category 2 list and other safety related information can be found at:

- a. EU Air Safety List Annex A - http://ec.europa.eu/transport/modes/air/safety/air-ban_en
- b. FAA IASA Category 2 list - http://www.faa.gov/about/initiatives/iasa/media/FAA_Initiatives_IASA.pdf
- c. The EASA Safety Assessment Of Foreign Aircraft (SAFA Programme) - <http://easa.europa.eu/node/15629>
- d. Aviation Safety Network - <http://aviation-safety.net>
- e. Air Safety Information Management System (ASIMS) - <https://www.asims.r.mil.uk>

9. Sponsor queries regarding the chartering of civilian Air Systems for military purposes, initially may be directed towards the DSCOM organization, who are Subject Matter Experts with considerable Air System chartering experience.

10. The following activities are outside the scope of this RA:

- a. The purchase of individual seats or group bookings on normal commercial carriers⁷.
- b. Unescorted freight.
- c. All other instances of UK Military Personnel being transported by air where a charter arrangement has not been formalised.

⁷ "Normal commercial carriers" is defined as scheduled commercial flights (ie British Airways flights, MOD US fare (Trooper) flights).

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