

## RA 1166 – UK Civil-Registered Aircraft Utilized ► and Piloted ◀ by the Ministry of Defence

### Rationale

The Military Aviation Authority (MAA) certifies, regulates and assures Air Systems that are military registered and therefore governed by the MAA's Regulatory Publications (MRP). However, there may be occasions where the Ministry of Defence (MOD) wish to utilize ► and pilot ◀ UK civil-registered Aircraft, contracted to the MOD, to achieve its task without placing them on the Military Aircraft Register (MAR). In such situations, the regulatory responsibilities of the MAA and UK Civilian Aviation Authority (CAA) require unambiguous and defined boundaries to ensure the provision of appropriate regulatory oversight and prevent the development of complicated and confusing regulatory structures. The MOD User<sup>1</sup> and Contractor also require clarity of the regulatory and Assurance framework they will adhere to and which Regulations they are expected to comply with. This Regulatory Article (RA) therefore outlines the process by which the MAA and CAA will agree a regulatory framework for the utilization ► and piloting ◀ of civil-registered Aircraft for MOD tasks or activity.

### Contents

1166(1): UK Civil-Registered Aircraft Utilized ► and Piloted ◀ by the Ministry of Defence

### Regulation 1166(1)

UK Civil-Registered Aircraft Utilized ► and Piloted ◀ by the Ministry of Defence

1166(1) The regulatory framework to be applied when a UK civil-registered Aircraft is utilized ► and piloted ◀ by the MOD **shall** be agreed by the MAA and CAA and adhered to by the MOD User and Contractor.

### Acceptable Means of Compliance 1166(1)

UK Civil-Registered Aircraft Utilized ► and Piloted ◀ by the Ministry of Defence

1. Before entering into any contractual agreement, MOD organizations planning to use UK civil-registered Aircraft for MOD tasks / activities **should** contact the MAA<sup>2</sup> to discuss the requirement for a joint MAA / CAA regulatory framework.
2. When requested to by the MAA and CAA, the MOD User and Contractor **should** submit a joint submission to the MAA detailing the planned use of the civil-registered Aircraft and any other information required by the MAA and CAA.
3. The MOD User and Contractor **should** provide representation at a joint MAA / CAA working group to determine the applicable regulatory and Assurance framework for the task / activity.
4. When the regulatory framework is agreed by the CAA and MAA, it **should** be formalized in a document and issued to the MOD User and the Contractor. In response, and prior to start of flying activity, the MOD User and Contractor **should** provide the MAA and CAA with a joint exposition that describes as a minimum:
  - a. ► The individual(s) assigned to hold accountability for operating Risk to Life (RtL); ◀
  - b. The application of agreed responsibilities to the task / activity, particularly at the boundaries between the MAA and CAA Regulations;
  - c. The application of the agreed regulatory framework to the task / activity;
  - d. Any remaining areas of the task / activity that require regulatory clarity, and;

<sup>1</sup> ► The MOD User requirement will be endorsed by an individual at 2\* level or above, with appropriate air competence and air experience. ◀

<sup>2</sup> Initial contact **should** be made by email to [DSA-MAA-MRPEquiries@mod.gov.uk](mailto:DSA-MAA-MRPEquiries@mod.gov.uk).

**Acceptable  
Means of  
Compliance  
1166(1)**

- e. Provision of 1<sup>st</sup> and 2<sup>nd</sup> party Assurance to the task / activity.
5. ▶ Based on the provided exposition the MAA and CAA will jointly issue a final Approval and associated Air Navigation Order (ANO) exemption. ◀ The MOD User and Contractor **should** abide by the ▶ provisions of the Approval and ANO exemption.
6. For continued oversight and interim Assurance of the operation, the CAA and MAA **should** carry out an annual review of the Approval and associated ANO exemption. The outcome **should** be formally communicated to the MOD User and Contractor.
7. With a view to renewing and in advance of the expiry date of the Approval and ANO exemption, a review of the operation **should** be instigated by the MAA and CAA. This review will be biennial following initial Approval and triennial thereafter. The MOD User and Contractor **should** engage with this process to ensure the operation remains fit for purpose, appropriately Assured and regulated. ◀

**Guidance  
Material  
1166(1)**

**UK Civil-Registered Aircraft Utilized ▶ and Piloted ◀ by the Ministry of Defence**

8. The term 'MOD User' refers to the organization within the MOD that wishes to utilize a civil-registered Aircraft to achieve its task or conduct an activity. As the applicable regulatory framework is developed, the terminology used will become more specific ▶ during the exposition process.
9. This RA is not intended to apply to operations conducted under an organization's Air Operator Certificates (AOC) or civil Approved Training Organization's (ATO) Approvals. ◀
10. The term 'Contractor' refers to the organization that is providing the Aircraft and supporting services under contract to the MOD.
11. This Regulation applies to the utilization of civil-registered Aircraft by the MOD where the Aircraft is not brought onto the MAR. For such situations, a Memorandum of Understanding (MoU) ▶<sup>3</sup>◀ has been established between the MAA and CAA that details the process by which a regulatory framework is developed to ensure the activity is regulated and Assured appropriately, responsibilities are understood and RtL associated with the activity remains As Low As Reasonably Practicable and Tolerable.
12. To ensure the MAA and CAA properly understand the proposed activity, the MOD User and Contractor will be required to provide a joint submission that details how the Aircraft will be employed. In response, and following a joint working group ▶ (if required), ◀ the MAA and CAA will provide the MOD User and Contractor with a regulatory framework document that details the agreed regulatory and Assurance arrangements.
13. ▶ At this point ◀ the MOD User and Contractor will be expected to provide an exposition that details how the agreed framework and responsibilities will be applied to the task or activity. The exposition will include specific detail of any mitigations to be applied at the boundaries of interaction between CAA and MAA Regulations to avoid ambiguity.
14. ▶ ◀
- a. ▶ ◀
- b. ▶ ◀
- c. ▶ ◀
15. ▶ The final Approval and ANO exemption will be issued jointly by the MAA and CAA and will detail the specific circumstances of the operation in respect of Assurance and Regulation. This action concludes the initial RA 1166 process.
16. Prior to the 2 year point following initial Approval or the 3 year point thereafter, a review will be instigated by either the CAA or the MAA to confirm that the operating

<sup>3</sup> ▶ Annex A to MoU made between the Military Aviation Authority and the Civil Aviation Authority Safety and Airspace Regulation Group, Version 4.0, dated September 2022. ◀

**Guidance  
Material  
1166(1)**

premise has not changed, or that any changes have been captured, and that the regulatory and Assurance framework ultimately remains valid. The initial Approval process is repeated, albeit in an expedited manner, and a renewed Approval and ANO exemption will be issued.

17. MOD Users and Contractors can refer to Annex A for a pictorial representation of the RA 1166 process. ◀

► This Annex is new; for clarity no change marks are presented – please read Annex A in its entirety ◀

Annex A

Figure 1 – RA 1166 Process

