

RA 1167 – Contracting Civil-Registered Air Systems for Military Purposes

Rationale

The UK Ministry of Defence (MOD) has a requirement to contract civil-registered Air Systems. In such situations the UK MOD has a Duty of Care (DoC) to ensure that appropriate Safety Assurances are met with respect to Risk to Life (RtL) (including any person who may be affected by the activity). Having such Assurances in place supports the operational capability of the UK 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 acceptance is required to ensure the Safety of all affected personnel.

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Scope

1. Activities that are inside the scope of this RA include, but are not limited to:
 - a. Passengers and escorted freight,
 - b. Parachuting related activities and equipment (including Aerial Delivery Equipment and Airborne Forces Equipment)¹,
 - c. Test and Evaluation² (including trials, testing, and training).
2. The following activities are outside the scope of this RA:
 - a. The purchase of individual seats or group bookings on normal commercial carriers³,
 - b. Unescorted freight,
 - c. Aircraft Contracted by the QinetiQ Civil Flying Organization to enable Empire Test Pilots' School course delivery,
 - d. UK civil-registered Air System utilized and piloted by the UK MOD in accordance with (iaw) RA 1166⁴,
 - e. UK MOD personnel flying with the militaries of other nations.

Regulation 1167(1)

Person Responsible for the Contracting Activity

1167(1) The person responsible for the contracting activity **shall** provide appropriate Safety Assurances to the Approving Officer for Approval of the contracting of civil-registered Air Systems.

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Person Responsible for the Contracting Activity

3. The person responsible for the contracting activity **should**:
 - a. Provide justification for the circumstances of the contract to, and any additional requirements as required by, the Approving Officer.
 - b. Confirm that the carrier / contractor, and the Contracted airframe, are not on the European Union (EU) Air Safety List Annex A⁵, the UK Civil Aviation Authority Air Safety List, or the Federal Aviation Administration (FAA) International Aviation Safety Assessment (IASA) Program list as Category 2.
 - c. Prepare a coherent and proportionate Safety Assessment, for Approving Officer consideration and Approval, which as a minimum confirms that the

¹ Refer to the RA 1700 Series – Airborne Equipment.

² Refer to RA 2370 – Test and Evaluation.

³ "Normal commercial carriers" is defined as scheduled commercial flights (eg British Airways flights, MOD US fare (Trooper) flights).

⁴ Refer to RA 1166 – UK Civil-Registered Aircraft Utilized and Piloted by the Ministry of Defence.

⁵ 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.

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carrier holds all the following International Civil Aviation Organization (ICAO) and National Airworthiness Authority (NAA) requirements:

- (1) Air Operator Certificate and Operating Licence, or Regulatory Approval iaw the tasking.
 - (2) Certificate of Airworthiness, valid Airworthiness Review Certificate, or Certificate of Clearance for the relevant Air System.
 - (3) Certificate of Registration for the relevant Air System.
 - (4) Certificate of Insurance for the relevant Air System.
 - (5) If carrying dangerous cargo; comply with the International Air Transport Association (IATA) Dangerous Goods Regulations, or the Defence Safety Authority (DSA) Movement and Transport Safety Regulator Regulations, specifically regarding the carriage of Dangerous Goods outside IATA Regulations⁶.
- d. If the carrier is unable to provide the approved certificates required at paragraph 3.c above; prepare a coherent and proportionate Safety Assessment, for Approving Officer consideration and Approval, that details why paragraph 3.c cannot be met and what mitigations are in place, which as a minimum:
- (1) Confirms that the Air System has been certified by an NAA on the FAA IASA Program list as Category 1 (meets ICAO standards).
 - (2) Determines the competence of the Contracted organization, including their ability to manage any sub-contractors.
 - (3) Determines the material state of the Contracted Air System, associated Safety, emergency, and any other Role Equipment is safe to operate in the context and environment.
 - (4) Provides Assurance to themselves that appropriate procedures are in place to ensure that the Air System is maintained in a serviceable and airworthy condition iaw with the approved Maintenance data and is certified as fit for flight by the Air System operator.
- e. Retain a record of all contracting activity⁷.
- f. For contracts in place for at least 12-months, support the Approving Officer in conducting an annual review of the contract.

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Person Responsible for the Contracting Activity

4. When constructing the Safety Assessment and ascertaining the appropriate Safety Assurances, consideration may be given to information provided by aviation Safety Assurance websites:
- a. EU Air Safety List Annex A (banned list) – https://transport.ec.europa.eu/news-events/news/aviation-safety-commission-adopts-new-eu-air-safety-list-2021-06-02_en.
 - b. UK Air Safety List – <https://www.caa.co.uk/media/5fwfpd4s/uk-air-safety-list-31-may-2023.pdf>.
 - c. FAA IASA Program list as Category 2 (banned list) – <https://www.faa.gov/about/initiatives/iasa>.
 - d. The EASA Safety Assessment Of Foreign Aircraft (SAFA Programme) – <http://easa.europa.eu/node/15629>.
 - e. Aviation Safety Network – <http://aviation-safety.net>.

⁶ Refer to DSA03 DLSR – Movement and Transport Safety Regulations – Dangerous Goods Manual (DGM); and DSA 03.OME Part 2 (Formerly JSP 482) – Defence Code of Practice (DCOP) for In-Service and Operational Safety Management of OME. Examples include, but are not limited to: Explosives, radioactive material, flammable liquids, dangerous or volatile chemicals, strong acids, compressed gases, biological agents, poisons.

⁷ Refer to RA 1225 – Air Safety Documentation Audit Trail.

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f. Air Safety Information Management System (ASIMS) – <https://asims.ice.mod.gov.uk/MODCas/login>.

5. Queries regarding the contracting of civil-registered Air Systems for military purposes, initially may be directed towards the Defence Support Chain Operations and Movements (DSCOM) organization⁸, who are Subject Matter Experts with considerable Air System contracting experience.

**Regulation
1167(2)**

Approving Officer

1167(2) The Approving Officer **shall** approve the contracting of civil-registered Air Systems.

**Acceptable
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Approving Officer

6. The Approving Officer **should** be:

a. The individual with responsibility for exercising the UK MOD's DoC related to the contract.

b. For the contract of crewed Air Systems, and Specific S2 sub-category and Certified Category Remotely Piloted Air Systems (RPAS); the appropriate 2* (eg Operating Duty Holders such as Air Officer Commanding 1 Group) or Accountable Manager (Military Flying).

c. For the contract of Open Category and Specific S1 sub-category RPAS; the person with Responsibility for exercising the UK MOD's DoC related to the contract **should** lie with an appropriately nominated individual. The rank / level of the nominated individual **should** be equivalent to that of the RPAS Responsible Officer as defined in the RA 1600 series.

7. The Approving Officer **should** seek appropriate Air Safety and air engineering advice from Suitably Qualified and Experienced Persons.

8. The Approving Officer, who is exercising the UK MOD's DoC for the contract, **should** satisfy themselves that:

a. The Safety Assessment is proportionate, robust, and fully recorded.

b. The carrier is a competent organization with robust Safety Management processes in place with respect to RtL.

9. For contracts in place for over 12-months, the Approving Officer **should** conduct an annual review of the contract.

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Approving Officer

10. Nil.

⁸ Via UKSTRATCOM-DefSp-DSCOM-AirChart@mod.gov.uk.

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