



UK MODEL FLYING UNDER THREAT - CALL TO ACTION – PLEASE ACT NOW!

Following the recent sudden announcement of Flight Restriction Zones around protected aerodromes capturing the operation of all unmanned aircraft of any weight and at any height (and the unreasonable three week notice period given for our clubs and members to comply), the CAA have dropped yet another bombshell on us with no prior consultation or warning.

On Friday 25th April the CAA published a consultation (CAP1775) on their proposed charges for the registration of all operators of all unmanned aircraft between 250g and 20 Kg [models over 20kg are not small unmanned aircraft, they can operate only by specific exemption which will include the requirements for registration and competency within the exemption] - which includes the vast majority of our members - and also mandates online competency testing and age restrictions. The fee the CAA is proposing for registration is **£16.50 per annum** which we consider to be excessive and a barrier to participation. Full details of the consultation and how to respond can be found here: <https://consultations.caa.co.uk/finance/drone-registration/>

The consultation will close on 7 June 2019 and we would ask all members to respond.

An interesting direct comparison not included is France where their equivalent registration scheme for model flyers is completely free and valid for five years. Another interesting comparison from a non EASA country is Australia, where being a member of a registered club within the national model flying association (MAAA) is all that is required.

There are some significant costs associated with the ongoing upkeep of the CAA registration system which they are expecting you to pay for. We believe that their figures for the predicted number of users registering in the system are also overly optimistic and the consequence of fewer users could result in even higher costs.

CAP1775 would appear to close the door firmly on what we have been fighting for on behalf of our members and perhaps explains why the DfT/CAA have been evasive and not engaging with us on policy matters in 2019. The following summarises our position and what we had hoped to achieve (which was alluded to in the Government's response to the 2018 Drone Consultation published at the start of this year):

The LMA accepts that registration is mandated by the EASA regulations. However, our view was that the more hurdles members have to jump through, the smaller the number that will reach the end. Participation levels are already falling due to the uncertainty and the experience in France is that even when registration is free, the additional hurdles have nonetheless had a significant negative impact with reports of a 10% reduction in participation already.

On that basis, our hope was that mechanisms could be found whereby all our members had to do was join the LMA (or any of the UK model flying associations) and everything else would be dealt with for them – without any additional hurdles. Members' data would have been supplied (subject

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to members permission) to the CAA and we would even have accepted a nominal fee (which we were prepared to negotiate on) which we hoped to be able to subsidise for members. The LMA were also happy to explore I.D. verification for our data, but it was pointless committing the investment in the absence of acceptance or ongoing dialogue with the DfT/CAA.

We were also happy to assure competency, either by confirming that members held an existing Proficiency or by integrating a test into our online membership system.

The EASA regulations permit all of the above (though are silent on the level of fee). Article 16 of the EASA regulation states that model associations may submit registration data on behalf of their members.

The online test is only mandated by EASA for their Open Category as the competency requirements for model associations should be defined in the Authorisation issued under Article 16 (the terms of which should be agreed by discussion between the competent authority and the association).

All of the above is, of course, underpinned by the EASA Basic Regulation (EU) 2018/1139 which states:

(34) Model aircraft are considered to be unmanned aircraft for the purposes of this Regulation and are used primarily for leisure activities. Delegated and implementing acts concerning unmanned aircraft, adopted on the basis of this Regulation, should take into account that such model aircraft have so far had a good safety record, especially those operated by members of model aircraft associations or clubs which have developed specific codes of conduct for such activities. In addition, when adopting those delegated and implementing acts, the Commission should take account of the need for a seamless transition from the different national systems to the new Union regulatory framework so that model aircraft can continue to operate as they do today, as well as take into account existing best practices in the Member States.

We would argue that external testing and parallel registration does not mean that we can continue to operate as we do today.

We believe that the policy will be detrimental to the future of model flying in the UK and place requirements on us which are excessive and more onerous than those for manned aviation – despite the DfT/CAA acknowledging that model flying has established an excellent record over the last century.

Most importantly, the consultation reveals in the text that key policy decisions (such as age limits, not allowing us to register members on their behalf and repetitive competency requirements) appear to have been imposed on us in the absence of either consultation or the further discussions the DfT/CAA publicly promised. This is inconsistent with the EASA Regulations for model flying associations, because it mandates requirements which should instead be subject to negotiation and agreement with us prior to incorporation into our operational authorisation. As the consultation is limited in scope to the fee arrangements, it gives no real opportunity for comment on the wider policy issues.

What can you do to help the LMA fight this disproportionate regulation by the CAA?

The CAA state that they “drive to be a transparent, fair and effective regulator, which is reflected in our recent work to streamline our processes, identify and remove regulatory burdens and become more risk-focussed. We are keen to ensure that our policy proposals are prepared to take account of the value, costs and benefits of alternative options for all stakeholders”.

Our view is that the proposals published in their consultation document (CAP1775) are inconsistent with these aims. In terms of model flying conducted within the framework of associations, they create a significant new regulatory burden (and ongoing cost) for our members, are neither risk-based nor focussed and no alternative options have been offered or discussed.

The CAA operates within the government's Better Regulation framework and its Regulators' Code, to which all UK regulators must comply. We will address each core principle in turn and explain why we believe that the CAA has failed us on every count: The Code's core principles are:

Proportionality – Regulators should intervene only when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised.

We contend that the CAA regulations being imposed on model flying association members do not comply with this principle. It has previously been acknowledged by the DfT/CAA (and recognised by EASA in their regulations) that the model flying community has established an excellent track record over almost a century of operations and this situation has not changed with the advent of the 'drone'. The remedy proposed is entirely disproportionate to the risk posed by established model flying and maximises rather than minimises cost. It represents 'gold plating' of regulations which the CAA is committed to avoid.

Consistency – Government rules and standards must be joined up and implemented fairly.

The proposed regulations are not consistent with the requirements imposed on other forms of aviation (some of which do not have the excellent safety record achieved by the model flying community). No other recreational aviation activity requires the pilot to register annually or repeat a theory test every 3 years.

Transparency – Regulators should be open and keep regulations simple and user-friendly

The CAA have not been 'open' with us in the development of the regulations proposed in CAP1775. They have repeatedly evaded answering questions posed by the UK model flying associations seeking clarification of what they have in store for our members. The recent requirements for Flight Restriction Zones and their proposals for registration fees in CAP1775 were sprung on us with no prior notice/discussion.

In CAP1123 (the response to the 'Red Tape Challenge'), the CAA emphasised the "value that we place on an open and meaningful dialogue with the general aviation community. We have many areas of work and options to explore but we recognise that it is critically important that we fully engage with stakeholders to determine their priority and appetite and to incorporate their ideas as well".

It is unfortunate that along with the DfT they have employed a 'high handed approach' resulting in a lack of engagement with the UK model flying associations (especially unfortunate given that model flyers will ultimately be the largest single stakeholder group captured by their regulations).

Targeting – Regulation should be focussed on the problem and minimise side effects.

The 'problem' is widely acknowledged to be unlawful multi-rotor drone operation – not established model flying (or multi-rotor operation such as FPV drone racing) within the framework of a model flying association. The EASA regulations acknowledge this by removing model flying within the framework of associations from their regulations (other than registration – which EASA state may be carried out by model flying associations on behalf of their members).

EASA only mandate online testing for model flyers operating within their 'Open Category' (outside the framework of Associations) and our view is that the tests should not be imposed on those members operating within our framework of affiliated clubs or those with existing 'Achievements' and repeat testing should not be required every 3 years.

The CAA proposals apply blanket regulations with no targeting whatsoever, disregarding the concessions granted to model flying within the EASA regulations and ignoring our excellent track record established over many decades.

Accountability – Regulators should be able to justify decisions and be subject to public scrutiny.

This is your chance to hold the CAA to account and ask them why they are not applying their own core principles to the regulation of model flying. We would suggest that you address your letter to Richard Moriarty, the CEO at the following address:

Civil Aviation Authority
45-59 Kingsway, Holborn, London WC2B 6TE
Or email richard.moriarty@caa.co.uk

The Aviation Minister at the DfT - As the CAA are implementing policy developed by the Department for Transport, we would also encourage members to raise their concerns directly with the new Aviation Minister, Baroness Vere of Norbiton who you can email at Baroness.Vere@dft.gov.uk or write to at the following address:

The Aviation Minister - Baroness Vere of Norbiton
House of Lords, London SW1A 0PW

The DfT have disregarded the concessions made within the EASA regulations for model flying in their own policy development. They have previously commented on our excellent track record for safe operation but have not recognised this by granting any concessions to us whatsoever on the policy decisions contained within CAP1775 (unlike EASA!).

In their 'Taking Flight' document published in January, the DfT referred to some matters which would be 'subject to further discussion between the model aircraft flying associations and the Department for Transport'. However, we can confirm that the promised discussions did not occur and the DfT have subsequently evaded any further meaningful engagement with us at all so far 2019. It would be entirely reasonable to ask the Aviation Minister for an explanation for the poor treatment we have received from her Department and why they broke their publicly stated promise of further discussions.

Your local MP - We would also recommend writing to your local MP to raise your concerns for the future of model flying due to the introduction of disproportionate regulations (you can find their details here: <https://www.parliament.uk/mps-lords-and-offices/mps/>) Feel free to enclose a copy of this summary. Please ask them to write to the Aviation Minister to question why the Government has not been actively engaged with the largest stakeholder group so far this year and is disregarding the concessions made within the EASA regulations for model flying conducted within the framework of associations.

We accept that many of you may have strong views on this situation, but please ensure that any emails or letters sent are polite and avoid being rude or abusive as this will not help!

Individually written communications are preferable, but we are happy to offer further guidance if required.

The UK Model Flying Associations will continue to work with the CAA & DfT and bring political pressure to bear to try and minimise the impact of excessive regulation on our members, but we need your support to show the strength of feeling, so please respond to the consultation and also raise your concerns directly with Richard Moriarty at the CAA, the Aviation Minister Baroness Vere of Norbiton and your local MP.

It is a source of regret that we have been put in a position where it is necessary to seek help directly from our members in this way, but please accept our thanks in advance for your support. The last time this step was taken was back in the early 1990's and it helped change the direction of the CAA at that time. Let's hope that collectively we can change some minds this time.

This call to action is just one element of a wider co-ordinated campaign. There is still a long way to go with this and please be assured it is by no means the end of the story.

Rob Buckley LMA Secretary
1 May 2019