

Scaremongering on terror

AOPA has been working to mitigate the damage caused by an ill-considered official report on terrorism which identified light aircraft as a serious potential danger to the public.

The report, by the government's anti-terrorism 'expert' Lord Carlile QC, said light aircraft could be used by terrorists to launch attacks on buildings and crowds of people, and that lax security at small aerodromes was a cause for concern. Such attacks would be 'relatively simple' to orchestrate, Carlile said.

The report was a worrying indication of how little Britain's anti-terror expert understands about aviation, and how few steps he has taken to establish the facts. In an immediate response published in the *Daily Telegraph*, which first aired Lord Carlile's claims, AOPA's Martin Robinson said that light aviation offered 'an easy target' for those who wanted to score points on terrorism, and added that it would be far easier and more effective to use a van or a truck full of explosives.

"People do understand the facts when we ask them why they think the 9/11 terrorists did not fly their training aircraft into the World Trade Center," he says. "It would have been much easier for them to do so, but the terrorists' understanding of aviation far exceeds that of Lord Carlile. We, of course, know that it would have been a pointless exercise; to cause major damage, they needed large, heavy aircraft travelling at high speed with significant quantities of fuel on board. An incident involving an aircraft weighing as much as a Mini bouncing off a building was not what the terrorists were after."

In a letter to Home Secretary Jacqui Smith in the aftermath of Lord Carlile's report, Robinson reiterated the point. "Had the terrorists involved in 9/11, who had been learning to fly in light aircraft, believe they could have made a big impact by using such aeroplanes they would never have bothered hijacking airliners," he wrote. "The simple fact is that light aircraft simply do not have the kinetic energy."

Since the World Trade Center attacks AOPA has been working behind the scenes with the anti-terrorism and security services to ensure that general aviation is not caught up in the collateral damage that has led to so much disruptive stable-door closing in commercial air transport. The Association has regular meetings with the people concerned, but has never been asked to assist Lord Carlile in his evaluation. In the aftermath of Lord Carlile's comments, AOPA held discussions with the Association of Chief Police Officers ACPO, and is committed to a co-operation policy to help obviate any threat.

Carlile's report, which was supposed to be an assessment of Britain's response to terrorist

threats, accepted that there was 'no intelligence' of any terrorist plot involving general aviation. But the *Telegraph* went on to inform its readers that there were "an



estimated 8,500 private aircraft and up to 500 'landing sites' in Britain, ranging from farmers' fields to regional airports." It went on: "However, there is no formal vetting from security authorities about who is landing and taking off – although once a plane is airborne it is monitored by the Civil Aviation Authority." This sort of twaddle, while laughable, can do real harm, as can scaremongering official reports. Fatuous responses because the government must be seen to be 'doing something', however specious. After the 9/11 attacks the government introduced exclusion zones around nuclear power stations. Why? Did they presume that a terrorist bent on mass murder would be deterred by the fact that his actions were also illegal under the ANO? Or did they think an infringing aircraft could somehow be spotted and dealt with in the 30 seconds before it hit the reactor? Neither – they simply

he should know at least as much about modern aviation as a chap in a cave in Afghanistan

needed to be 'seen to act'. But such sophistry, when extended to further impinge on an already-overburdened GA sector, effectively does the terrorists' work for them by causing needless disruption, dislocation and expense. Martin Robinson says: "It's important that if Lord Carlile QC is to hold himself out as a terrorism expert, he should know at least as much about modern aviation as a chap in a cave in Afghanistan."

In his letter to the Home Secretary, Robinson wrote: "Since 9/11 AOPA has worked with security and customs agencies. Through the 'GA excellence' group we are engaged in eBorders discussions and believe this is the right way forward. AOPA has always stated that our members need to be the eyes and ears of security, reporting anything out of the ordinary. Poor intelligence led to 9/11, and the wider you spread the intelligence-gathering net the better. The GA community must be made part of the solution, not part of the problem."

"GA is worth £1.4 billion to the UK economy annually and while we remain vigilant on security light aircraft are no more likely to be used as vehicle bombs than a Ford Transit. The freedom of individuals and security of the nation are important to us, and we need to get the balance right. AOPA is committed to working with all relevant agencies to ensure we achieve the correct level

of security oversight. An industry code of practice might be a good starting point."

Robinson now adds: "It is important that we in general aviation maintain vigilance at our airfields, and tell the

police of anything suspicious. The security agencies are broadly satisfied with the co-operation they get from GA, and we must not drop our guard." ■



Repent at leisure

EASA's Notice of Proposed Amendment on flight crew licensing is open for consultation until September 5th, and despite its length – there are 800 pages of it in three sections – is required reading for everyone in the general aviation business.

It sets out the Agency's future plans for commercial and private licenses including the 'LPL', the sub-ICAO licence modelled on the UK's National Private Pilot's Licence, which was conceived, written and piloted into law by AOPA UK.

During consultation on the 'LPL' IAOPA was one of many organisations who advised against calling it a 'recreational' or 'leisure' licence, which would not only be misleading but would be a gift to the anti-aviation lobby. At the time EASA said it would be renamed the 'Light Aircraft Pilot's Licence' but they

have gone back on this and plan to call it the Leisure Pilot's Licence.

This is worrying on two levels. Firstly, it shows EASA to be unresponsive to genuine concerns and confirms AOPA's view that consultation under EASA leaves much to be desired. Secondly, it increases the chances that the LPL will go the way of the NPPL, which instead of creating substantial numbers of new pilots has largely allowed pilots who had been forced out of the air by JAR medical requirements to regain the freedom to fly. While laudable, this was not the objective.

Medical requirements are covered in the third part of the consultation document. The wording caused some confusion among AMEs who initially interpreted it to mean a GP could only issue a medical certificate for

an LPL if he either had specialist aeromedical knowledge or himself held a pilot's licence. The NPA reads:

"In order to issue LPL medical certificates, general medical practitioners (GMP) shall be fully qualified and licensed for the practice of medicine in accordance with applicable national rules, and (a) have completed postgraduate training in general medical practice or any speciality relevant to aeromedical practice, or (b) have completed a training course in aviation medicine and have either (1) one year full time, or part time equivalent, experience in practicing a medical speciality relevant to aeromedical practice, or (2) hold, or have held a pilot's licence for any kind of light aircraft, and (c) declare their activity to the competent authority."

In a clarification, EASA later said the rule had been written in order to cater for countries in which family doctors need not be general medical practitioners – a cardiologist, for instance, can be a family doctor in parts of Europe. These doctors would be required to have specialist aeromedical knowledge, or have a pilot's licence. In Britain, however,

where every GP does postgrad work before he or she can practice, any GP can issue a medical certificate *as long as he has knowledge of the applicant's medical history.*

The people who are most put out by the NPA proposals are the professional flight training organisations who do part of their training outside Europe – which means all the big ones. Most of them do some training in the USA, where costs are much cheaper, although CTC Aviation goes to New Zealand for the same reasons. EASA is stipulating that training for EASA licenses must be carried out solely in Europe, at FTOs substantially owned by Europeans. This, it says, is required in order to conform to basic European law.

FTOs suspect aviation is being used as a political football in Europe's free-trade battles with the USA and are petitioning EASA to reconsider, saying hundreds of FAA-licensed instructors would be lost, more than 160,000 additional flight training hours and half a million take-offs and landings would have to be flown in congested European airspace. And of course, the cost of a licence would be that much greater. ■

Tory seeks GA answers

Conservative aviation spokesman Julian Brazier has tackled aviation minister Jim Fitzpatrick on a raft of issues involving general aviation, and shows a grasp of the issues that is heartening should the Tories form a government after the 2010 election.

Mr Brazier, MP for Canterbury, has written to the aviation minister to express the fears of general aviation over the CAA's proposals on Mode-S transponders. He has voiced concern that requirements for gliders to carry transponders, at a cost of up to £5,275 per plane, will force pilots to give up flying and have serious repercussions on groups like the Air Cadets, and for aspiring professional pilots.

In a letter to Mr Fitzpatrick, Mr Brazier said: "In 2006 I wrote to your predecessor regarding the CAA proposals that Mode S transponders be fitted to all aircraft in UK airspace. This issue caused considerable concern amongst

Chief executive's diary:

1: propose, 2: implement, 3: consult

New regulations and bright ideas are coming at us like a swarm of vampire bats, but hey, that's life. The main focus is on EASA's Notice of Proposed Amendment on flight crew licensing – I'm sure you've all read it, all 800 pages of it, so I won't pick over the details here. I think we'll come to regret the use of the term 'Leisure Pilot's Licence' but the most dispiriting thing is that EASA doesn't seem to care what's said during consultation. Being consulted and ignored is worse than not being consulted at all.

Closer to home, and going back to late May when I last wrote this diary, we had a GASCo meeting on the 19th dealing with the future of safety promotion, which is tied to GASCo's own future. A couple of days later I met with Helios, the aviation consultancy which some members will remember compiled the report for AOPA which cast doubt on the CAA's case for massively increased charges to GA. Helios is now working for the European Commission looking at the benefits of EGNOS, the European Geostationary Overlay system, or Europe's version of the American WAAS. We hope that this will lead to standalone GPS approaches for GA as well as providing the RNP for area navigation and approach.

On the 27th I was assisting a member who was interviewed by the CAA regarding illegal ATZ penetrations while conducting an aerial work operation. The CAA decided that the pilot had probably learnt his lesson, but warned him to be more careful in future. The member concerned holds a professional licence. The outcome was a victory for common sense, and proves that the CAA does not automatically prosecute, taking each case on its own merits.

The following day we had an AOPA executive committee meeting, and in early

June I was back at the SRG in Gatwick for CAA interviews with two members, one in the morning, one in the afternoon. Both members are instructors, one fixed-wing, one rotary – I'll give you more details when I can.

On June 4th we had a NATS stakeholders meeting. This group has been rejuvenated recently – established as a condition of the PPP, the original version failed to achieve much. But now it's a much broader church, including the Greens, Friends of the Earth and so on.

On June 5th I was at the Department for Transport for EASA briefings. AOPA is part of a group that talks to the DfT and the CAA about their experiences of EASA, and the main issue under discussion at the moment is the Part M maintenance requirements which are hopelessly complex and onerous for GA.

From the 9th to the 15th June I was at the IAOPA World Assembly in Athens, where all the world's AOPAs get together (every two years) to thrash out policy positions on international matters. I won't dwell on it because there's a long report elsewhere in this issue, but I was very pleased to meet our member Anthony Kedros, there who flew to Greece in his C182. I gave two presentations, one on airspace issues, the other on Part M. My other duties at the World Assembly included working on IAOPA resolutions, which delegates are encouraged by HQ to submit during the week.

On the 16th we had another GASCo meeting in London, a follow-on to the May meeting. The CEO of GASCo presented a business plan which was discussed in some detail. The following day, IATA's Barbara D'Amato came to the AOPA office in Victoria to co-ordinate our views on the Government's proposal to sell off spectrum to the highest bidders. Big safety issues are



raised by the idea of sharing spectrum with other users such as mobile telephone companies, and we share concerns with CAT.

On the 20th I had a lunch meeting with a CAA director, then I was back at Gatwick in early July for an ACEP meeting at the Safety Regulation

Group. We are continuing to develop education materials connected with ATSOAS, scheduled for launch early next year.

On July 8th I had a discussion with the Association of Chief Police Officers regarding Lord Carlile's pronouncements on general aviation and terrorism, dealt with on page 5; we are keen to establish a GA engagement forum to ensure that the facts are fully understood by both sides. On the 9th we had a meeting of the AOPA Instructors Committee, chaired by David Scouller, which looked at the EASA NPA on flight crew licensing among other things; Timothy Nathan from the Members Working Group attended to clarify some points on the Mentoring Scheme, and again there's a report on the meeting in these pages.

On the 11th I was in Brussels for a meeting to discuss Eurocontrol's plans for a Yearbook in 2009 which will focus on business and general aviation. I was back there on the 14th as part of a small IAOPA delegation to discuss the issue of 8.33 kHz radios and the changes that are being developed since IAOPA made comments about its impact on GA. While we will need to agree to some changes, the good news may be that 8.33 will not affect GA until 2015 at least.

On the 15th we had a GACC meeting – that's another CAA forum that looks at GA issues – and in the afternoon I met the head of Aerodrome Standards to discuss the European COM 390, which cuts across the laudable work of the LAASWG. On the 17th

paraglider and glider pilots owing to both cost and weight.

"At the time of my initial letter the Government and CAA stated that it was their intention to exempt paragliders. Unfortunately gliders were more complicated. However, the regulations didn't appear to be overly onerous. This is no longer the case, and clearly many glider pilots face being priced out of the sport. Despite popular misconceptions, gliding is not a sport exclusive to the wealthy. Indeed it is very important to Air Cadets and it is clear from the letters I have received that many pilots will be forced out of the sport. The CAA's own estimates place the cost at £3,455 with a possible high end cost of £5,275 – this on gliders valued at as little as £2500.

"In addition, the CAA estimates a £100 mandatory annual check on the transponder's operation. Aside from the cost issue many pilots are concerned that the current proposals would limit their ability to fly significant distances and heights without the transponder.

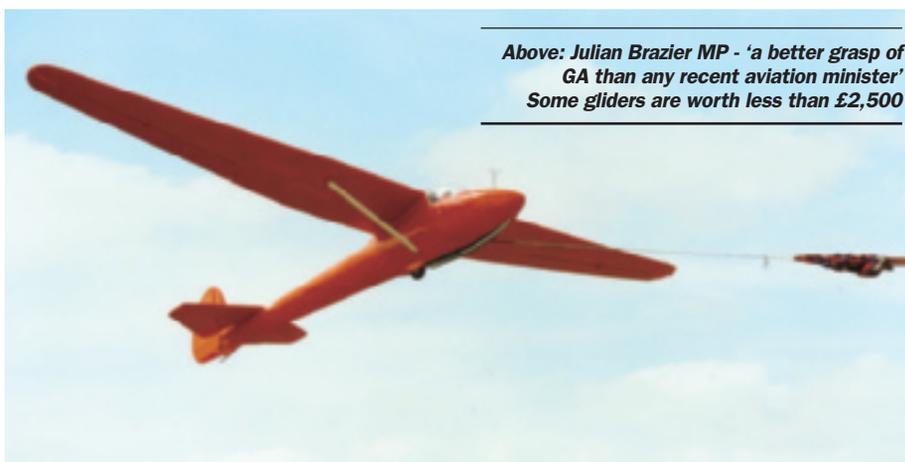
"The general aviation sector is a valuable part of the economy providing much work, as

I went to Portcullis House for a meeting with Tory aviation spokesman Julian Brazier on GA matters; I'm very impressed with Julian Brazier's grasp of our industry and the problems it faces. He certainly seems to have an in-depth understanding which exceeds that of any recent aviation minister. On the same day I attended the BBGA (formerly GAMTA) Farnborough event at the House of Commons in support of Farnborough, and on the 18th I went to Farnborough itself.

Coming up (at time of writing) I've got a meeting at Her Majesty's Revenue and Customs to discuss how the Government can collect additional duty – we are not allowed to discuss policy – and on the 22nd there's an AOPA Executive and Board Meeting. On the 23rd the EC's Industry Consultation Body meets in Brussels, and there's an AOPA Members Working Group at White Waltham on the 26th. At the end of the month I've got a meeting at the DfT to brief on EASA's NPA on FCL. Looking further ahead, I'm chairing the GPS working group as part of ACEP on the 7th, and on the 13th I'm going on my HOLIDAYS!

This diary is here because the editor of this magazine wanted a list of things that were being done that members should know about, but that didn't necessarily warrant separate stories in the magazine. Despite our best efforts we haven't been able to get the other AOPA workers, part-timers and volunteers, to add their contributions, but suffice it to say we wouldn't be half as effective without the work of George Done, David Ogilvy, Jack Wells, Alan Croxford who sorts out the computers, Mandy, Neil and Pam in the office, Pam Campbell, all the members of the Instructors Committee and the Members Working Group, and everybody else who fights AOPA's corner. And thanks above all to you, for the contributions that make it all possible –

Martin Robinson



Above: Julian Brazier MP - 'a better grasp of GA than any recent aviation minister' Some gliders are worth less than £2,500

well as enjoyment to many people. Unfortunately, the sector has also been placed under considerable pressure. 70% of people who get a PPL stop flying within five years. Over recent years we have seen the sector suffer under threat of EASA rules on recognising CAA licenses; the imposition of fuel duty on private aircraft; the sale of airfields; and the application of UK regulatory requirements to foreign registered aircraft

based in the UK. If we wish to see UK airline pilots in future, it is vital that a vibrant general aviation sector is maintained to help provide necessary training and keep costs to a minimum.

"While I appreciate that the UK's skies are congested, and I have the greatest respect for the work of the CAA, their record in relation to general aviation has often been heavy handed." ■

Licence to close airfields

The CAA consultation on the removal of the requirement for flight training to be carried out from a licensed aerodromes has closed despite AOPA's request for a delay to consider the effect of new European proposals which cut across those of the UK.

AOPA's fears that poorly-thought-out moves will lead to the closure of many small grass fields and the loss of larger aerodromes to general aviation have not been addressed, although it is clear that in the light of the European Commission's latest moves there will have to at least be a new round of consultation to address changed circumstances.

The EC is proposing that it take over responsibility for all aerodromes open to the public which can accept IFR traffic or aircraft over 2730 kgs MTOW, which takes in such airfields as Headcorn for its parachute aircraft and North Weald for its warbirds. In a letter to Mike Bell, director of the CAA's safety regulation group, AOPA asked whether it was sensible to continue with the consultation before the effect of the European proposal, contained in EC216/08 (Aerodromes), had been evaluated.

AOPA is already worried that general aviation is sleepwalking into trouble on licensed airfields. It has sought assurances from the CAA that proposals which might remove the licensing requirement from some operators while continuing to increase them for others will not lead to fewer aerodromes, less security of tenure and more administration problems. No such assurances have been forthcoming.

The situation is exemplified by a person with an axe to grind who wrote to The Times in April following an accident at Biggin Hill claiming that 'private' airfields should be shut down because aircraft were 'essentially unregulated' with no legally designated or enforced flightpaths, and that there was no entitlement to free sound insulation. Martin Robinson was able to counter in a letter published by The Times two days later saying that such airfields were in fact fully regulated and properly licensed, and that all requirements were strictly enforced by the CAA.

What happens if we can no longer say that? If general aviation is split up into its component parts, when commercial and private training are totally separate entities, when some airfields are purely 'recreational' bases for 'leisure' pilots, they become wide open targets for the anti-aviation lobby, a lobby which would be energised by the fear of a

massive increase in traffic as FTOs took over grass strips. The problem is brought into focus by one aerodrome manager with a grass field in the West Country. "What do I do?" he asks. "I've got about the average number of NIMBYs trying to shut me down, but my local council tells them I have a licence from the Civil Aviation Authority which says I run a safe and legal operation. What happens if I lose that protection? On the other hand, licence fees go up yet again in September. Can I afford to be licensed, or can I afford not to?"

In its Impact Assessment on the proposal the CAA says: "The greatest risk to this change in policy is the attitude of local authorities. Where local authorities have planning policies relating to aerodromes, these may not favour an increase in air traffic or development of aerodrome facilities. Aerodromes in urban areas, or considered as brownfield sites, may be earmarked for development to meet government house building targets. Any change of use that might increase local nuisance may result in an increased public opposition that would trigger loss of use of the aerodrome."

The CAA predicts that the average licensed airfield would lose £25,000 a year in income, and that would certainly tip many of them over the edge. Shoreham would probably be the first to go – already struggling with problems left over by owners Erinaceous, the airfield would be unlikely to remain viable. And what of airfields like Old Sarum, which is owned by a property company registered in the Netherlands Antilles? Could training survive at better-equipped airfields like Biggin Hill, Southend, Blackpool, Bournemouth and Exeter, where a licence would always be required for CAT? Or would they follow the lead of Southampton, Manchester, Bristol, and effectively close themselves to GA? Few regional airfields need much of an excuse to kick us out.

AOPA's solution, which has been widely and sometimes wilfully misrepresented by some in GA, would be a reduction in fees for everyone, rather than the abolition of fees for some. For decades, AOPA has been fighting to remove the more ridiculous licensing requirements for aerodromes which heaped unnecessary costs on GA. We have shown that onerous and expensive stipulations on fire and rescue cover have never saved a life in all of history. But if their removal is safe for one GA aerodrome, it's safe for another.

Shoreham, already stretched, would suffer from incomplete licensing removal

AOPA chief executive Martin Robinson says: "Unfortunately the issue is far more complex than some people would like to claim, involving divisions of responsibility and insurance issues, European laws and intentions and the loss of airfields to the flying public. The idea should not be to get around the problem by exempting some aerodromes from silly rules, it should be to change the silly rules.

"None of these issues have been properly aired or debated, and the closure of the consultation just when the European Commission threw another spanner into the works is unwise."

Complicating the issue further is the fact that the International Civil Aviation Organisation in Montreal is making noises about requiring fire engines to be present at any airfield at which flight training is conducted under Annex 14. At first blush, rather like the removal of the licensing requirement in the UK, this looks like a no-brainer, but IAOPA's job is to convince the ICAO delegates that it is superficially attractive without having any substance. AOPA UK has provided to AOPA US and to IAOPA's representative at ICAO, Frank Hoffman, the studies which show that no life has ever been saved by the presence of such equipment, together with other established facts which should help influence the debate. ■

AOPA Annual General Meeting

The Annual General Meeting of the British Light Aviation Centre Ltd, trading as the Aircraft Owners and Pilots Association of the UK, will be held on Monday 15th September 2008 at the Royal Aeronautical Society, 4 Hamilton Place, London, W1J 7BQ, commencing at 12.00 noon. The formal announcement and agenda of the AGM appears on page 12.

Any member wishing to elect another member to the Board of Management must provide notice in writing at least 35 days in advance.

A set of accounts will be provided in advance of the meeting on the AOPA website www.aopa.co.uk together with brief personal details of the members offering themselves for election and re-election. These data will also be available at the AGM.

Following the formal business of the meeting, George Done, Chairman of AOPA, will summarise the highlights and some organisational details of the past year in a short presentation, after which there will be a break for lunch. At 2 pm there will follow a presentation from Martin Robinson, Chief Executive Officer, on the past and future work of AOPA in the UK and Europe. There will be time for other reports from members and for general discussion.

Tea, coffee and biscuits will be available from 11.30 am and at 3.15 pm, when the meeting is scheduled to finish, and lunchtime refreshments will also be available. In order to plan refreshments for the number of expected attendees, and for security reasons, it is essential that members who intend to attend to please let the AOPA office know in advance, either by telephone (020 7834 5631), email (info@aopa.co.uk), or by post to AOPA, 50a Cambridge Street, London SW1V 4QQ.



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Assumed guilty, until proven innocent

AOPA continues to seek answers from the CAA over why an instructor had his livelihood taken away following an airprox incident when the most cursory examination of the facts would have established that he was the victim, rather than the perpetrator.

The instructor was with a student who was making glide approaches from 2000 feet above Panshanger airfield in Hertfordshire when he came into conflict with an aircraft which bust the Panshanger ATZ without making radio contact. The infringing aircraft was about 300 feet below.

The pilot of the infringing aircraft, an instructor on his way to a North London airfield, reported the incident to the CAA as a breach of Rule 8, governing aircraft separation. The Authority's enforcement branch investigated the complaint and took no action, but the file was passed to the Personnel Licensing Department. PLD head Ben Alcott

subsequently sent a letter to the Panshanger instructor ordering him to cease instructing and examining forthwith, and to expect further action.

The instructor, who has made his living for more than 20 years from instructing and examining, contacted AOPA. CEO Martin Robinson telephoned Ben Alcott and pointed out that the complaining pilot had illegally infringed Panshanger's ATZ and that the suspended instructor was in the right. Under the circumstances, he said, it was utterly wrong to deprive him of his livelihood before a full investigation had been carried out. Nonetheless, the CAA refused to rescind the suspension.

After two weeks the instructor was summoned to Gatwick for a CAA interview and asked Martin Robinson to attend to represent

him. The interview was conducted by Steve Williams, a PLD policy officer, in the presence of Pat Lander, head of the CAA Flight Unit. Martin Robinson says: "Luckily for the instructor, there were clear radar traces from Luton and both aircraft were squawking Mode Charlie, so there was no ambiguity about who was where or at what height. It was clear from the moment the radar trace was played that

the CAA was on a loser. The member was so clearly blameless that I think Pat Lander was embarrassed by the proceedings, but Steve Williams kept the questions coming for

almost an hour and seemed to have a poor grasp of what exactly his radar trace was telling him.

"When I finally got exasperated and asked why on earth they were continuing with this nonsense instead of asking questions of the infringer, the answer was 'Because he's the one who made the complaint!' I suggested he might have been trying to deflect an examination of his own conduct, but they would have none of it.

"Finally Pat Lander said there seemed to be merit in what I was saying and suggested that they go back to PLD for further discussions. I asked whether under the circumstances our member could have his instructing and examining privileges restored immediately to allow him to earn his living, but Mr Williams said there were procedures to be gone through, and he could expect to hear the result in about two weeks.

"As soon as I got back to the office I wrote to Ben Alcott seeking immediate reinstatement, and our member received an email the following day restoring his privileges. The speed with which the suspension was lifted reinforces the fact that it should never have been imposed in the first place. Why could the CAA not have studied the facts before taking this man's livelihood away, contrary to European human rights laws? This instructor in fact had a previous CAA conviction for infringing a TRA when an aircraft went tech and his IMC student confused the times in the Notams; does the CAA have a 'blacklist' of offenders who will be stamped on if their names ever come up? Who took the decisions in this case, and what assurances will the CAA give that people will not be arbitrarily and unfairly robbed of their livelihoods in the future?"

After the case the instructor said: "Thank god for AOPA. I never thought I'd need it, but AOPA's backing and Martin Robinson's expert knowledge saved my bacon."

Martin Robinson wrote again to Ben Alcott seeking assurances that instructors would not in future be thrown out of work on the whim of someone who hadn't even taken a proper look at any allegations. He received a reply which effectively dodged the issue, saying all the proper procedures had been followed in this case and the matter was now closed.

"As far as I am concerned this matter is not closed," Robinson says, "and I will continue to seek answers. This episode shows the CAA at its worst – thoughtless, arrogant, uncaring, unresponsive and unaccountable. Who made the decisions in this case, who approved them, and what measures have been taken, on an individual and collective basis, to ensure that the CAA no longer considers itself to be immune from human rights law guaranteeing a man's employment?" ■



This episode shows the CAA at its worst – thoughtless, arrogant, uncaring, unresponsive and unaccountable

GPS problem? Share it

The CAA has established a website where pilots can report any problems with GPS – problems such as loss of signal, database errors, human factors, anything you think might help evaluate or improve the system. The site, <http://nano.aero>, is sponsored by the Authority but run by aviation consultants Helios, who coincidentally produced for AOPA the report which was so damaging to the CAA's claim to legitimacy in the matter of fees and charges to GA. You can post anonymously if you wish.

AOPA's Martin Robinson, who is working on GPS issues as part of the Airspace and Safety Initiative, says: "Because the GPS system offers such a high level of accuracy many people do not realise that the system can, and does, fail. As with other satellite-based systems there can be unexpected outages in the service, and system databases holding information such as airspace boundaries can be inaccurate. The new nano site will enable pilots to raise and share these issues."

As well as being a resource for pilots to share GPS issues, the data and experiences collected will allow problems to be investigated and passed on to equipment manufacturers.

Nick McFarlane of Helios says: "We will be investigating some of the issues raised to see if we can resolve them or prevent them happening again – for example, by getting database errors corrected. This way we hope we can increase the safety of GPS on aircraft and provide a really valuable service."

The Airspace and Safety Initiative (ASI) is a joint CAA, NATS, Airport Operators' Association, GA and MoD effort to investigate and tackle the major safety risks in UK airspace, working in airports, air traffic management and navigation markets.

N-reg again under threat

EASA has set out to drive European owners off the N-register with its consultation document on Ops and Licensing, under which it will force all foreign-registered aircraft based in Europe to conform to EASA regulations, including licenses and ratings, and with aircraft maintained under Part M. The 24 AOPAs in Europe will fight the plan, which threatens to make many operations unviable and will hit the business jet market particularly hard. Martin Robinson says: "We've been fighting this for five years, and it's come back with a vengeance after a short quiet

period. The FAA supports EASA because it says it can't exercise proper oversight outside its own territory, but there are good reasons why people were forced onto the N-register in the first place, and EASA can't simply pretend those reasons are invalid."

In an interview with this magazine in 2005, EASA executive

N-reg business jets are once again in EASA's sights



director Patrick Goudou said the agency intended to ensure there were "no special advantages to being on the N-register." Pressed on how that would be achieved, he would not comment further, although he seemed to give the impression that removing some of the half-baked regulations that effectively force owners to flee to the N-register would play some part. As yet, however, there is no sign of flexibility of that nature.

Adding fuel to the fire

Ambrose Bierce, author of the Devil's Dictionary, defined 'consultation' as 'seeking another's approval for a course already decided upon.' Nowhere does his definition ring more true than at the Treasury, which is currently consulting on whether to introduce new fuel taxes on aviation, private and commercial.

Before that consultation is even completed, the Treasury has begun a consultation on exactly how the fuel duty will be implemented – which must make one conclude that the fuel duty itself is a fait accompli and the original consultation was a waste of time. AOPA's Martin Robinson, who has had several meetings with Treasury officials over 'Aviation Duty', says: "One gets the impression in talking to them that the end result is not up for discussion, and that any objection you put up might do nothing more than cause them to take a slightly different track to the same end result. They treat consultation as a game to be played, an unfortunate chore that must not be allowed to get in the way of business."

In his 2007 pre-Budget report Alistair Darling said the government intended to replace Air Passenger Duty with an aviation fuel tax. The reason given, of course, was climate change. During the consultation, AOPA pointed out some important facts about GA's fuel use, notably that if all GA were forced out of the sky tomorrow, emissions would return to their present level within three weeks because of CAT growth. The task of analysing the

industry response to consultation on Aviation Duty began on April 24th this year, but HM Revenue and Customs has already begun working out how the tax will be administered, and is establishing four working groups to consult with airlines, airports, freight operators and GA. AOPA has been invited to join the latter group, but is HMRC once again

consulting on a course of action already decided upon?

As far as avoiding a new hammering on fuel tax is concerned – the new avtur tax would double the cost of JetA1 to private users – the best hope seems to lie in changing circumstances and electoral displeasure. The cost of fuel has risen insanely since Darling first announced his plans, and to press on regardless of fact at a time when the voters were cocking the electoral trigger would seem to be an act of political suicide. But would the other side approach matters differently? ■

Silence is legal

As if by magic, the problems that meant it was near-impossible to import a German piston single with a silencer fitted have disappeared, says the CAA. You can now bring in such an aircraft, no questions asked.

Up to now, silencers and 'quiet props' have had to be removed when aircraft were imported if their owners were not to pay the CAA thousands of pounds in certification fees. The problem arose from interpretation of the JAA rules under which equipment had to be listed in a JAR Annex for it to be automatically accepted in every JAA state, and silencers were not so listed. States could therefore pick and choose whether they accepted them or not, and the CAA decided it didn't.

During the Strategic Review of GA established by Sir Roy McNulty it was requested and agreed that the CAA should investigate roadblocks to environmental improvement such as these, but thereafter nothing was done.

However, the CAA now says that under EASA rules, an aircraft with an EASA C of A and an Airworthiness Review Certificate (ARC) is acceptable in all EASA countries, so you can bring in a plane with a silencer as long as it has an ARC. Beware – an identical aircraft with an old-fashioned C of A would still appear to be illegal, so you'll still have to take the pipe off and blat around like a bad neighbour. It's all in the paperwork.



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Instructors back mentoring scheme

The AOPA Instructors Committee has given its backing to the Mentoring Scheme proposed by the Members Working Group, and has made a number of suggestions aimed at addressing legal and practical issues.

The scheme's proponent Timothy Nathan gave a briefing on the Mentoring Scheme to the July meeting of the Instructors Committee, at which the instructors' representatives

agreed that the scheme had great merit and should be supported. It was decided to seek legal advice on some aspects of the proposals, and to study the workings

of an AOPA-US scheme with some similarities.

The scheme aims to encourage people to continue flying by establishing a network of more experienced pilots on whom they could call for help in either planning or executing more ambitious flights. Effectively it would formalise what already happens at the better-run clubs and groups, where pilots – especially new pilots – are not left to their own devices once they have obtained their tickets.

Discussion at the committee centred on how much risk AOPA would accept and whether it could be insured against. Ian Marshall, chief flying instructor of West London Aero Club at White Waltham, likened the scheme to an expanded version of his own club's fly-outs, where less experienced pilots can be teamed with greybeards to undertake flights they wouldn't attempt on their own.

Committee chairman David Scouller and others stressed the need for complete clarity over who was in command, and an absolute requirement that those being mentored – if that is the right word – should never go beyond the privileges of their licenses. Martin Robinson agreed to seek legal advice on indemnity, George Capon to check the

American scheme, and Timothy Nathan to look at rewording some of the draft proposals to reflect some of the issues raised.

The committee also agreed to go ahead with a proposal for an AOPA grass strip rating. The idea comes from Bodmin CFI Philip Cardew, whose grass strip is increasingly visited by otherwise competent pilots who seem

to have little grasp of the realities of life on grass. With more GA pilots being displaced from provincial tarmac, the problem is likely to increase. Carol Cooper is obtaining a grass strip template which can be modified to create a rating course.

The committee reviewed the EASA NPA on flight crew licensing and expressed concern that the issue of the IMC rating should not be allowed to wither in the shadows, as some at EASA seem to hope. Martin Robinson sought the views of individual instructors ahead of a meeting with Department for Transport representatives to discuss European issues.

Also discussed were issues relating to instructor

seminars, the Airprox Board, and ATSOAS implementation, and the committee considered a request that AOPA formally object to the CAA's proposals to withdraw en route NDBs. There was, however, little support among the instructors for their retention. ■



Instructors' committee members Carol Cooper, Geoffrey Boot and George Capon

2008 AGM

12.00 noon Monday 15th September
at the Royal Aeronautical Society
4 Hamilton Place, London, W1J 7BQ

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42nd Annual General Meeting 12.00 noon Monday 15th September 2008

- 1.** Apologies for absence
- 2.** To confirm the Minutes from the 41st Annual General Meeting
- 3.** To receive and accept the Accounts for the year ended 31st March 2008, together with the Report of the Directors.
- 4.** The election of Directors to the Board of Management. The following Directors are due to retire by rotation: Geoffrey Boot, John Pett, David Ogilvy, Ian Perry and Charles Strasser. Geoffrey Boot offers himself for re-election on behalf of Instructor Members, John Pett, Ian Perry and Charles Strasser offer themselves for re-election on behalf of Aircraft Owner and Pilot Members, and David Ogilvy offers himself for re-election on behalf of Aerodrome Operator Members. The election of other properly nominated Members of AOPA.
- 5.** To appoint as Auditors Messrs Waller & Byford, at a fee to be fixed by the Board of Management.
- 6.** To conduct any other business which may properly be dealt with at an Ordinary General Meeting.

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Your friend, the engineer

One of AOPA's regular functions is to try to sort out problems between members and the engineers who maintain their planes. Whilst these difficulties, considering the overall scale of the maintenance activity, are relatively rare, a dozen or more times a year AOPA is asked for advice and help in this area, and the job is taken on by our chairman, Professor George Done. George is a chartered engineer who originally worked in the aircraft industry on the design side and eventually became Professor of Aeronautics and Head of Department at London City University. He has shares in a PA28 and a Piper Cub at White Waltham.

While most problems arise between owners and maintenance engineers, some involve the regulator; one long-running dispute concerns a parachute-dropping C207 aircraft that had suffered in 1991 some "minor and cosmetic" (as defined by Cessna) damage to the wing skins which had been reported to, and registered by, the CAA, but which a new CAA surveyor picked up on in 2006 leading him to effectively ground the aircraft. An impasse has prevented the aircraft from flying and earning its keep for nigh on two years. The owner is tearing his hair out.

A few issues revolve around design faults, others have arisen from the use of incorrect parts, particularly on the engine. Inadequate documentation is a hardy annual. Rarely are two problems the same, but a large number

have a common root – the lack of a proper relationship between owner and maintainer, or unrealistic expectations on either side.

George says: "It's important for both sides to be up front with each other, and to know exactly what is to be done before a job is put in hand. In some unfortunate cases I have dealt with, the engineer went ahead with

costly work of which the owner had no advance warning – indeed, one maintenance organisation ran up bills far in excess of what the aircraft was worth, then presented them to the shocked owner. This sort of behaviour is inexcusable.

"Two-way communication is the key. Put things in writing if in doubt. Don't leave anything open-ended. Establish how much is to be spent, give or take ten percent, before the engineer must contact the owner again for permission to continue. You have to allow for some flexibility, but not too much.

"There used to be a few cowboy maintenance organisations that led to problems, but it's very difficult for them to exist now and they seem to have disappeared. The vast majority of maintenance organisations are thoroughly reliable and do good work. I find that, in the few cases where disputes occur, there is a strong desire to settle amicably."

AOPA's involvement ranges from mediation between parties to writing letters of support, providing expert witness statements, and sometimes gently knocking heads together.

George advises owners to always check that an engine run has been performed, or a flight test if appropriate, after maintenance. He adds: "Never fly your aircraft away unless you have the correct paperwork in your hand or available; or alternatively, in the case of the new ARCs (Airworthiness Review Certificates) issued under the EASA regime, you have checked the CAA G-INFO website to see the new ARC has been issued" ■

Dutch finger in ATC dyke

AOPA Netherlands is asking all pilots to sign an online petition protesting about plans to throw VFR traffic out of even more Dutch airspace – plans which are being forced on pilots despite the fact that the country is the most stringent in Europe in requiring Mode-S transponders aboard GA aircraft.

Mode-S has always been touted by the regulatory authorities as an alternative to the expansion of controlled airspace – indeed, for GA that is its only positive aspect. But the Dutch authorities want to have their cake and eat it, with everyone forced to buy Mode-S and more controlled airspace too.

AOPA Netherlands has reached the limit of its patience because of the imminent closure of the Rotterdam TMA to all VFR traffic, and the recently established Special Rules Zones around the Schiphol CTR. This despite the fact that Mode-S is now mandatory above 1200 feet in Holland, apart from in certain glider zones.

In its request for support from European pilots, AOPA Netherlands says: "Pilots and aircraft owners must invest heavily in new equipment – ELTs, Mode-S transponders, 8.33 kHz radios etc. These are all mandatory measures because of the increasing amount of air traffic. One would think that these investments eventually would be compensated for, but what happens instead? Air traffic control snatches more and more airspace and closes it to VFR traffic.

"AOPA Netherlands calls upon everyone to sign this petition for the maintenance of sufficient VFR airspace. The petition will be presented to the Board of Directors of Air Traffic Control the Netherlands in September. Please go to www.aopa.nl and leave your digital autograph.

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The uncivil lack of service

Despite its best endeavours, AOPA has been unable to do anything materially useful for a member who apparently fell down a rabbit hole into the CAA's looking-glass world, where simple jobs magically become extraordinarily complicated and the simplest cannot be done at all.

The member bought a Cessna 172 on the Dutch register and brought it home to England. He contacted the CAA to ask if it was okay for him to fly the aircraft on his UK licence, to be



Putting a Cessna 172 on the UK register would have cost £35,000

told that he had to have the written permission of the CAA of the country of registration of the aircraft before he could do so. Dutifully, he contacted the Dutch CAA, who fell about laughing. "What do they want now?" they asked. At the member's insistence they wrote a letter granting him permission to fly his aircraft, and nothing more was said.

Until, that is, the member decided to put the aircraft on the G-register. Its C of A renewal had come up, so he decided to get a British C of A and de-registered the aircraft in Holland. Getting a UK registration was relatively uncomplicated but expensive – the member decided to save on repainting by using some of the original Dutch letters, which made it an out-of-sequence UK registration, which costs more.

Then the fun started. The aircraft had come with the usual steamer trunk full of documents, and the first demand the CAA made of our member's engineer was that the log books be translated into English. (This is a Cessna 172, remember). In fact the log books had been kept in English, so the engineer felt he had no option but to refuse, saying the

demand was unwarranted and unreasonable. Nothing more was heard.

Unfortunately the aircraft has two mods, one to improve the engine performance, the other to improve STOL performance. Both are widely used in Europe, both have long-standing STCs, and neither mod has ever caused any trouble. The CAA demanded to see both STCs, and after a long search through the boxes of documentation, the engineers found them and passed them on.

The aircraft had an Apollo 820 GPS fitted, but it had long been u/s. The CAA demanded that it be removed. Wouldn't it be okay just to placard it as u/s, they were asked. No – not only did the kit have to come out, but the tray and the wiring had to be removed, too.

Then the CAA discovered something about the engine; although only having run for just over 1000 hours, it had exceeded the manufacturer's recommended calendar life of 12 years. It would have to be replaced by a new or overhauled engine, they said. Why? It met every requirement, and it had been properly maintained in Holland where the authorities are every bit as particular about maintenance as anyone in the UK. Didn't matter, said the CAA – under the rules you have to put a new engine in. EASA has obliged

NAAAs, such as the CAA, to tighten up on calendar and operating time limitations, but for an aircraft used for the purpose of private flight such as this one, 'on condition' operations are still allowable. But, and it's big 'but', this alleviation only applies to aircraft that have already accumulated 200 hours on the G-register. So say the rules (GR 24 of CAP 747). Talk about Catch 22!

Eight months had passed while this dialogue was going on, and the member had spent almost £12,000 on engineering work and paperwork to meet the CAA's demands. The demand that he stretch that beyond £35,000 with a new or overhauled engine was the last straw. He bolted back to the Dutch register. The Dutch reissued his registration in a week, and he bought an easyJet ticket for a Dutch engineer to come over and issue the C of A. The paperwork was returned by the Dutch CAA in eight days – that is the maximum amount of time they are given by law in Holland to process paperwork.

"The worst of it was," said the member, "that whenever the CAA found a new corner to back me into, I would ask them, 'What do I do? What is your advice?' And they'd say, 'We're not here to give advice, sir. You make your application and we'll take it from there.' They're supposed to be civil servants, aren't they? I've never had a more uncivil lack of service in my life." ■

New controlled airspace

A vast swathe of controlled airspace is to be established around the former RAF Finningley, now restyled 'Robin Hood Doncaster Sheffield Airport'.

A complex system of Class D airspace at various levels stretching north-south for some 25 miles from Netherthorpe and Gamston to beyond the Humber will come into force on August 28th.

The CAA promises that the 'Robin Hood' ATC unit continue to provide radar and non-radar services to all users, inside and outside the zones and areas. VFR and SVFR corridors have been provided in the zone following the A1(M), the M18 and the railway line to the east of the airport. Standard instrument arrival and departure procedures are being introduced, together with a number of new VRPs for both Robin Hood and Gamston. The new half-mil (edition 31) due out on August 28th will incorporate these changes. The next Central England and Wales quarter-mil is due out in April 2009, and England East in 2010.

The CAA's original map showing the changes was withdrawn when they put Waddington where Scampton should be, and the revised chart still shows a strange and unknown sea north of the M62, but far be it from us, in our vulnerable glasshouse, to throw stones. ■

