

Advanced Aviation Reform - Frequently Asked Questions

Part 107

This FAQ is specifically created to support commentary on the technical design of Part 107.

Will Part 107 be flexible enough to allow for operators to push boundaries with regard to the development of novel technology?

Yes! We want operators to be able to freely innovate and develop without needing to come back to us every time they iterate. A risk-based approach will be taken initially when seeking certification to ensure the right safeguards are wrapped around operations that will allow them to freely innovate. There will be no one-size-fits-all approach for this rule!

How prescriptive is Part 107, and how prescriptive will the relevant guidance be?

Part 107 takes a risk-based approach as opposed to a prescriptive approach. If prescriptive elements are required, we will endeavor to place this within secondary legislation (such as a Transport Instrument) as opposed to the primary rule. This will ensure that the rules can remain agile and future focused.

At this stage, we do not envisage any prescriptive elements are required to enable Part 107.

Will guidance support innovators who are new to the system, and what kind of guidance will be available?

The intent is that guidance will be developed to support users of the new rule. We will spend the next few months developing guidance to aid applicants for the new rule. We anticipate that this guidance will be updated as we receive applications and participants become certificated.

We do not envisage any Advisory Circular being issued to support this Rule Part. We'll be looking at other guidance that we can provide to provide clarity for users of the system. We will also make any relevant updates to existing Part 102 or Part 21 guidance.

Why should I use Part 107 instead of existing research and development pathways under either Part 102 or Part 21?

Part 107 allows participants to freely iterate. This will make it more appealing for some users of existing research and development pathways. However, existing pathways will remain – there will be some cases where a Part 102 or Part 21 certificate will be more appropriate.

How will it be assured that participants stay within the bounds of research and development and the set out risk envelope?

Applicants will have to demonstrate to the Director how they will do this before a certificate is issued, and standard monitoring and inspection activity will be undertaken by CAA.

Will participants be required to have internal monitoring systems and how will these be overseen?

Applicants will be required to establish and maintain a risk identification and management system. This will be approved by the Director prior to a certificate being issued, and participants will be required to update the CAA if this system changes. No other internal monitoring systems will be required.

Oversight will follow our standard monitoring and inspection procedures.

Will current research and development operations be required to move into Part 107?

No, Part 107 is a separate certificate with its own scope, intent, and operational parameters. As such, no existing certificate holders will be moved into the new pathway.

Operators wishing to transition to Part 107 will not be prohibited from submitting an application.

Will Part 107 operators be able to move into other rules at the completion of their research and development activities without further approvals?

Participants will still be required to meet certification requirements of other rule parts to be issued a certificate.

Will participants be able to combine or transfer an existing Part 102 certificate with a Part 107 certificate?

There is nothing that will prevent a participant from holding both a Part 102 certificate and a Part 107 certificate. However, operators will not be automatically transitioned into Part 107 and will have to submit a separate application.

How will the CAA avoid the same resourcing issues faced under Part 102? Will there be certainty around certification timeframes?

We are currently working on the operationalisation of Part 107. Because Part 107 is technology agnostic, we anticipate that this will sit across multiple certification teams at CAA. This will hopefully avoid congestion of applications within one certification unit.

We've also recently established a new triage function as part of our Aviation Safety Oversight Group. Together with the Emerging Technologies Unit, this function will review applications for completeness – meaning applications will not go to an inspector if they are not complete.

We anticipate that Part 107 holders will not seek amendments to their certificate with the same frequency as current Part 102 holders involved in intensive research and development. Amendments to certificates (especially for complicated applications) have been one of the factors which have historically contributed to delays in the Part 102 certification system.

We understand the clear need for communication with applicants, so they know exactly where their application sits within the certification process. Our new functions will help us ensure that this communication is improved.

Will Part 107 operations be restricted to certain airspaces?

Partially. Applicants will need to identify the airspace they intend to operate within, and the Director will need to be satisfied that the operations can be conducted safely within that airspace. Different types of operations will use different types of airspace.

The Rule can allow for activities to be carried out in most airspace. However, we do anticipate that the majority of applications would be for operations in some form of special use airspace.

Some operations may not require special use airspace, due to the nature of their operation. Will this be something that Part 107 will permit?

Part 107 is permissive on the possibility of an application for operations outside of Special Use Airspace. The assessment of the application, the capability of the applying organization, and the proposed mitigations will be taken into account against the type of airspace detailed in the application.

Part 101

What is a Transport Instrument and how is it different to the Rules?

Transport Instruments are a new tool created by the new Civil Aviation Act 2023. They are intended to cover things which are technical, facilitate innovation, are contained, and non-controversial. They sit alongside the Rules and can be changed by the Director of Civil Aviation. The Minister of Transport must be satisfied that the content proposed to be placed in a Transport Instrument is suitable to be in a Transport Instrument. Further, the Civil Aviation Act 2023 places obligations on the Director to ensure that all appropriate persons are consulted before a Transport Instrument is created.

In the end, the difference for most operators will be small, but they will notice that requirements for flying a UA are split across two documents, and that the Transport Instrument will be updated more frequently to reflect the development of the UA sector.

What will the changes let me do?

For now, the changes mostly effect the more advanced Part 101 users or the lower-risk Part 102 users. The main differences for most users will be:

- New lowered limits to how close an UA can be used to a heliport
- New thresholds allowing some BVLOS operations indoors
- New thresholds related to flying over property
- New thresholds around flying slightly over a shield during a shielded operation
- Clarity for Part 102 holders conducting Part 101 operations
- New thresholds to facilitate night flying

Whilst some thresholds will be changing, there will be additional requirements that participants will be required to meet before they can undertake activity.

Will there be other changes?

The new Transport Instruments provides a new mechanism for the CAA to update the thresholds and technical detail in the Part 101 rules. As a result, it will be quicker and easier to make updates to reflect new technology, consumer behaviour, and risk profiles. While we can't predetermine what may change next, it is likely to be done with a view to enable new operations which can demonstrate acceptable safety standards.

Do I need to register anything?

Users are not required to register themselves or their UA to make use of the new thresholds.

Users will need to make a declaration to the CAA of their intent to use the new limits and confirm that they meet and will continue to meet the new requirements. However, they will not need to wait to be approved by the CAA or to be issued any type of certificate.