



GLIDING NEW ZEALAND INCORPORATED

ADVISORY CIRCULAR
AC 1-04

TRIAL FLIGHTS

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1 Introduction

A new CAA Rule is proposed, Part 115 Adventure Aviation – Certification and Operations, covering “hire and reward” flights where passengers go for the “recreational experience”. It includes such flights in gliders.

Traditionally, gliding clubs have used trial flights to attract new members and the CAA’s stated policy is not to disturb arrangements where the trial flights are “bona fide” but the CAA also wishes to ensure that trial flights do not become a “back door” method of conducting commercial activities.

The purpose of this Advisory Circular is to provide guidance to GNZ’s affiliated members on the conduct of trial flights to ensure that they are bona fide, and thus not subject to Part 115.

2 How is a Bona Fide Trial Flight Defined?

- 2.1 Part 115 will not apply to bona fide trial flights, or to bona fide flight instructional activities carried out by an appropriately qualified flight instructor. The meaning of *bona fide* given by the Oxford Dictionary is an adjectival phrase meaning ‘in good faith’ and hence ‘genuine’ and also a noun phrase meaning ‘good faith’ and hence ‘sincerity and honesty of intention’.
- 2.2 Trial flights are not actually defined in the proposed rules, so it is necessary to refer to the CAA policy document used in guiding their development – this is reproduced in Appendix 1, with certain key words/phrases *highlighted*.
- 2.3 Section 3 below provides guidance on how these highlighted key words/phrases should be interpreted by GNZ affiliates.

3 Key Elements to Ensure that a Trial Flight is Bona Fide

3.1 *Current club member*

- 3.1.1 Club Rules: The Constitutional rules of GNZ affiliates (both club and commercial) should have a class of membership that is appropriate for introductory or trial flights. Accordingly, the participant should become a club member under those rules before the flight takes place. Whatever the affiliate’s membership rules are in detail, they need to set out the methods for election of members, including appropriate forms for completion on the airfield to ensure that the status of each participant is clear. Appendix 2 provides an example of rule wording that accomplishes this.
- 3.1.2 GNZ Rules: In the above context, it should be noted that for membership registration and affiliation fee purposes, the GNZ MOAP definition of a flying member of GNZ affiliates (both club and commercial) “includes individuals under training, not yet solo, but excluding those who have not yet completed three instructional flights in the preceding year.” (Reference MOAP Appendix 1-B on page 32.) This is intended to facilitate short-term memberships associated with trial flights, without the need to register with GNZ and pay an affiliation fee. Full GNZ flying membership requirements are triggered when the participant takes a fourth flight in the year.

3.2 *How the flight is promoted*

Any promotion of trial flights must make it clear that the purpose is to provide an introduction to the sport with ongoing membership as the goal; also that flight instruction will be involved. Overt advertising of glider flights as “joy rides” is not appropriate.

3.3 ***Planned to return to the point of take off***

Flights should be conducted within gliding range of the airfield, or with reliable lift conditions, so that the likelihood of the need for an away landing is remote at all times. Safety is paramount.

3.4 ***Currently rated instructor suitably experienced***

Pilots deployed to trial flights must hold a current Gliding Instructor Rating in accordance with GNZ MOAP requirements, and have been approved to provide instruction in at least the following:

- Air experience and familiarisation with gliding
- Primary effects of controls
- Turns up to 30 degrees of bank
- Straight & level
- Handing over / taking over controls.

3.5 ***Incorporated club which is under the auspices of a Part 149 organisation***

GNZ holds a certificate under Part 149, which means that affiliated members meet this provision.

3.5 ***Instructor gives a full pre-flight technical briefing and offers manipulation of controls***

The aim should simply be to orientate the prospective trainee to the new surroundings, to introduce the sensation of flight and to show that the glider is stable and easily controlled. The pre-flight technical briefing need be no more than necessary to facilitate this.

Generally, the temptation to go into great technical detail should be avoided. It is important to ensure that the person is comfortable and at ease.

The “Familiarisation” and “Orientation” sections in Part 2 of the GNZ Instructors’ Handbook should generally be followed.

4 Post-Flight Considerations

The prospective trainee should be given an attractive “certificate” as a reminder of the flight that records their period of membership, the flight details and exercises covered signed by the Instructor. This could subsequently form the basis of an initial logbook entry if the person decides to take up the sport.

Material about the club’s facilities, charges etc, and gliding in general should of course be readily available for the prospective trainee to take away.

Appendix 1 Definitions

1. **Proposed CAR Part 115, Adventure aviation operation[‡]** means the following operations for the carriage of passengers by air for hire or reward where the object of the operation is for the passenger's recreational experience of participating in the flight, or engaging in the aerial operation—

(1) an A to A flight in an aeroplane or helicopter issued with a *standard category* airworthiness certificate conducting formation flight, aerobatic manoeuvres, and similar non-standard flight manoeuvres such as steep climbs, steep descents, and steep turns:

(2) an A to A flight (including an interim water landing for amphibious aircraft) in an aircraft issued with an appropriate *special category-primary, special category-LSA, or special category-limited* airworthiness certificate:

(3) an A to A flight in a Class 2 microlight aircraft:

(4) a flight in a hot air balloon:

(5) *a flight in a glider:*

(6) a parachute-drop aircraft operation that is not conducted under the authority of an air operator certificate issued under the Act and in accordance with Part 119:

(7) a tandem parachute descent operation:

(8) a tandem hang glider or paraglider flight:

2. **Parts 104 & 149, Trial flights[§]** are defined as flights where: (GNZ emphasis added)

- the purpose of the flight is to introduce a ***current club member*** to an aerial sport, after which the person may decide to take up the sport; and this is ***how the flight is promoted;***
- the flight is conducted by day VFR, involves one prospective trainee only, and is ***planned to return to the point of take off;***
- the flight is conducted by a ***currently rated instructor suitably experienced*** on the type of aircraft, under the control of an ***incorporated club*** which is ***under the auspices of a Part 141 or Part 149 organisation;*** and
- the ***instructor gives a full pre-flight technical briefing and offers manipulation of controls*** during the flight on the assumption that the prospective trainee is undergoing a training flight.

[‡] As at 27 April 2011, this definition is proposed, ie not yet in force, reference NPRM 10-02.

[§] CAA policy document in relation to proposed CAR Part 115, reference DW1120663-1.

Appendix 2 Example Wording for Constitutional Rules

- 1. Short Term Members.** Short Term Members are entitled to a maximum of three instructional flights as a student in a club glider with a properly qualified instructor. The subscription payment for a short term membership provides an entitlement to one such flight, and rights to two further such flights at normal club rates, together with normal non-flying membership rights for three months.
- 2. Election of Short Term Members.** Candidates for short term membership shall complete a similar individual application form to that for full, junior and social membership. However the signature of the nominator and seconder shall not be required. Candidates for short term membership shall be deemed to be elected upon their nomination form being approved by an officer of the club or a club-appointed instructor who is also a member of the club. Such approval shall be evidenced by the approving person signing the nomination form. Short term membership shall run for a period of three months from the time of election.