BHPA Comments on SERA Draft - V 1.0

General: *The consultation period on such an important document was far too short. This has meant that some stakeholders may not have been aware of the process until after the deadline for consultation. It has also caused disruption.*

Definitions: *There needs to be a new definition 62 of 'flying site'. This will clarify that places where hang gliders and paragliders fly from are not aerodromes. This will help avoid any misguided attempts in future to apply the rules for aerodromes to hang gliding/paragliding sites.*

62. 'flying site' means an area on land or water that is used by hang gliders and paragliders to launch and/or land and is not an aerodrome.

2.4.1 The pilot-in-command of an aircraft shall have final authority as to the disposition of the aircraft while in command.

Humans may have a disposition: happy, optimistic, sad, gloomy. Aircraft do not have dispositions. What is this sentence supposed to mean?

3.1.2.1 Except when necessary for take-off or landing, or except by permission from the competent authority, aircraft shall not be flown over the congested areas of cities, towns or settlements or over an open-air assembly of persons, unless at such a height as will permit, in the event of an emergency arising, a landing to be made without undue hazard to persons or property on the surface. The minimum heights for VFR flights shall be those specified in 4.6 and minimum levels for IFR flights shall be those specified in 5.1.2.

Who decides whether the aircraft has sufficient height (above the minimum) to be able to make a safe emergency landing? The Pilot? The little old lady on the ground? The CAA? Needs rewriting to clarify:

3.1.2.1 Except when necessary for take-off or landing, or except by permission from the competent authority, aircraft shall not be flown over the congested areas of cities, towns or settlements or over an open-air assembly of persons, unless at such a height that the pilot is satisfied that, in the event of an emergency arising, a landing can be made without undue hazard to persons or property on the surface. The minimum heights for VFR flights shall be those specified in 4.6 and minimum levels for IFR flights shall be those specified in 5.1.2.

3.1.5 Towing

3.1.5.1 An aircraft or other object shall only be towed by an aircraft in accordance with:
a) Union legislation and, where applicable, national legislation for aircraft operations regulated by Member States; and
b) as indicated by the relevant information, advice and/or clearance from the appropriate air traffic services unit.

Most hang glider aerotow clubs operate from grass meadows. There is no 'Air traffic Services Unit'. Reword as follows:

3.1.5.1 An aircraft or other object shall only be towed by an aircraft in accordance with:
a) Union legislation and, where applicable, national legislation for aircraft operations regulated by Member States; and
b) as indicated by the relevant information, advice and/or clearance from the appropriate air traffic services unit (where such a unit exists).

3.1.7 Aerobatic Flight
3.1.7.1 Aerobatic flights shall only be carried out in accordance with:
a) Union legislation and, where applicable, national legislation for aircraft operations regulated by Member States; and
b) as indicated by the relevant information, advice and/or clearance from the appropriate air traffic services unit.

Hang gliders and paragliders carry out aerobatics regularly. Rapid Descent Safety Manoeuvres are an essential integral part of paragliding. These manoeuvres must be practised – and certainly meet the definition 2 'aerobatic flight'. If pilots cannot perform these manoeuvres then there will many accidents and deaths.

3.1.7 Aerobatic Flight
3.1.7.1 Aerobatic flights in aircraft other than hang gliders and paragliders shall only be carried out in accordance with:
a) Union legislation and, where applicable, national legislation for aircraft operations regulated by Member States; and
b) as indicated by the relevant information, advice and/or clearance from the appropriate air traffic services unit.

3.2.3.3.3 *Overtaking.* An overtaking aircraft is an aircraft that approaches another from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter, i.e. is in such a position with reference to the other aircraft that at night it should be unable to see either of the aircraft's left (port) or right (starboard) navigation lights. An aircraft that is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear.

Hang gliders and paragliders when hill soaring must pass on the ridge side. This allows the glider being overtaken to make his next turn (which is always away from the ridge) in safety. Suggested new text:

3.2.3.3.3 *Overtaking.* An overtaking aircraft is an aircraft that approaches another from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter, i.e. is in such a position with reference to the other aircraft that at night it should be unable to see either of the aircraft's left (port) or right (starboard) navigation lights. An aircraft that is being overtaken has the right-of-way and the overtaking aircraft, whether

climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its heading to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear. (This rule does not apply to hang gliders and paragliders when ridge soaring.)

3.3 Flight Plans
3.3.1 Submission of a Flight Plan
3.3.1.1 Information relative to an intended flight or portion of a flight, to be provided to air traffic services units, shall be in the form of a flight plan.
3.3.1.2 A flight plan shall be submitted prior to operating:
a) any IFR flight;

Hang gliders and paragliders frequently operate according to IFR. There is no possible way of them submitting such Flight Plans and no Air Traffic Service units who would be interested in receiving such Flight Plans.

3.3 Flight Plans
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3.3.1.2 A flight plan shall be submitted prior to operating:
a) any IFR flight (other than with a hang glider or a paraglider);

3.9 VMC Visibility and Distance from Cloud Minima
3.9.1 VMC visibility and distance from cloud minima are contained in Table 3-2.

The table is unintelligible. It also requires hang gliders and paragliders operating in VMC in class F and G airspace to have a minimum flight visibility of 1.5 km. This is entirely unnecessary for aircraft that cruise at such low speeds. Replace the table with this:

Table 3-2*

Altitude band	Airspace Class	Flight Visibility	Distance from Cloud
At and above 3 050m (10000ft) AMSL	A***BCDEFG	5 km	1 500m horizontally 300m (1 000ft) vertically
Below 3 050m (10 000 ft) AMSL and above 900m (3 000ft) AMSL, or above 300m (1 000ft) above the terrain, whichever is the higher	A***B CD E F G	5 km	1 500m horizontally 300m (1 000ft) vertically
At and below 900m (3 000ft) AMSL, or at and below 300m (1 000ft) above the terrain, whichever is the higher	A***B C D E	5 km	1 500m horizontally 300m (1 000ft) vertically
	F G	5 km**	Clear of cloud and with the surface in sight

* When the height of the transition altitude is lower than 3 050m (10000ft) AMSL, FL 100 shall be used in lieu of 10 000ft.

** For airspace classes F and G at and below 900m (3 000ft) AMSL, or at and below 300m (1 000ft) above the terrain, whichever is the higher:

a) Flights operating at speeds of 140 kts IAS or less are permitted to operate in a flight visibility of not less than 1 500m.

b) HELICOPTERS are permitted to operate in a flight visibility of not less than 800m, if flown at a speed that gives adequate opportunity to observe other traffic or any obstacles in time to avoid collision, and never at a speed where the distance travelled by the helicopter in 30 seconds is greater than the forward visibility.

c) HANG GLIDERS AND PARAGLIDERS are permitted to operate in a flight visibility of not less than 500m, if flown at a speed that gives adequate opportunity to observe other traffic or any obstacles in time to avoid collision, and never at a speed where the distance travelled by the hang glider/paraglider in 30 seconds is greater than the forward visibility.

d) flight visibilities lower than those specified in a) and b) above may be permitted for special cases, such as medical flights, search and rescue operations and fire-fighting.

*** The VMC minima in Class A airspace are included for guidance to pilots and do not imply acceptance of VFR flights in Class A airspace.

4.3 When so prescribed by the competent authority, VFR flights at night may be permitted under the following conditions:

Hang gliders and paragliders often fly VFR at night. It is well known that 'competent authorities' in modern risk-averse litigation conscious cultures will never say yes to anything that they may later have to take responsibility for. This sentence should be re-worded:

4.3 Unless forbidden by the competent authority, VFR flights at night are permitted under the following conditions:

4.6 Except when necessary for take-off or landing, or except by permission from the competent authority, a VFR flight shall not be flown:
a) over the congested areas of cities, towns or settlements or over an open-air assembly of persons at a height less than 300 m (1 000 ft) above the highest obstacle within a radius of 600 m from the aircraft;
b) elsewhere than as specified in 4.6 a), at a height less than 150 m (500 ft) above the ground or water.

Hang gliders and paragliders ridge soar at any height between below the top of the hill and several hundred feet above it. A significant proportion (in the UK as much as 90%) of hang glider and paraglider flight is conducted in this way. 4.6.b) should be reworded to say:

b) elsewhere than as specified in 4.6 a), at a height less than 150m (500ft) above the ground or water. This minimum height regulation does not apply to hang gliders and paragliders whilst ridge soaring, who may fly at any height.

5.1 Rules Applicable to All IFR Flights

5.1.2 Minimum Levels
5.1.2.1 Except when necessary for take-off or landing, or except when specifically authorised by the competent authority, an IFR flight shall be flown at a level which is not below the minimum flight altitude established by the State whose territory is overflown, or, where no such minimum flight altitude has been established:
a) over high terrain or in mountainous areas, at a level which is at least 600 m (2 000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft;
b) elsewhere than as specified in a), at a level which is at least 300 m (1 000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft.

Hang gliders and paragliders fly IFR for portions of most soaring flights. There has never been a CFIT accident involving a hang glider or paraglider – almost certainly due in part to their very low forward speed. 5.1.2.1 needs to be revised to exclude hang gliders and paragliders.

5.1.2 Minimum Levels
5.1.2.1 Except when necessary for take-off or landing, or except when specifically authorised by the competent authority, an IFR flight, in an aircraft other than a hang glider or paraglider, shall be flown at a level which is not below the minimum flight altitude established by the State whose territory is overflown, or, where no such minimum flight altitude has been established:
a) over high terrain or in mountainous areas, at a level which is at least 600 m (2 000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft;
b) elsewhere than as specified in a), at a level which is at least 300 m (1 000 ft) above the highest obstacle located within 8 km of the estimated position of the aircraft.

5.1.3 Change from IFR Flight to VFR Flight
5.1.3.1 An aircraft electing to change the conduct of its flight from compliance with the instrument flight rules to compliance with the visual flight rules shall notify the appropriate air traffic services unit specifically that the IFR flight is cancelled and communicate thereto the changes to be made to its current flight plan.
5.1.3.2 When an aircraft operating under the instrument flight rules is flown in or encounters visual meteorological conditions it shall not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period of time in uninterrupted visual meteorological conditions.

Hang gliders and paragliders fly IFR for portions of most soaring flights. Often the change from IFR to VFR and back again will take place many times per hour. Hang gliders and paragliders will not be in touch with any air traffic services unit nor will they have lodged a flight plan. 5.1.3.1 and 5.1.3.2 need to be revised to exclude hang gliders and paragliders.

5.1.3 Change from IFR Flight to VFR Flight
5.1.3.1 An aircraft (other than a hang glider or paraglider) electing to change the conduct of its flight from compliance with the instrument flight rules to compliance with the visual flight rules shall notify the appropriate air traffic services unit specifically that the IFR flight is cancelled and communicate thereto the changes to be made to its current flight plan.
5.1.3.2 When an aircraft (other than a hang glider or paraglider) operating under the instrument flight rules is flown in or encounters visual meteorological conditions it shall not cancel its IFR flight unless it is anticipated, and intended, that the flight will be continued for a reasonable period of time in uninterrupted visual meteorological conditions.

5.3.3 Position Reports
5.3.3.1 An IFR flight operating outside controlled airspace and required by the competent authority to maintain an air-ground voice communication watch on the appropriate communication channel and establish two-way communication, as necessary, with the air traffic services unit providing flight information service and shall report position, as specified in 3.6.3 for controlled flights.

This paragraph is unintelligible. It needs rewriting so that any intended meaning is discernible.

APPENDIX 1 OF PART A – RULES OF THE AIR
SIGNALS
1. DISTRESS AND URGENCY SIGNALS

1.2 Distress Signals
1.2.1 The following The following signals, used either together or separately, mean that grave and imminent danger threatens, and immediate assistance is requested:

Drafting error

BHPA 19 March, 2010.