



**NEW ZEALAND HANG GLIDING AND  
PARAGLIDING ASSOCIATION  
INCORPORATED**

***ADVISORY CIRCULAR  
AC 1-01***

**TRIAL FLIGHTS**

(Hang glider and or paraglider flight with a Student Member as Tandem Passenger)

**This is an uncontrolled document when printed**

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**AC 1-01** Granted CAA approval on the 12<sup>th</sup> April 2021.

## AC 1-01 Particulars

- A. Hang glider and or a paraglider flight with a Student Member as Tandem Passenger for the purpose of this Advisory Circular to mean **Trial Flights**.
- B. Hang glider and or a Paraglider for the purpose of this Advisory Circular to mean **Glider**.

### 1 Introduction

A new rule, CAR Part 115 Adventure Aviation – Certification and Operations, covering “hire and reward” flights where passengers go for the “recreational experience”, came into force on 10 November 2011. It includes such flights in gliders.

Traditionally, Hang glider and Paragliding 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 NZHGPA 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 does 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 CAA 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 .

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

#### 3.1 Current Student member

The NZHGPA has a class of temporary membership suited to Trial Flights, that is Student Membership. Accordingly, the participant should become a student member under those rules before the flight(s) takes place. A Student member is defined as found in the current NZHGPA Operational Procedure Manuals reproduced at Appendix 2.

It is important to complete the membership forms before the flight to ensure that the status of the participant is clear.

### 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 flights as “joy rides” or “scenic” is not appropriate.

### 3.3 Currently rated instructor with tandem certificate

Pilots carrying out Trial Flights must hold a current NZHGPA Instructor Certificate and Tandem Certificate. The Commercial Tandem certificate is only valid for operations under the control of a Part 115 organisation and is not required for Trial Flights.

### 3.4 Equipment

Glider equipment must be certified and fit for purpose as required under CAA Hang gliders Operating Rules Part 106 and meet with all the requirements of the NZGPA Operating Manuals Procedure.

### 3.5 Under the auspice of a Part 149 organisation

NZHGPA holds a certificate under Part 149, which means that affiliated clubs and certificated tandem instructors meet this provision.

### 3.6 Planned Launch and Landing Site

Flights should be conducted within gliding range of a suitable , or with reliable lift conditions, a pre-planned landing site free of hazards or risk, so that the likelihood of the need for an away landing is remote at all times. Safety is paramount.

### 3.7 Instructor 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. During flight observe the suitability and confidence of the student and capability to take control, if appropriate to offer the controls, use the words, “**you have control**” and in return, “**I have control**”.

*Note that other than training decent techniques practiced for a PG1 and PG2 Pilot Certification, aerobatic manoeuvres must not be carried out during a trial flight.*

### **3.8 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.

## **4. Safety**

The prime factor in all gliding decisions is SAFETY. It is the policy of the NZHGPA to maintain high standards of safety and excellence and practices that are in accordance with the Civil Aviation Rules and the NZHGPA OPM.

Operating in a safe manner is a key part of all our flying and learning to fly safely is the major part of our flight training.

## Appendix 1    **Definitions**

1. CAR Part 115, Adventure aviation operation<sup>‡</sup> 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 including formation flight, aerobatic manoeuvres, and similar nonstandard flight manoeuvres such as steep climbs, steep descents, and steep turns:

(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 by the Director under the Act and Part 119:

(7) A tandem parachute descent operation:

(8) **A tandem hang glider or paraglider flight:**

2. NZHGPA Trial Flights<sup>§</sup> are defined as flights where:

- The purpose of the flight is to introduce a **current student 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; ( NZHGPA note: This includes any suitable landing place within straight glide from the take-off.)
- The flight is conducted by a **currently rated instructor** suitably experienced on the type of aircraft.
- 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.

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<sup>‡</sup> This definition is contained in CAR Part 1.

<sup>§</sup> CAA policy document in relation to proposed CAR Part 115, reference DW1120663-1.

## **Appendix 2    Definition of a Student Member**

### **1. Requirements**

Definition of a Student member can be found online in the current NZHGPA Operations Procedure Manual and is defined as;

- (a) A person is permitted to fly a hang glider or paraglider without holding a pilot certificate providing:
  - (i) They are a student or full member of the NZHGPA
  - (ii) They are under the instruction of an appropriate NZHGPA certified instructor and they comply with those instructions.
- (b) Temporary Student Membership may be issued by NZHGPA instructors for a period of 3 days using form OPMF01, including completion of the medical declaration and liability waivers.
- (c) Student Membership of more than 3 days will only be granted on completion of the online application form <http://member.nzhgpa.org.nz/join-us> and payment of the appropriate fee.
- (d) If the applicant has previously been declined Fit and Proper Person status or has had the status revoked or their Fit and Proper Person status is questionable, their application for a Student Membership must be submitted to the NZHGPA Chief Executive for consideration.

### **2. Restrictions**

- (a) A pilot holding a Student Membership of the NZHGPA is restricted to operate a hang glider or paraglider under the direct supervision of an instructor for the purpose of training.
- (b) A Student Member must gain Full Membership status before being granted pilot certificates above PG1 student or HG Beginner.