

MODERNISING THE REGULATORY FRAMEWORK OF THE CAA

An urgent and vital matter By *James Tannock*, LAA Vice Chair

> THE Department for Transport (DfT) has been planning for some time to review the way Government directs the activities of the CAA. It has now issued a consultation on a proposed new Regulatory Framework for Aviation, which ranks as probably the most important domestic consultation document we will see in the foreseeable future.

This consultation proposes a changed role and shape for the CAA with an extended consumer mandate that focuses largely on the passenger and 'end-users' of aviation services, particularly those provided by airlines. In addition, protecting the environment is a major new theme, while the CAA's responsibility for safety will remain as before. General Aviation (GA) is barely mentioned and certainly not properly considered.

Why is this so important and urgent? Because the future CAA will have to act in accordance with the new legislation, if it is enacted by Parliament. If the law tells it to regulate UK aviation primarily for the benefit of airline passengers and the environment, then it must

do just that. Recreational aircraft operators will be out in the cold: regulated and charged certainly, but not 'end-users' (defined as the consumer or airline passenger), as this proposal makes it very clear that the interests of all other parties will be secondary to those of the consumer.

One example is airspace, where CAA currently balances the needs of all sectors of aviation. In this proposal, there is no indication of how GA interests will be preserved against those of the airline passenger. The logical result will be the expansion of controlled airspace. This approach means a threat to all of GA, and certainly to the flying activities of LAA members.

This is a missed opportunity for the Government to review the way the CAA works in conjunction with all aviation stakeholders, and provide the best solution for safety and the wider consumer and public interest. Many of us thought that is what the Government's much-trumpeted Better Regulation Principles were about, but this consultation is set on a quite different track. It is largely based

on a Strategic Review of the CAA conducted by Sir Joseph Pilling in 2008. Pilling set aside much evidence from GA and recreational aviation in particular, and, in his report, our sector was marginalised. He has said, "The recommendations were his and he took complete responsibility for them..." , thus underlining the non-consultative nature of these proposals. Remember, GA is a £1.4 billion industry (about 13% of UK aviation), and includes the vast majority of aircraft regulated by the CAA.

To add insult to injury, as well as the failure to pre-consult with aviation stakeholders, there was not even the most basic level of stakeholder analysis. The proposals have seemingly been generated internally in the DfT by civil servants, working on input from CAA, who either have no knowledge of the full scope of UK aviation, or have deliberately

The new Regulatory Framework stems from the Strategic Review carried out by Sir Joseph Pilling.

decided to disregard a large part of it. The only significant mention of GA in the entire document is to suggest that

'If you respond to nothing else this year, please respond to this and do so now'

our sector is the source of most breaches of the aviation regulations, and to propose that a system of civil penalties (like speeding fines!) should be introduced – and that our sector should be charged for the CAA personnel involved in this new activity.

The Government may intend to give the CAA a clear responsibility towards GA, but if it does, it has not said so in this consultation, so we cannot respond as Better Regulation Principles say we should. Overall, this consultation is very difficult to deal with because it is poorly prepared and presented, to the extent that it is virtually impossible to comment constructively. Most of the costs and impacts in the impact statements, which are a fundamental part of any consultation, are either blank or marked 'n/a' so we cannot respond effectively!

Apart from these major issues with the consultation process, other incredibly fundamental constitutional political issues include the proposed extension of the CAA's remit to 'super-quango' status, when apparently other options have not been considered in the broader national interest. Perhaps, for instance, the consumer protection element should go to the Office of Fair Trading, but no such options are mentioned. There is also the apparent total ignorance at the DfT, of the European dimension and of the recent, specific and relevant EU resolution for business and recreational GA.

Our overall view is that this consultation should be withdrawn and any new version must be made contingent on a formal and effective pre-consultation where GA is able to properly understand its position in the broader context and respond effectively.

This is a long and complex document, but do make an individual response and get your voice heard; some key points you might consider making are on the LAA website together with links to the consultation documents, or you can find those direct at <http://tinyurl.com/caaregulation>

The LAA is working closely with our GA Alliance partners to respond to this consultation, the deadline for which is 11 March, and we need you to respond too. This is so important that if you respond to nothing else this year, please respond to this and do so now.

in focus
a briefing from the Civil Aviation Authority - 17 July 2008

Strategic Review of the CAA

- key findings and the CAA's response

The Department for Transport (DfT) has published the report of the independent strategic review of the CAA carried out by Sir Joseph Pilling. The CAA Board welcomed the report and the CAA will now work with the DfT in planning the implementation of the report's recommendations. The Report of the Strategic Review of the CAA by Sir Joseph Pilling, including recommendations, is available on the DfT website [here](#).

background to the report:

In his report, Sir Joseph says that his starting point is that "The CAA is a world class regulator", that "the evidence showed quickly that the CAA had been and continued to be a highly successful organisation", and that his recommendations "are intended to help a good organisation become even better".

He found that under the CAA's regulation, UK aviation had achieved one of the highest levels of aviation safety in Europe; that the CAA has managed safety and economic regulation without conflict and that there are significant advantages to having both functions in the same organisation; and that the CAA has improved its service delivery performance.

Sir Roy McNulty, CAA Chairman, commented: "We welcomed this review as an opportunity to improve the way the CAA works and to ensure that it is well placed to fulfil its remit, both now and in the future. We are pleased that Sir Joseph found the CAA to be a 'world class regulator' and we support his recommendations, which should help prepare the CAA for the future."

This is the first time that there has been a review of the CAA's legal and governance framework, which has evolved over 35 years, since the organisation was set up by statute. This review emerged out of a recommendation from the Transport Select Committee's scrutiny in 2006 of the CAA.