Safety Regulation Group
Group Director Safety Regulation

Civil Aviation Authority

David G Davies
Executive Director, PACTS
Parliamentary Advisory Council for Transport Safety (an All-Party Parliamentary Group)
Clutha House,
10 Storey's Gate,
Westminster, London
SW1P 3AY

30 January 2015

Dear Mark

Thank for your letter of 16 January 2015 regarding the Commission's inquiry *UK Transport Safety: Who is responsible?*

I have set out the answers to your questions below.

1. *Under what legislation or other legal framework your organisation is set up;*

   Civil Aviation Act 1982
   The Civil Aviation Authority (CAA) is a statutory corporation established under Section 2 of the Civil Aviation Act 1982. Section 3 of the Act sets out the functions of the CAA. These include functions set out elsewhere in the Act, functions set out in the Air Navigation Order and functions contained in any other legislation.

   Transport Act 2000
   The Transport Act 2000 establishes the CAA as the UK airspace regulator.

2. *Your organisation's principal legal duties with respect to transport safety (or which might be taken to include transport safety);*

   Section 4 of the Civil Aviation Act 1982
   Section 4 of the Act sets out general objectives for the CAA—
   (a) to secure that British airlines provide air transport services which satisfy all substantial categories of public demand (so far as British airlines may reasonably be expected to provide such services) at the lowest charges consistent with a high standard of safety in operating the services and an economic return to efficient operators on the sums invested in providing the services and with securing the sound development of the civil air transport industry of the United Kingdom; and
   (b) to further the reasonable interests of users of air transport services.

   Section 70 of the Transport Act 2000
   Section 70 of the Transport Act 2000 provides that the CAA must exercise its air navigation functions so as to maintain a high standard of safety in the provision of air traffic services; and that duty is to have priority over its other air navigation functions.

Civil Aviation Authority
Aviation House 3W Gatwick Airport South Crawley West Sussex England RH6 0YR www.caa.co.uk
Telephone 01293 573078 Fax 01293 573997 gretchen.burrett@caa.co.uk

3. *Your organisation's principal legal powers in respect of transport safety (or which might be taken to include transport safety);*

Section 60 of the Civil Aviation Act 1982
Section 60 of the Civil Aviation Act 1982 permits an Air Navigation Order to be made. An Air Navigation Order can include provisions putting into force the annexes to the Chicago Convention and generally regulating air navigation.

The Air Navigation Order provides that the CAA is the aviation safety regulator for civil aviation in the UK for those matters regulated nationally.

Article 246 of the Air Navigation Order 2009 designates the CAA as the national aviation authority and the competent authority of the United Kingdom for the purposes of EU aviation safety regulations under which an increasing proportion of civil aviation is regulated.

Under both domestic and EU aviation safety legislation the CAA is responsible for the issue of the licences, certificates and approvals required by pilots, operators, aircraft, maintenance organisations, engineers, air traffic service providers and aerodromes. The CAA is also responsible for the oversight of such individuals and organisations.

4. *Please outline any transport safety targets or similar performance metrics that your organisation either sets for itself or has set for it by others. Please specify who the others are, if applicable.*

The International Civil Aviation Organisation (ICAO) requires a state to set a target level for safety in a state safety programme. The CAA has taken and published a position on this in our current State Safety Programme for the UK, CAP 1180, which is comprised of three safety performance targets:

1. Fatal accident rate 5 year rolling average is in the best 5% of States;

2. Safety Performance Indicators (SPIs) track the frequency of operational events regarded as potential precursors to fatal accidents, and indicate continuous improvement in reducing these risks; and

3. Compliance with ICAO Standards, Recommended Practices and Procedures (SARPs) of at least 90% with sound and considered rationale where differences have been filed.

For Air Traffic Management, the EU Single European Sky (SES) Performance Scheme sets Key Performance Indicators for safety, environment, capacity and cost-efficiency. There are EU targets contained in the Reference Period 2 (2015-2019) that the UK has to achieve.

5. *If your powers and/or duties include investigation, please provide indicative costs of such work, for different types (e.g. near miss, injury, fatal) and scales of investigation, where applicable.*

Safety investigation
While the responsibility for investigating accidents and serious incidents lies with the Air Accidents Investigation Branch (AAIB), the CAA receives reports of safety occurrences through the Mandatory Occurrence Reporting (MOR) scheme. The objective of the MOR Scheme is to contribute to the improvement of flight safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated. The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

Not all MORs are investigated by the CAA as many have already been adequately dealt with by the reporting organisation. Where the CAA does investigate, in most circumstances this forms part of our overall oversight of a regulated organisation and it is therefore difficult to isolate an indicative cost of such investigations.

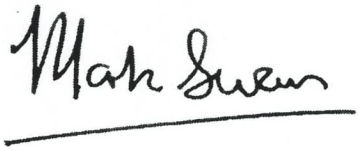
Criminal investigation
A failure to comply with any of the requirements of the United Kingdom Air Navigation Order and its related Regulations or specified European aviation safety regulations is a criminal offence in the United Kingdom.

Article 241 of the Air Navigation Order 2009 specifies the criminal penalties applicable to specified provisions of the Air Navigation Order and of the EASA Regulations.

Section 20 of the Civil Aviation Act 1982, as amended, confers upon the CAA power to institute criminal proceedings in England, Wales and Northern Ireland. The CAA investigates alleged aviation offences and prosecutes in appropriate cases.

I hope that this provides the information that you need, but if you require any further detail please let me know.

Yours sincerely



Mark Swan
Group Director Safety and Airspace Regulation