



# British Gliding Association

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## Regulating Air Transport: Consultation on Proposals to Update the Regulatory Framework for Aviation

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Company Name or Organisation BRITISH GLIDING ASSOCIATION LTD  
(if applicable)

Please tick one box from the list below that best describes you /your company or organisation.

- Small to Medium Enterprise (up to 50 employees)
- Large Company
- Representative Organisation
- Trade Union
- Interest Group
- Local Government
- Central Government
- Police
- Member of the public
- UK Governing Body of Gliding

If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:

- 9000 regular participants and 20 000 occasional participants
- Through correspondence and meetings with members

If you would like your response or personal details to be treated confidentially please explain why:

**Chief Executive** *Pete Stratten*

**Patron** *The Duke of Edinburgh KG*

**Vice Presidents** *Christopher R Simpson MA LL.M, Roger Q Barrett, Ben Watson MA FCA, Bill Walker OBE, Air Vice Marshal Don Spottiswood CB, Dick Dixon FCII, Peter Hearne FREng FRAeS*

Registered No: 422605 England



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Consultation on Regulating Air Transport  
Aviation Regulatory & Consumer Policy  
Department for Transport

10<sup>th</sup> March 2010

## **Regulating Air Transport: Consultation on Proposals to Update the Regulatory Framework for Aviation – British Gliding Association Response**

The British Gliding Association is the UK governing body for sport gliding. The BGA membership comprises of the 85 UK gliding clubs and their 9000 regular and 20 000 occasional participants. There are approximately 2300 gliders and 100 aeroplanes operating from BGA clubs.

Gliding is an established part of General Aviation (GA) and Sporting & Recreational Aviation (S&RA). The BGA is an active member of the GA Alliance (GAA), which is a broadly-based grouping of GA and S&RA organisations, with a total of 72,000 members out of the approximately 100,000 people involved with GA in the UK. In economic terms, GA and S&RA at £1.4bn represents circa 13% of UK aviation. The BGA has contributed to and supports the GA Alliance response to this consultation.

The Civil Aviation Authority (CAA), which is a public corporation, was established by Parliament in 1972 as an independent specialist aviation regulator and provider of air traffic services. Following the separation of National Air Traffic Services from the CAA in 2001, the CAA is the UK's independent aviation regulator, with all civil aviation regulatory functions (economic regulation, airspace policy, safety regulation and consumer protection) integrated within a single specialist body. The UK Government requires that the CAA's costs are met entirely from its charges on those whom it regulates. Unlike many other countries, there is no direct Government funding of the CAA's work.

The CAA's main statutory functions are:

- Regulating civil aviation safety;
- Advising and assisting the Secretary of State on all civil aviation matters;
- Management of UK airspace so as to meet the needs of all users, having regard for national security, economic and environmental factors, while maintaining a high standard of safety;
- Economic regulation of the designated airports and of the provision of air traffic services, licensing and financial fitness of airlines, and
- Licensing of air travel organisers.

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## **BGA Comments in respect of the Consultation**

- The consultation infers that GA and S&RA are 'intermediate users' rather than end user consumers. This is incorrect. GA and S&RA are end user consumers of CAA services. GA and S&RA are currently obliged to use monopoly CAA services in order to operate legally.
- The consultation fails to address the potential operational, safety, social and economic impacts of the proposals on GA and S&RA.
- The consultation proposes that civil sanctions should be developed to support the prosecution of technical breaches of regulation, and that charges should be raised from GA and S&RA to pay for enforcement as this sector is allegedly responsible for most breaches. This development has highly significant implications for safety. The aviation safety performance in countries that encourage open reporting and an enforcement environment that focuses on improvement rather than blame, prosecution and sanction is markedly better than those countries where errors and breaches of regulation are driven underground by fear of prosecution under civil sanction.
- The consultation appears to ignore the developing European political and regulatory approach to GA and S&RA, that is GA and S&RA are important aviation stakeholders.
- It is not clear how the CAA can remain believably objective in all areas if it is empowered as regulator, prosecutor, judge and has a requirement for a minimum 6% return on revenue.

## **Summary**

The BGA believes that;

1. The principle that the CAA focus should be commercial air transport consumer protection rather than the safety regulation of all aviation stakeholders is unacceptable
2. The CAA's proposed role as a prosecutor must be reconsidered
3. The financial consequences of the proposed CAA activities should be reconsidered
4. The European position re GA and S&RA must be considered
5. The consultation is flawed and should be withdrawn pending further research

We look forward to your response.

Yours sincerely



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