



Department  
for Transport

# Aviation Safety Regulatory Framework Targeted Stakeholder Consultation

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Department for Transport

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# Contents

|                                           |    |
|-------------------------------------------|----|
| 1. Executive Summary                      | 3  |
| 2. Objectives                             | 4  |
| 3. Background                             | 6  |
| 3.1 International Aviation Safety System  | 6  |
| 3.2 The Current UK Regulatory Framework   | 7  |
| 3.3 How regulations are currently made    | 9  |
| 4. Options for Investigation              | 11 |
| 4.2 Accountability                        | 13 |
| 4.3 Enforcement                           | 14 |
| 5. Comparison to other regulatory systems | 15 |
| 5.1 Sectoral comparators                  | 15 |
| 5.2 International comparators             | 15 |
| 6. Summary                                | 15 |
| 7. Your views                             | 16 |
| 7.2 Responding to this survey             | 16 |
| 7.3 Who should respond?                   | 16 |
| 8. Next steps                             | 17 |
| Appendix A: Technical Regulations Scope   | 18 |
| Appendix B: Sectoral comparators          | 24 |
| Appendix C: International Comparators     | 24 |

# 1. Executive Summary

- 1.1.1 The UK is a world leader in aviation, with the sector contributing over £20 billion to the UK economy. To ensure that the UK aviation industry can continue to grow, develop new technologies and maintain high levels of safety, the UK Government is reviewing the current aviation safety and airspace regulatory framework.
- 1.1.2 The UK's current aviation safety legislation is complex and may not be offering the best regulatory environment for established aviation, innovation and growth. The UK's exit from the European Union (EU) offers an opportunity to review and revise this complicated framework, and to make the aviation safety rulemaking fit for the future.
- 1.1.3 The Government is also aiming to reduce regulatory administration costs on industry by 25% by the end of this parliament. The Department for Transport (DfT) is therefore considering options to improve the current regulatory framework, with the aim of achieving an aviation ruleset which:
- reduces regulatory burden;
  - is clear, robust and streamlined;
  - encourages innovation, growth and new technologies;
  - supports established aviation activities by enabling interoperability and international harmonisation where appropriate; and
  - continues to deliver a gold standard of safety.
- 1.1.4 One of these options to realise these objectives is to remove detailed technical regulations from secondary legislation, and to give the Civil Aviation Authority (CAA) new powers to write legally binding rules.
- 1.1.5 This document sets out the background to and reasons for this stakeholder survey. It also outlines the issues which the DfT is seeking to address, alternative options for consideration, and relevant comparators.
- 1.1.6 The survey is intended to seek stakeholder views on these options and to gather evidence to support further policy development in this area.
- 1.1.7 **The proposals set out in this paper do not intend to change the intent or outcome of the existing technical requirements.** The focus of this consultation is on where responsibility should lie for the development of detailed technical rules and where those rules could be set out. Any future changes to

the substance of the existing requirements will be consulted upon separately and in line with current practices.

## 2. Objectives

- 2.1.1 A robust regulatory environment provides certainty to regulated persons and entities, attracts investment, and enables growth. Good regulation should be:
- clear and unambiguous
  - agile, adaptable, and delivered in a timely manner
  - proportionate
  - enforceable
  - articulated in an accessible way
  - robustly yet flexibly structured
  - proactively maintained
- 2.1.2 A good regulatory framework should maintain high standards of safety while allowing industry to innovate and attract new entrants. It should also enable economic growth while meeting environmental obligations.
- 2.1.3 A critical aspect of a strong regulatory system is the appropriate allocation of rulemaking resources and expertise, leading to a robust ruleset developed by subject matter experts for an expert regulated industry. Rulemaking is the process by which the Government creates, modifies, or repeals regulations.
- 2.1.4 The [International Civil Aviation Organisation](#) (ICAO) has considered these issues in the aviation context, and advises that a State's basic laws relating to aviation should, among other things *"authorize the establishment of a CAA to be headed by an accountable executive, hereafter referred to as the DGCA (Director General of Civil Aviation) [and] make provision for the delegation of the necessary authority and the assignment of corresponding responsibility to the DGCA to develop, issue and revise operating regulations and rules consistent with the air navigation regulations"* (ICAO Doc 8335 - 2022 Edition Basic laws relating to aviation, 3.1.2).
- 2.1.5 The regulations and rules produced by a State need to be capable of prompt amendment to keep pace with developments in civil aviation and aviation safety. ICAO further clarifies that where it refers to "regulations", this term should be read to encompass a wide range of instruments, including instructions, rules and policies. ICAO suggests one possible approach to

ensuring these rules can be kept up to date would be to *“place these detailed operating regulations and rules under the authority of the DGCA and not incorporate them in national civil aviation law”* (ICAO Doc 8335 - 2022 Edition Basic laws relating to aviation). *Note: DGCA, as referred to in the text above means “a CAA headed by an accountable executive”.*

2.1.6 The DfT considers it appropriate to explore options to review and adapt the UK aviation regulatory framework to ensure that it delivers, to the greatest extent possible, timely updates to highly technical regulation and an agile and robust regulatory environment which is fit for the future by:

- Attracting growth and innovation into the UK aviation industry, by providing a robust but flexible framework which responds to and enables new technologies and encourages new entrants into the industry while maintaining high standards of safety;
- Keeping the costs associated with regulatory compliance as low as possible by allowing regulated persons and entities to benefit from rapid implementation of developments in aviation;
- Enabling timely implementation of ICAO standards, ensuring that the UK is compliant with its international obligations, as well as the rapid adoption of amendments to the framework which are necessary or desirable for safety or other reasons;
- Over time, streamlining the existing complex system of aviation law to create a single source of UK law and guidance relating to the aviation regulatory framework;
- Identifying mandatory requirements in clear and appropriate language, while providing appropriate guidance and means of compliance;
- Providing appropriate enforcement mechanisms consistent with the current approach to maintain compliance with the requirements of the framework, while reflecting the UK’s adoption of a Just Culture in aviation;
- Allowing for flexibility of language and format to allow harmonisation and interoperability with other jurisdictions where necessary and desirable;
- Making best use of parliamentary time;
- Providing certainty and confidence in the UK framework, encouraging competition and allowing for interoperability and harmonisation and mutual recognition with other jurisdictions where appropriate or desirable;

- Making the best use of subject matter expertise across the DfT and the CAA, reducing duplication as much as possible, and ensuring that highly technical requirements are produced by those who best understand the necessary detail.

## 3. Background

### 3.1 International Aviation Safety System

- 3.1.1 In the UK, a lot of aviation safety legislation stems from provisions that are proposed and adopted through ICAO, founded in the Chicago Convention 1944 (“the Convention”). The founding objective behind ICAO is to enable international commercial air transport through shared standards and harmonisation. For example, a commercial pilot should be able to operate in any state that is a signatory to the Convention as operating procedures are aligned. This relies upon the basis of mutual recognition of each state and the shared adoption of those standards.
- 3.1.2 Detailed technical standards and recommended practices (SARPs) are issued by ICAO and designated in nineteen Annexes to the Convention. **Standards** are “any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which contracting States will conform in accordance with the Convention”. **Recommended Practices** are “any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation and to which contracting States will endeavour to conform in accordance with the Convention” ([International Civil Aviation Organization. \(2018\). Annex 1 to the Convention on International Civil Aviation: Personnel licensing \(12th ed\)](#)). There are around thirteen thousand SARPs in total. ICAO issues periodic updates to these SARPs in the form of State Letters. If a state is a signatory to the Convention, it is committed to complying with and implementing Standards within its domestic legislation to ensure international harmonisation, interoperability and high levels of safety. In accordance with longstanding practice, the UK will generally implement ICAO Recommended Practices unless there is a good reason not to do so.
- 3.1.3 The consistent implementation of these standards internationally improves safety as well as reducing costs to industry.

- 3.1.4 ICAO audits states' compliance with [eight critical elements](#) of what ICAO calls an effective State aviation safety oversight system. Four of those critical elements include requirements relating to the legislative and regulatory framework. In addition, the ICAO Safety Oversight Manual requires specific operating regulations to be '*comprehensive, clear, consistent, and up to date*' (ICAO Doc 9734, Part A – 3rd edition 2017, State Safety Management: Chapter 3 3.2.1.1), in a system which allows for technical standards to be updated in a timely manner (ICAO Doc 9734, Part A – 3rd edition 2017, State Safety Management: Chapter 3 3.2.1.3).
- 3.1.5 In most cases, implementing SARPs in the UK requires secondary legislation to be made and laid before parliament, containing the detail of the SARP.

## 3.2 The Current UK Regulatory Framework

- 3.2.1 Before the EU took competency for UK aviation safety law, safety requirements were set out in the Civil Aviation Act 1982 and the Air Navigation Orders ("ANO") made under it. Over time, the EU began to take competency for aviation safety regulation and to implement EU regulations with direct effect on the UK, including private individuals and entities. Gradually, the EU introduced an aviation safety regulatory framework consisting of Regulation (EC) No 216/2008 (later Regulation (EU) 2018/1139) ("the Basic Regulation") as the framework regulation, with a series of subject-specific Implementing Regulations made under it to broadly reflect ICAO Annexes and to implement ICAO SARPs. The Implementing Regulations contained detailed annexes, setting out the applicable technical standards and requirements.
- 3.2.2 In addition, the EU introduced regulations relating to airspace and its use. These included: Regulation (EC) No 549/2004 ("the Framework Regulation"), which laid down the framework for the creation of the single European sky; Regulation (EC) No 550/2004 ("the Service Provision Regulation"), which laid down requirements relating to the provision of air navigation services in the single European sky; and Regulation (EC) No 551/2004 ("the Airspace Regulation"), relating to the organisation and use of the airspace in the single European sky. Within this paper, these will be known collectively as the "Airspace Regulations". Various Implementing and Delegated Regulations relating to airspace usage and interoperability were made under the Airspace Regulations. In some circumstances, regulations were made under both the Basic Regulation and the Airspace Regulations, such as Implementing Regulation (EU) No 923/2012 – the Standardised European Rules of the Air ("SERA").
- 3.2.3 Given the need for harmonisation and consistency across all EU member states, the directly applicable EU aviation safety and airspace legislation was highly prescriptive, particularly in the level of detail contained within the Annexes to the Implementing Regulations. Updates to ICAO SARPs were adopted into EU law, and therefore in the UK, by way of directly effective amendments to the EU Regulations.

- 3.2.4 However, the directly applicable EU law was limited in scope, excluding aircraft unlikely to circulate freely in the EU and smaller, non-commercial aerodromes. The ANO and any regulations or documentation issued under it, such as the British Civil Airworthiness Requirements (“BCARs”), was therefore needed to apply to aviation activity which fell outside the scope of EU regulations.
- 3.2.5 This created a two-pillar system of law and introduced a level of complexity into the UK aviation safety and airspace legislation framework.
- 3.2.6 Since the UK’s departure from the EU and the assimilation of the EU aviation safety ruleset into the UK’s domestic framework, this two-pillar system has been consolidated into UK legislation as illustrated in Figure 1. The assimilated regulatory framework now consists of UK-specific versions of the Basic Regulation, the Airspace Regulations and the Implementing and Delegated Regulations. It sits alongside the existing framework of domestic UK law under the Civil Aviation Act 1982 and the ANO.
- 3.2.7 The size and complexity of each pillar is significant. They run to several thousand pages of highly technical regulation. Each pillar deals with different aspects of the regulation of aviation safety in the UK. Some regulatory areas are wholly within one regime or another, but in other areas the relevant regulatory requirements are spread over the two pillars. An understanding of both pillars is therefore necessary for a complete understanding of the law regulating aviation safety in the UK.

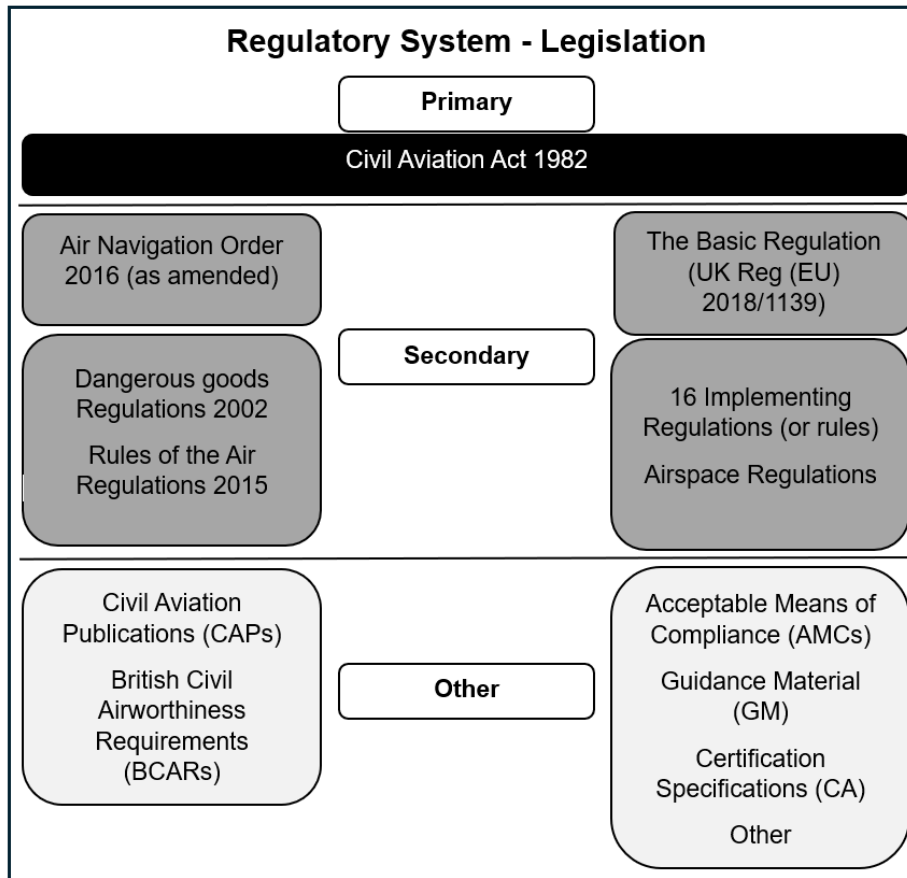


Figure 1 The UK Aviation Safety Legislation Framework

### 3.3 How regulations are currently made

- 3.3.1 When the EU regime was incorporated into the UK legal system after EU Exit, the powers contained in the Basic Regulation to make and amend the 16 EU Implementing and Delegated Regulations through Statutory Instruments (S.I.s) were transferred to the Secretary of State, together with similar powers under the Airspace Regulations. Meanwhile, powers to make secondary legislation under the 1982 Act are split between His Majesty in Council and the Secretary of State.
- 3.3.2 **In the current UK regulatory framework, the majority of updates to domestic law to implement SARPs and make other necessary changes to the aviation safety and airspace regulatory framework are made by the Secretary of State for Transport and are subject to parliamentary scrutiny.**
- 3.3.3 As the UK's specialist aviation regulator, the CAA's role is to protect the interests of the passenger and the public in aviation. Currently, the CAA implements and enforces UK civil aviation legislation as made by Parliament, His Majesty in Council or the Secretary of State, or in accordance with directions from the Secretary of State.

- 3.3.4 To that end, the CAA has powers to issue licences and approvals and, in some limited cases, draft requirements which may be given legal effect through incorporation by reference in legislation (such as BCARs in CAP 482, incorporated by article 61 ANO, or the Mandatory Requirements for Airworthiness in CAP 747, incorporated by article 37 ANO) and enforce compliance with the law by taking regulatory action or, in very serious cases, bringing a prosecution.
- 3.3.5 The CAA also plays an important advisory role in the development and amendment of the current regulatory framework. Under Article 76 of the Basic Regulation, it is required to assist the Secretary of State in the preparation of proposals for amendments to the Basic Regulation and of regulations made under it. As a matter of agreed policy between the CAA and the DfT, it performs a similar function in respect of amendments to the ANO. It advises the DfT on matters of aviation safety law and policy, developing and suggesting changes to the aviation safety legislative framework that are then drafted into legislation by DfT, laid before Parliament and given legal effect by the Secretary of State or His Majesty in Council. The CAA undertakes public and industry consultation on the proposed policy changes to understand the impacts of its proposals; when these require changes to secondary legislation the outputs are passed to DfT for preparation of secondary legislation.
- 3.3.6 Following a decision by the DfT to make a change to secondary legislation, or to act on a proposal made by the CAA to do so, the DfT will undertake the detailed drafting exercise needed to implement the proposal in the form of a Statutory Instrument. This instrument must comply with detailed legislative drafting conventions and must be laid before Parliament according to strict time frames. Sometimes, a vote in both Houses of Parliament is needed before a draft instrument can be made into law. Like all secondary legislation, aviation safety instruments need to be incorporated and prioritised alongside other priorities in the Government's wider legislative timetable. Currently, it takes on average over 24 months to amend a safety regulation in the legislative framework.
- 3.3.7 In addition, the CAA publishes a significant amount of non-legislative material, including means of compliance and guidance. Under the assimilated EU regime, this material is known as [Acceptable Means of Compliance \("AMC"\), Guidance Material \("GM"\) and Certification Specifications \("CS"\)](#). AMC are non-binding standards that establish a presumption of compliance with the legislation and are means by which the requirements in the applicable retained EU legislation can be met. However, regulated entities may show compliance by other means. GM is non-binding explanatory and interpretation material on how to achieve the requirements in the applicable assimilated legislation. CSs are non-binding technical standards that may be used to meet the requirements of the applicable assimilated law.
- 3.3.8 Under the domestic regime, the ANO can provide the CAA with a discretion to determine how and whether a requirement in the ANO has been met, in

addition to imposing certain specific requirements. The CAA publishes means of compliance, statements on how the CAA may exercise its regulatory discretion and guidance material in a Civil Aviation Publication (“CAP”). CAA CAPs can also be a vehicle for publication of a wide range of other information which does not fit into the categories outlined above but which are not relevant for the purposes of this paper.

- 3.3.9 The current aviation regulatory framework therefore consists of the requirements contained in the law (both primary and secondary legislation), together with the AMC, GM, CS and CAPs published by the CAA.

## 4. Options for Investigation

- 4.1.1 The DfT is considering several options for delivering an effective regulatory framework. None of the presented options under consideration would change the requirements of the existing technical regulations in the short term. The intention would be to ensure that the system functions as well as possible in terms of the production and maintenance of a regulatory ruleset. Depending on the model ultimately adopted, if any change to the framework is made at all, changes to the requirements to consolidate and streamline the two pillars of aviation legislation may be made but would be the subject of further consultation at that time.

### **Do the minimum:**

- 4.1.2 One option for improvement that does not involve primary legislation or any significant change to the existing framework is to continue to exploit opportunities to improve the availability of and messaging around the current requirements. We could make it easier for stakeholders to understand the law by:

- providing better information around what legislative material exists;
- explaining how it fits together; and
- conveniently signposting associated guidance, policies, procedures and processes, compliance material and acceptable means of compliance.

- 4.1.3 This approach would still require domestic UK law to implement ICAO SARPs and amend rules in the current framework, and the time to update a highly technical regulation of 24 to 36 months would increase. It would also not resolve identified legal deficiencies because of the UK’s departure from the EU system.

### **Consolidate under existing law:**

- 4.1.4 After EU exit, the CAA and the DfT have been working together to look at options to consolidate assimilated law and other domestic law. The options for bringing all safety and airspace requirements under one coherent ruleset using existing legislative powers would be either to consolidate under the assimilated EU law framework or to consolidate under the Air Navigation Order.
- 4.1.5 Consolidating under assimilated EU law would make the law better structured and clearer, reducing overlap and providing a degree of certainty.
- 4.1.6 It is important to note that:
- The approach to regulation under assimilated EU law is heavy handed and inflexible;
  - All amendments to the requirements contained within the regulations would still require secondary legislation.
- 4.1.7 Consolidating the existing ruleset under ANO would entail rewriting all assimilated law into one or more ANOs so that they sit under and are, in future, made pursuant to the powers in sections 60 and 61 of the 1982 Act (as amended). Again, this would ensure that all requirements are in a single place, improving clarity of regulation. It also has must be noted that:
- Marrying the prescriptive regulatory approach under the Basic Regulation with the more outcomes-based approach under the ANO would require a very substantial re-writing exercise and a change in the philosophy of regulation adopted under the assimilated EU law.
  - Because it would still be in the form of an Order in Council, it would be challenging to retain the well-established formats and terminologies used by industry under EU (and now assimilated) law over many years (e.g.: retaining Annex names and numbering such as 'Part 145' or the paragraph numbering conventions used under the Basic Regulation and in SERA).
  - Legislation would continue to be needed to amend the ANO and so there would continue to be delay in implementation of amendments, duplication of effort, less flexibility.
- 4.1.8 A further option considered by DfT is an 'ANO plus' option. Under this model, primary legislation could be used to amend sections 60 and 61 of the Civil Aviation Act 1982 to provide a degree of greater flexibility in the framework and potentially to allow the CAA to take a greater role in the creation of certain binding requirements.
- 4.1.9 A substantial amount of secondary legislation would still be required under this model, causing delay and failing to address the risks of falling behind in the implementation of ICAO Standards.

### Restructure the regulatory process:

- 4.1.10 One option may be to design a new regulatory framework which moves away from rulemaking using S.I.s and which ensures that responsibility for developing technical and detailed requirements is delegated to the appropriate expert body. **The intention of this model would not be to change the content of well-established regulations, but to ensure that responsibility to keeping the framework up to date and fit for purpose rests with the right people and that more agile, less formal processes can be used.** The areas in scope of aviation safety legislation are outlined in Appendix A: Technical Regulations Scope.
- 4.1.11 Under this model, primary legislation would be needed to delegate technical rulemaking powers to the CAA as the expert regulator. The CAA could be given powers to establish and maintain a rulebook, which would contain mandatory technical regulations and requirements, as well as the means of compliance and guidance which the CAA currently has power to produce. An enforcement toolkit designed around the new rulebook would be required, which would include criminal sanctions where appropriate.
- 4.1.12 The DfT in any case would retain strategic policy-making powers and would be responsible to Parliament for the oversight of the use of any such delegated powers by the CAA.
- 4.1.13 By designing a system in which updates to the technical requirements would not require secondary legislation, amendments to the regulatory framework could be made directly by the CAA, in consultation with the aviation industry, in a way that ensures timely implementation of ICAO standards and other necessary changes to the technical requirements.
- 4.1.14 The CAA would be empowered to create mandatory requirements which are proportionate and flexible to the needs of the UK industry. This would provide certainty to regulated entities and ensure that where something needs to be mandatory for safety or other reasons it can be made clear, and flexibility can be afforded by providing means of compliance or guidance where it is more proportionate to do so.
- 4.1.15 It could be used as an opportunity to design a rulebook which can, over time, consolidate the two pillars of regulation into a single system of technical requirements following appropriate consultation with industry. The rulebook would be capable of offering a degree of flexibility in format and language.
- 4.1.16 It must be noted here that where new responsibilities are assumed by the CAA, associated costs may be considered in future Schemes of Charges, subject to consultation.

## 4.2 Accountability

- 4.2.1 If greater rulemaking powers are delegated to the CAA, the DfT would expect proper systems to be in place to ensure accountability and

transparency in the use of those powers. Government and Parliament must be able to ensure that any such delegated powers are appropriately used, so any adoption of this model would require a clear system of accountability to be implemented.

- 4.2.2 **The CAA is already accountable to DfT, HMT, and the CAA Board with a well-developed and recently refreshed system of accountability and governance in place.** In any case where the CAA is granted further powers to create binding obligations, it is important that there are sufficient transparency requirements which ensure the CAA is using those powers appropriately, seeking input from stakeholders, and having regard to relevant public policy issues. This is necessary to enable DfT and, in turn, Parliament to understand and oversee the work of the regulator, and to support effective engagement by stakeholders with the regulator's activities and proposals. This provides Parliament with a clear basis on which to scrutinise the work of regulators and supports effective engagement with regulator proposals by firms and members of the public.
- 4.2.3 The CAA already consults on proposals it intends to make to the Secretary of State and on changes to AMC, GM and CS. **Any new system must continue to consult industry on changes and ensure appropriate liaison and engagement with the DfT on strategic policy considerations at an early stage.** When considering accountability requirements which might be appropriate for the CAA if rulemaking powers were delegated, the DfT would expect there to be no reduction in existing engagement and transparency both with the Department and with stakeholders.

## 4.3 Enforcement

- 4.3.1 Enforcement activity forms an important part of the CAA's current activities to ensure high standards of safety. It sits alongside other activities such as continuing oversight. Enforcement is any activity that is carried out to seek to effectively remedy a breach, or suspected or potential breach, of rules applicable to civil aviation.
- 4.3.2 Under a model of delegation of technical rulemaking power to the CAA, consideration would need to be given to the regulatory toolkit available to the CAA to ensure that robust but proportionate powers are available for the enforcement of regulatory requirements written by the CAA. The CAA is committed to a "Just Culture" approach to safety regulation which fosters and facilitates the reporting of occurrences without fear of reprisal, as this forms the basis of a robust safety management system. It is important to ensure that appropriate action can be taken by the regulator to require compliance with regulations, and to punish serious breaches of mandatory requirements.
- 4.3.3 The CAA currently has a range of enforcement powers. While these would need to be reviewed and revised to ensure that they are applicable to any revised framework and additional powers proposed under any new model,

the CAA's enforcement toolkit would be similar in nature and scope to its existing powers. Further consideration will be given to this question when the Department's policy direction is better developed following this consultation.

## 5. Comparison to other regulatory systems

### 5.1 Sectoral comparators

- 5.1.1 There are similar models where regulators have the power to write and enforce legally binding rules with criminal and civil liability for regulatory oversight within other sectoral regulatory systems in the UK. The Financial Conduct Authority ("FCA") uses a regulatory handbook under the Financial Services and Markets Act 2000, allowing for flexible, timely updates without relying on secondary legislation. Similarly, the Prudential Regulatory Authority ("PRA"), established under the Financial Services Act 2012 and operating through the Bank of England, maintains a rulebook with policy, rules, and guidance, which is regularly updated through legislated processes involving industry consultation, enabling both administrative and legal changes. More information can be found at Appendix B.

### 5.2 International comparators

- 5.2.1 Outside of the UK, several States have established arrangements where responsibility for aviation safety rulemaking is delegated to specialist technically qualified and competent bodies. The DfT has examined the arrangements of other States to understand their approach to aviation regulation and the extent to which competence for issuing requirements has been delegated to expert third parties, avoiding the need to take up legislative time. Examples include Singapore, Brazil, The Bahamas, and the UK Overseas Territories. More information can be found at Appendix C.

## 6. Summary

- 6.1.1 As detailed within this consultation paper, the DfT is exploring the possibility of amendments to the UK's aviation regulatory framework to ensure that it is a robust, future-proof regulatory environment which is compliant with international obligations, and which delivers ongoing high standards of safety.
- 6.1.2 One of the suggested models has the intention to delegate technical rulemaking powers to the CAA as the expert regulator. It is not proposed in this model that

the content of the well-established regulations should materially change. The DfT would retain strategic policy-making powers and would be responsible to Parliament for the oversight of the use of any such delegated powers by the CAA.

## 7. Your views

7.1.1 The Government is now seeking views from stakeholders on the regulatory system for aviation safety, including the models for reform of the system detailed above. In particular, the DfT seeks evidence of any regulatory issues that industry is experiencing. Views are invited on both advantages and disadvantages of the potential models for reform, including any risks that delegating technical regulation making authority from UK Parliament and the Secretary of State for Transport to the CAA may create.

7.1.2 The policy team in the DfT will be holding open question sessions whilst the survey is open. If you are interested in attending these, please contact [avsafindustryengagement@dft.gov.uk](mailto:avsafindustryengagement@dft.gov.uk).

### 7.2 Responding to this survey

7.2.1 This consultation will close 5 weeks after launch. We are inviting stakeholders to provide responses to the questions set out below, share their views on our proposed future approach to aviation safety regulation, or to provide views on any issue relevant to the effective operation of the UK's framework for aviation safety regulation.

7.2.2 The responses to this consultation and feedback from engagement with stakeholders will be used to help the Government decide whether to take forward the proposals within this consultation.

### 7.3 Who should respond?

7.3.1 A wide range of stakeholders will be interested in the important issues presented in this document. Responses are welcome from all stakeholders who are regulated under aviation safety legislation, including:

- Aircraft Operators
  - ACMI
  - Cargo
  - Corporate
  - Scheduled Passenger
  - Utility

- Helicopter Emergency Medical Service (HEMS)/National Police Air Service (NPAS)/Search and Rescue (SAR)
- Pilots, flight crew, engineers, air traffic control officers
- Aircraft owners
- Aerodrome Operators
  - Certified
  - Declared
- Handling
  - De-Icing Providers
  - Fuel
  - Third Party Handlers
- Design and Production Organisations
- Maintenance Organisations
- Continuing Airworthiness Management Organisations and Combined Airworthiness Organisations
- Training Organisations
- Air Traffic Control Providers
- ATM/ANS Providers
- Industry Representative Organisations and Trade Unions
- Drone (Remotely Piloted Aircraft Systems(RPAS)/Uncrewed Aircraft System (UAS)) operators
- Recognised Assessment Entities
- Qualified Entities
- Aviation Safety Consultants

## 8. Next steps

- 8.1.1 The Government will carefully consider the responses received to this consultation and use these to inform policy going forward.

## Appendix A: Technical Regulations Scope

| International Civil Aviation Organisation (ICAO) Annex | Corresponding UK Legislation<br>*and also where the Air Navigation Order (ANO) (and associated Civil Aviation Publications) contains equivalent or related requirements, these will also be in scope                         | In scope of consultation (In/Out) | Description                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Annex 1: Personnel licensing                           | Air Crew (1178/2011)<br><br>Air Operations (965/2012)<br><br>Air Navigation Order 2016                                                                                                                                       | IN                                | Standards, processes and procedures aimed to ensure that personnel undertaking safety related tasks in civil aviation (pilots, air traffic controllers, aircraft maintenance engineers, etc.) are competent and medically fit to perform their tasks to the prescribed standard. |
| Annex 2: Rules of the air                              | Air Crew (1178/2011)<br><br>Air Operations (965/2012)<br><br>Air Navigation Services (ANS) provision of services (2017/373)<br><br>Air Traffic Control Officer (ATCO) Licensing (2015/340)<br><br>Airspace Usage (2018/1048) | IN                                | Standards for the operation of aircraft, covering rules for visual and instrument flight, air traffic control, aircraft separation, and collision avoidance, ensuring safe, efficient, and standardized air navigation globally.                                                 |

|                                                                     |                                                                                                                                                                                                                                        |    |                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                     | <p>Standardised European Rules of the Air (SERA) (923/2012)</p> <p>ANO-Rules of the Air Regulations (2015)</p> <p>Air Navigation Order 2016</p>                                                                                        |    |                                                                                                                                                                                                                                                                                                                   |
| Annex 3: MET for international air operation                        | Annex V (Part-MET) of UK Regulation 2017/373 Air Traffic Management / Air Navigation Services Provision of Services                                                                                                                    | IN | Standards and guidelines for the provision of meteorological services to support international aviation. It covers the delivery of weather information, forecasts, and warnings to ensure safe flight operations, focusing on meteorological requirements for flight planning and in-flight navigation.           |
| Annex 4: Aeronautical charts                                        | <p>Air Navigation Services (ANS) provision of services (2017/373)</p> <p>Air traffic control officer (ATCO) Licensing (2015/340)</p> <p>Airspace Usage (2018/1048)</p> <p>Standardised European Rules of the Air (SERA) (923/2012)</p> | IN | Standards for the design, content, and use of aeronautical charts. It ensures uniformity in charting for navigation, flight planning, and air traffic management, providing essential information like airspace boundaries, navigation aids, and flight routes to support safe and efficient air operations.      |
| Annex 5: Units of measurement to be used in Air and Group operation | Included in Civil Aviation Publication (CAP) 2264                                                                                                                                                                                      | IN | This Annex establishes the standardized units of measurement to be used in aviation for air and ground operations. It ensures consistency in units like distance, speed, altitude, temperature, and pressure, promoting clear communication and reducing the risk of misunderstandings in international aviation. |
| Annex 6: Operation of aircraft                                      | <p>Air Crew (1178/2011)</p> <p>Air Operations (965/2012)</p>                                                                                                                                                                           | IN | Guidelines for the safe operation of aircraft, covering flight crew qualifications, operational procedures, aircraft performance, and safety standards. It includes rules for both commercial and non-commercial air operations, ensuring uniform safety practices for international aviation.                    |

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|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                      | <p>Air Navigation Services (ANS) provision of services (2017/373)</p> <p>Air Traffic Control Officer Licensing (2015/340)</p> <p>Airspace Usage (2018/1048)</p> <p>Standardised European Rules of the Air (SERA) (923/2012)</p> <p>Air Navigation Order 2016</p> |                                                     |                                                                                                                                                                                                                                                                                                           |
| Annex 7: Aircraft nationality and registration marks | Air Navigation Order 2016                                                                                                                                                                                                                                        | IN                                                  | Standards for aircraft nationality and registration marks. It ensures that each aircraft is uniquely identifiable through a registration marking system, helping to indicate the country of registration and providing a means for tracking and managing aircraft globally for safety and legal purposes. |
| Annex 8: Airworthiness of aircraft                   | <p>Initial Airworthiness (748/2021)</p> <p>Additional Airworthiness Specifications (2015/640)</p> <p>Continuing Airworthiness (1321/2014)</p> <p>Air Navigation Order 2016</p>                                                                                   | IN                                                  | Standards for the airworthiness of aircraft, ensuring they meet safety and performance criteria. It covers design, construction, maintenance, and inspection requirements, ensuring aircraft are safe to operate and comply with international safety regulations throughout their operational life.      |
| Annex 9: Facilitation                                |                                                                                                                                                                                                                                                                  | Out of scope (this is covered by Aviation Security) | Standards for the facilitation of international air travel, focusing on the smooth movement of passengers, crew, and goods. It addresses customs, immigration, quarantine procedures, and security, aiming to streamline and simplify airport processes in global aviation.                               |
| Annex 10: Aeronautical communication                 | Air Navigation Services (ANS) provision of services (2017/373)                                                                                                                                                                                                   | IN                                                  | Standards for aeronautical communication, ensuring reliable and efficient transmission of voice and data between aircraft and ground services. It covers systems like radio communication, navigation aids, and surveillance                                                                              |

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|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                | <p>Air Traffic Control Officer (ATCO) Licensing (2015/340)</p> <p>Airspace Usage (2018/1048)</p> <p>Standardised European Rules of the Air (SERA) (923/2012)</p> <p>Air Navigation Order 2016</p>                                                                       |                                                                                                                                                                   | technologies, ensuring safe, clear, and continuous communication in international air operations.                                                                                                                                                                                                                              |
| Annex 11: Air traffic services | <p>Air Navigation Services (ANS) provision of services (2017/373)</p> <p>Air Traffic Control Officer (ATCO) Licensing (2015/340)</p> <p>Airspace Usage (2018/1048)</p> <p>Standardised European Rules of the Air (SERA) (923/2012)</p> <p>Air Navigation Order 2016</p> | IN                                                                                                                                                                | Standards for air traffic services (ATS), ensuring safe, orderly, and efficient air traffic management. It covers flight information services, air traffic control, and alerting services, providing guidelines for the operation of ATS and coordination between air traffic control units globally.                          |
| Annex 12A: Search and rescue   |                                                                                                                                                                                                                                                                         | Out of scope (this is outside the CAA's remit. The Secretary of State is responsible for civil SAR. SoS responsibility delegated to Maritime & Coastguard Agency) | Standards for search and rescue (SAR) operations, ensuring coordinated efforts between countries to locate and assist aircraft in distress. It establishes procedures, resources, and communication requirements for effective SAR missions, enhancing safety and response times in emergencies across international airspace. |

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|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Annex 13:<br>Accident and Incident investigation | The UK Accident Investigation Regulation (996/2010)<br><br>Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018                                                                                       | OUT (this Annex lies with AAIB, operating under DfT) | Standards for the investigation of aircraft accidents and incidents. It outlines procedures for safety investigations, data collection, and analysis to determine causes, aiming to improve aviation safety by identifying hazards and recommending corrective actions to prevent future occurrences.                         |
| Annex 14:<br>Aerodromes                          | Aerodromes (139/2014)<br><br>Air Navigation Order 2016                                                                                                                                                                          | IN                                                   | Standards for the design, operation, and safety of aerodromes (airports). It covers runway dimensions, lighting, signage, and safety measures to ensure safe aircraft operations. The annex provides guidelines for both civil and military aerodromes, promoting consistency and safety in airport infrastructure worldwide. |
| Annex 15:<br>Aeronautical Information Services   | Air Navigation Services (ANS) provision of services (2017/373)<br><br>Air Traffic Control Officer (ATCO) Licensing (2015/340)<br><br>Airspace Usage (2018/1048)<br><br>Standardised European Rules of the Air (SERA) (923/2012) | IN                                                   | Standards for aeronautical information services (AIS), ensuring the accurate and timely provision of essential information like charts, notices, and weather reports to support safe flight operations. It outlines procedures for collecting, processing, and distributing aeronautical data to users globally.              |
| Annex 16:<br>Environmental protection            | Initial Airworthiness (748/2012)<br><br>Additional Airworthiness Specifications (2015/640)<br><br>Continuing                                                                                                                    | IN                                                   | Standards for environmental protection in aviation, reducing aircraft noise and emissions. It sets guidelines for engine certification, noise abatement procedures, and air quality, aiming to minimize aviation's environmental impact and promote sustainable practices within the industry.                                |

|                                                    |                                                                                                                                 |                                                     |                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                    | airworthiness (1321/2014)                                                                                                       |                                                     |                                                                                                                                                                                                                                                                                                                                                                                   |
| Annex 17: Security                                 |                                                                                                                                 | Out of scope (this is covered by Aviation Security) | Standards for aviation security, focusing on safeguarding passengers, crew, and aircraft from unlawful acts such as hijacking and terrorism. It outlines measures for airport security, screening procedures, and threat prevention, ensuring global cooperation to protect civil aviation and maintain safe air travel.                                                          |
| Annex 18: Safe transport of Dangerous Goods by Air | Air Navigation Order 2016<br><br>Air Navigation (Dangerous Goods) Regulations 2002                                              | IN                                                  | Standards for the safe transport of dangerous goods by air. It outlines classification, packaging, labelling, and handling requirements to prevent accidents and ensure safety during air transport, emphasizing compliance with regulations to minimize risks to people, property, and the environment.                                                                          |
| Annex 19: Safety Management                        | Initial Airworthiness (748/2012)<br><br>Continuing Airworthiness (1321/2014)<br><br>Occurrence reporting regulations (376/2014) | IN                                                  | This outlines safety management requirements for aviation organizations. It emphasizes a proactive, systematic approach to identifying and managing safety risks through safety management systems (SMS). The annex promotes continuous safety improvement, accountability, and the integration of safety practices in all aviation operations to reduce accidents and incidents. |

*Note: UK (EU assimilated) Airspace (technical) regulations in scope (the technical requirements relevant to the safe use and oversight of airspace that fall within the remit of the CAA, subject to the DfT's overall policy oversight). CAA Publications that sit under or support understanding of ANO or Assimilated law will be in scope.*

In addition, and to the extent that they contain technical requirements which the CAA is best placed to update for the same reasons articulated in this Options Assessment, the following assimilated regulations relating to the regulation of airspace would be in scope of this project:

- UK Reg (EU) No 549/2004 (the UK Framework Regulation)
- UK Reg (EU) No 550/2004 (the UK Service Provision Regulation)
- UK Reg (EU) No 716/2014 (The UK Pilot Common Project Regulation)
- UK Reg (EU) No 551/2004 (The UK Airspace Regulation) and the regulations made under it to the extent not already included above (2150/2005; 255/2010; 2018/1048; 2019/123; 1332/2011)

To the extent that the Air Navigation Order 2016 also relates to these issues, it too would be in scope.

## Appendix B: Sectoral comparators

- B.1.1** Regulators in other sectors have the power to write and enforce legally binding rules with criminal and civil liability. The financial sector regulator, the Financial Conduct Authority (“FCA”), has delegated powers for rulemaking where they produce a regulatory ‘handbook’, which they may amend as needed. This is a publication that sets out the rules and guidance made by the FCA under the Financial Services and Markets Act (“FSMA”) 2000 (as amended). This ensures that rules can be updated faster and more easily than secondary legislation scrutinised by Parliament allows. The FCA regulates its industry against a framework of principles and rules that represent the minimum standards of conduct they expect from firms and individuals, known as Threshold Conditions.
- B.1.2** A similar regulatory model is also used by the Prudential Regulatory Authority (“PRA”), through the Bank of England. Established by the Financial Services Act 2012, the PRA is responsible for the prudential regulation and supervision of banks, building societies, credit unions, insurers and designated investment firms. It does this by maintaining the PRA rulebook, which contains published PRA policy, rules made and enforced by the PRA under powers conferred by FSMA 2000, and guidance in the form of supervisory statements and statements of policy. These are updated regularly using bespoke processes set out in legislation and which involve consultation with the sector. These processes allow for easier administrative corrections as well as more formal legal changes.

## Appendix C: International Comparators

### **Singapore**

- C.1.1** The Civil Aviation Authority of Singapore (“CAAS”) has a similar suite of tools to the FCA and PRA and have been given a broad range of delegated powers to implement international standards.

### **Brazil**

- C.1.2** In Brazil, the National Civil Aviation Agency (‘Agência Nacional de Aviação’ (“ANAC”)), is an independent regulatory agency of the federal government whose responsibilities include:
- Implementation of the Brazilian civil aviation policy;
  - Implementation of international civil aviation rules and recommendations in accordance with international agreements, treaties and conventions in which Brazil takes part;

- Issue of rules and establishment of minimum flight safety, performance and efficiency standards to be fulfilled by air services providers and airport and aeronautical infrastructure providers, including equipment, materials, products and processes and services supplied.

C.1.3 Brazil has a governance structure similar to the UK in that the aviation regulator is an independent regulator reporting to a Government Department.

### **The British Overseas Territories**

C.1.4 In the British Overseas Territories (“OTs”), the legislation in place allows for authorities in the territories to make regulations prescribing matters necessary or convenient (for purposes). This has allowed the OTs to make use of Overseas Territories Aviation Requirements (“OTARs”) to implement ICAO SARPs, as these requirements are not required to pass through rigorous S.I. drafting processes. These arrangements allow swift implementation of international standards and provide an example of how such delegation could be put into effect with the UK system.

### **The Bahamas**

C.1.5 In 2021, The Bahamas made a change to their regulatory system to permit the Director General of Civil Aviation (“DG”) and Civil Aviation Authority Bahamas (“CAAB”) to make operating regulations. Under the Civil Aviation Authority Act 2021, it provides that it is a function of the CAA to *“prepare and issue operating regulations and procedures on aviation safety and security standards in accordance with the Annexes”*, with Annex being defined in s.2 as an Annex to the Chicago Convention ([Civil Aviation Authority Act 2021 s.4\(1\)\(i\)](#)).

C.1.6 The Act further requires the DG to be *“responsible for the day-to-day management of the Authority”* and empowers them to *“develop and issue operating regulations for civil aviation in accordance with the Annexes for which the Authority is responsible”* (Civil Aviation Authority Act 2021 ss.15(1) and 17(1)). This has enabled them to respond agilely to ICAO updates.