



Department
for Transport

Results of the Aviation theme of the Red Tape Challenge

April 2013

The Department for Transport has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
Telephone 0300 330 3000
Website www.gov.uk/dft
General email enquiries FAX9643@dft.gsi.gov.uk

© Crown copyright 2013

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos or third-party material) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

Contents

Introduction	4
1. Air Navigation and Air Traffic Control	6
2. Aircraft	8
3. Airports	11
4. International	14
5. Passenger Rights	15
6. Pilots and Cabin Crew	16

Introduction

In June 2012 the Department for Transport put online 83 aviation regulations as part of the Government's Red Tape Challenge. The intention was to identify those measures that create unnecessary and disproportionate regulatory burdens. We sought the opinions of industry, the general public and civil servants to help cut down the burden of regulations on businesses and the public.

After considering these responses and a rigorous internal challenge process, we believe that well over half of aviation regulations can be revoked or in some way improved. A summary table is below:

Sub-Category	Total	Keep	Revoke	Improve
Air Navigation and Traffic Control	19	7	3	9
Aircraft	15	4	6	5
Airports	22	7	12	3
Civil Aviation Authority	2	2	0	0
International	13	8	5	0
Passenger Rights	5	2	1	2
Pilots and Cabin Crew	4	2	2	0
Security	3	3	0	0
Total	83	35	29	19

Detailed in this document are the 48 regulations that we have identified as excessive or unnecessary. While much of aviation regulation fulfils our international obligations or performs essential safety functions, there are others that are redundant, out of date or impose unnecessary burdens on industry and the public.

You can find out detailed information about what we are doing in the document below. Among the most important measures are:

- Issue a call for evidence on ATOL funding arrangements and Package Travel Directive implementation, seeking a more efficient system that ensures effective protection for holidaymakers.

- Look to reform the Air Navigation Order, the principle piece of UK aviation regulation, to remove unnecessarily onerous requirements and save businesses time and money.
- Review the costs of statutory requirements on airports to provide facilities for consultation, as part of a wider review of consultative committees later this year. This could allow airports greater flexibility in their community engagement.

Some of our measures will take time to implement, as they will require significant changes to the way that the Department and others do their work. Others we can deliver relatively soon. Together, they will lead to less paperwork, greater transparency and more personal freedom.

Over the course of the Red Tape Challenge, we recognised that much of the burden on aviation is not based on legislation. We have therefore also identified non-regulatory means to reduce this burden:

- A major efficiency drive at the Civil Aviation Authority will examine all of its internal processes and procedures to identify how they can be made more effective. This will make the CAA easier to interact with for industry and the public and decrease its administrative burden.
- Thanks to the CAA's IT upgrade programme, for the first time it will be possible to apply for licences and approvals via an online platform. This will be significantly faster and more convenient for applicants.
- The Future Airspace Strategy will be a more efficient way of utilising the UK's airspace. It will enable flights to make more direct routes and will take account of modern aircrafts' capabilities. This will save operators time and fuel and will mean a more efficient use of our resources, so bringing additional benefits to airlines, airports, and passengers.
- In Europe, the Department for Transport has consistently argued in favour of a bottom-up regulatory approach to general aviation, where basic general aviation should be subject to a minimum level of regulation essential for safety.

You can find out more about the Department's deregulatory agenda at www.dft.gov.uk.

Aviation is only one of the themes in the Government's Red Tape Challenge. You can find more at <http://www.redtapechallenge.cabinetoffice.gov.uk>.

1. Air Navigation and Air Traffic Control

Regulations to revoke

[Civil Aviation \(Canadian Navigation Services\) \(Amendment\) Regulations 1988](#)

These regulations increase the charges for air navigation services provided by or on behalf of the Government of Canada. These charges are payable to the UK Civil Aviation Authority, which is required to remit them to the Government of Canada. These regulations should technically have already been revoked.

[Procurement of Air Navigation \(Technical Specifications\) Regulations 1997](#)

These Regulations oblige NATS to ensure that the specifications for the procurement of air navigation equipment included in the Eurocontrol standards adopted by the Commission of the European Communities in accordance with Council Directive 93/65/EEC are referenced in its documents and specifications for contracts to purchase such equipment. They transpose into domestic law Council Directive 93/65/EEC, which was repealed by the directly applicable Regulation (EC) 552/2004.

[Air Traffic Controller Licensing \(National Supervisory Authority\) Regulations 2011](#)

These Regulations appoint the Civil Aviation Authority as the national supervisory authority and the competent authority for the purposes of Regulation (EU) 805/2011, laying down detailed rules for air traffic controllers' licences. In line with Better Regulation principles, this instrument has a sunset clause that will take effect on 31 December 2014.

Regulations to improve

[Single European Sky \(Functions of the National Supervisory Authority\) Regulations 2006](#)

[Single European Sky \(National Supervisory Authority\) Regulations 2004](#)

[Air Navigation \(Single European Sky\) \(Penalties\) Order 2009](#)

These Regulations transfer to the Civil Aviation Authority certain Member State functions in the Single European Sky (SES) legislation, which it routinely carries out in the UK on the Secretary of State's behalf. These functions are in addition to the tasks the CAA carries out as designated National Supervisory Authority (NSA). The legal basis for SES is set out in four high level regulations (549/2004 Framework, 550/2004 Service Provision, 551/2004 Airspace, 552/2004 Interoperability) which were amended in 2009. They are needed for compliance with EU obligations but we propose to examine whether they could be improved through consolidation.

[Air Navigation Order](#)

[Air Navigation \(Dangerous Goods\) Regulations](#)

[Air Navigation \(General\) Regulations](#)

The Air Navigation Order and regulations made under its power are the principle domestic aviation safety legislation. The Department for Transport operates a constant process of rolling amendments to ensure that their requirements are proportionate and not overly onerous. In tandem with the Civil Aviation Authority, we will do a cost-benefit analysis of a complete review of the Air Navigation Order to determine whether there is scope for significant simplification.

[Civil Aviation \(Chargeable Air Services\) \(Detention and Sale of Aircraft for Eurocontrol\) Regulations 2001](#)

[Civil Aviation \(Chargeable Air Services\) \(Detention and Sale of Aircraft\) Regulations 2001](#)

These regulations provide important enforcement powers for the Civil Aviation Authority to detain aircraft in order to secure the payment of air navigation charges for itself and on behalf of Eurocontrol. We propose to merge these two measures into one instrument.

[Aircraft \(Exemption from Seizure on Patent Claims\) Order 1977](#)

This is an order deriving from an international agreement. The UK is a contracting party to the Chicago Convention 1944 (which provides the international framework for civil aviation). Article 27 of the Convention requires that aircraft should not be detained where it is alleged that the aircraft or part of it infringes a patent. The benefits of Article 27 only apply to contracting states that are either party to the International Convention for the Protection of Industrial Property or have enacted patent laws which recognise and give adequate protection to inventions made by the nationals of the other States parties to the Chicago Convention. We propose to update the list of countries contained in this order.

2. Aircraft

Regulations to revoke

[Civil Aviation Authority \(Hovercraft\) \(Revocation\) Regulations 1996](#)

These regulations revoke the Civil Aviation Authority (Hovercraft) Regulations 1972, which prescribed the procedure to be followed by the Civil Aviation Authority in connection with safety certification of hovercraft. The revocation introduced by these regulations has taken effect and therefore they are no longer needed and can be revoked.

[Licensing of Air Carriers Regulations 1999](#)

The CAA issues Operating Licenses to airlines based in the UK to allow them to carry passengers or cargo for remuneration, irrespective of whether the sale is made to the general public or to a charterer.

These regulations set out the provisions to allow the CAA to grant, vary, suspend, refuse or revoke an approval for an operating license and the procedures to be followed. They have been superseded by Regulation (EC) 1008/2008 and are now defunct.

[Aviation Safety Regulations 2004](#)

These regulations amended the Civil Aviation Act 1982 to abolish the Airworthiness Requirements Board (ARB) and to remove the duty of the Civil Aviation Authority to consult the ARB in relation to airworthiness standards for UK registered aircraft. These regulations also amended the Air Navigation Order 2000 to appoint the Civil Aviation Authority as the UK's national aviation authority for the purposes of Regulation (EC) 1592/2002, which established the European Aviation Safety Agency (EASA), and as the UK's competent authority for the purposes of two EU regulations on airworthiness.

Most of these regulations now serve no purpose and can be revoked. However, regulation 2(7) needs to be retained as it deals with the disclosure of information provided to the Civil Aviation Authority.

[Civil Aviation \(Safety of Third Country Aircraft\) Regulations 2006](#)

These regulations establish a framework for safety inspections of foreign registered aircraft using UK airports. They will soon be replaced by a directly applicable EU Regulation and so can be revoked at that point.

[Civil Aviation \(Births, Deaths and Missing Persons\) Regulations 1948](#)

These regulations require aircraft operators to report births and deaths on UK-registered planes to the CAA. We propose that this requirement is removed and births and deaths be reported in the normal manner via registrars.

[Civil Aviation \(Investigation of Military Air Accidents at Civil Aerodromes\) Regulations 2005](#)

These regulations establish a legal framework for the investigation of the civil aspects of accidents involving military aircraft at civil aerodromes. We propose to revoke this regulation as part of the broader rationalisation of air accident investigation regulations (see below).

Regulations to improve

[Aeroplane Noise Regulations 1999](#)

These regulations set out provisions on noise certification for civil propeller driven and subsonic jet aircraft, implementing obligations contained in three EU Directives. Many of these provisions have been superseded by EU regulations giving EASA competence in noise certification requirements in the EU. As a result of the EASA regulations, various provisions now need to be revoked or amended. The required amendments will not change the burden on airlines, which are already required by EASA Regulations to hold the relevant noise certificates.

[Air Navigation \(Environmental Standards for Non-EASA Aircraft\) Order 2008](#)

This order sets out the rules on noise and emissions certification of specified categories of aircraft, essentially microlights and UK registered state or research aircraft. We propose to update these regulations to take account of new international regulations and examine whether the burden they impose is proportionate.

[Civil Aviation \(Aerial Advertising\) Regulations 1995](#)

These Regulations set out the restrictions on aerial advertising on all types of aircraft. Their purpose is to ensure that advertising does not impact adversely on aviation safety while also enabling airspace users to benefit from a reasonable level of advertising activity. Without these regulations, no aerial advertising in the UK would be possible. We propose changing the presumption in primary legislation against aerial advertising and re-examining the appropriate level of regulation.

[Civil Aviation Act \(Investigation of Accidents\) Regulations 1996](#)

[Civil Aviation \(Investigation of Air Accidents and Incidents\) Regulations 1996](#)

These regulations provide a legal framework for the investigation of accidents and serious incidents involving civil aircraft. The EU Directive has been replaced by directly applicable requirements contained in EU Regulation 996/2010. As all of the substantial requirements on the reporting of accidents and the conduct of accident investigations are contained in the directly applicable Regulation (EU) 996/2010, we propose to replace these regulations with simplified regulations dealing with enforcement and consequential issues.

3. Airports

Regulations to revoke

[Civil Aviation Authority \(Borrowing Powers\) Order 1995](#)

The order increases the maximum permissible amount of the principal of the Civil Aviation Authority's borrowing from £500m to £550m. This measure was necessary to finance the development of the Swanwick air traffic control centre. This measure is now redundant and we propose to revoke it.

[Civil Aviation Authority \(Economic Regulation of Airports\) \(Northern Ireland\) Regulations 1995](#)

These regulations makes the procedural elements of Part IV of the Airports Act 1986 work in Northern Ireland, made under Part IV of the Airports (Northern Ireland) Order 1994. This instrument will be revoked as part of the Civil Aviation Act 2012.

[Transport Act 2000 \(Extinguishment of Loans\) \(Civil Aviation Authority\) Order 2001](#)

The Order extinguished the Civil Aviation Authority's liabilities in respect of the principal of loans paid out of the National Loans Fund. This is a historic measure that is now redundant and can be revoked.

[Civil Aviation Authority \(Economic Regulation of Airports\) Regulations 1986](#)

These regulations make the procedural elements of Part IV of the Airports Act 1986. The instrument will be revoked as part of the Civil Aviation Act 2012.

[Economic Regulation of Airports \(Expenses of the Monopolies and Mergers Commission\) Regulations 1997](#)

These regulations relate to the expenses of the Monopolies and Mergers Commissions under Part IV of the Airports Act 1986. The instrument will be revoked under the Civil Aviation Act 2012.

[Civil Aviation Authority \(Operational Land\) Regulations 1984](#)

These Regulations define the Civil Aviation Authority's 'operational land' for the purposes of the Town and Country Planning Act 1971 and other planning legislation. The Civil Aviation Authority no longer holds operational land. These regulations are accordingly redundant and can be revoked.

[Aeroplane Noise \(Amendment\) Regulations 1999](#)

These regulations amend the Aeroplane Noise Regulations 1999 and make provision to implement EC Directive 1999/28. Since stricter noise requirements became standard in 2002, the regulations are redundant and so can be revoked.

[Gatwick Airport – London Noise Insulation Grant Scheme 1989](#)

These regulations set out provisions for a domestic insulation grants scheme for dwellings around Gatwick Airport. The scheme expired in 1991 and so this redundant regulation can be revoked.

[Air Navigation \(Noise Certification\) Order 1990](#)

The order gives effect in the UK to the provisions of Annex 16 of the Chicago Convention and of EC Council Directive 89/629. It has now been replaced by other EU and UK legislation and so we propose to revoke it.

[Civil Aviation \(Publication of Directions\) Regulations 2001](#)

The Regulations stipulate the manner in which the Civil Aviation Authority publishes directions given to it by the Secretary of State. In practice the Civil Aviation Authority publishes directions on its website and specifying publication in the Official Record seems archaic. We propose to revoke these regulations after first amending primary legislation to remove the requirement to specify the manner of publication.

[Civil Aviation \(Notices\) Regulations 1978](#)

These regulations prescribe the manner in which notices given by the Secretary of State are published. We propose that these be published online and this regulation revoked.

[Aerodromes \(Designation\) \(Facilities for Consultation\) Order 1996](#)

Section 35 of the Civil Aviation Act 1982 requires designated aerodromes to provide adequate facilities for consultation to users of the aerodrome, local authorities and organisations representing the interests of the population in the vicinity of the airport on matters concerning the management and administration of the airport. This order designates 50 such aerodromes in England and Wales.

We propose to consider the costs and benefits of maintaining the statutory requirement for airport consultative committees when reviewing our guidance to committees later this year.

Regulations to improve

[Civil Aviation Authority Regulations 1991](#)

The Regulations consolidate and amend the Civil Aviation Authority Regulations 1983 and three subsequent amending regulations. The Regulations comprise four separate sets of procedures under which the CAA may take decisions relating to air transport. They perform an important role in delivering effective regulatory oversight of civil aviation, especially in terms of safety. There is however scope to consolidate the Regulations in order to add two further approvals that should be subject to the review specified in regulation 6, update procedures to reflect current good practice, update the language and consolidate a number of amendments.

[Civil Aviation Authority \(Amendment\) Regulations 1996](#)

The regulations remove the requirement for the Civil Aviation Authority to consult specified persons in the Channel Islands before making decisions concerning air transport licences or route licences for flights to, from or within the Channel Islands. Consultation became unnecessary when the Channel Islands introduced their own arrangements for the licensing of such flights. This instrument can now be revoked in the process of consolidating amendments to the 1991 Regulations (see above).

[Airport Charges Regulations 2011](#)

These regulations implement in the UK Directive 2009/12/EC on airport charges. Part 7 of the Regulations amends Part 4 of the Airports Act 1986 on the designation of airports in Great Britain for economic regulation and Part 8 makes similar amendments to the corresponding Northern Ireland legislation. These provisions will be revoked under the Civil Aviation Act 2012.

4. International

Regulations to revoke

[Carriage by Air \(Convention\) Order 1967](#)

[Carriage by Air \(Parties to Convention\) Order 1999](#)

[Carriage by Air \(Parties to Protocol No. 4 of Montreal 1975\) Order 2000](#)

[Carriage by Air Acts \(Implementation of Protocol No. 4 of Montreal 1975\) Order 1999](#)

[Carriage by Air \(Sterling Equivalents\) Order 1999](#)

These regulations all relate to redundant international conventions and so can be revoked.

5. Passenger Rights

Regulations to revoke

Civil Aviation (Air Transport Advisory Council) Order 1947

This order established the Air Transport Advisory Council, the function of which was to advise Ministers on applications by airlines to operate air routes in the UK. The Council ceased to function in 1961. This order is thus redundant and we propose to revoke it.

Regulations to improve

[Civil Aviation \(Air Travel Organisers' Licensing\) Regulations 2012](#)

[Civil Aviation \(Air Travel Organisers' Licensing\) \(Amendment\) Regulations 2012](#)

[Civil Aviation \(Contributions to the Air Travel Trust\) Regulations 2007](#)

These regulations all relate to the ATOL scheme, a key piece of legislation providing protection for consumers in the event of insolvency of travel companies. The Department for Transport is in the process of reviewing the entire scheme, in conjunction with the travel industry, and determining options for how to improve its functioning.

[Civil Aviation \(Access to Air Travel for Disabled Persons and Persons with Reduced Mobility\) Regulations 2007](#)

These regulations give effect to important protections for disabled air passengers. We propose to update this instrument to reflect changes in implementation and to review the UK guidance document to ensure that it does not over-implement or conflict with EU guidance.

6. Pilots and Cabin Crew

Regulations to revoke

[Civil Aviation \(Personnel Licenses\) Order 1992](#)

These regulations implement Article 5 of Directive 91/670/EC. The directive was repealed by Regulation 216/2008 with the entry into force of Commission Regulation 1178/2011 and so we propose to revoke this redundant order.

[Civil Aviation \(Personnel Licenses\) Order 1992 \(Amendment\)](#)

This order amends the Civil Aviation (Personnel Licenses) Order 1992 to extend the non-discrimination criteria to EEA nationals. We propose to revoke it along with the above order.