

CHARTER FOR THE UNITED KINGDOM MILITARY AVIATION AUTHORITY

INTRODUCTION

1. By this Charter the Secretary of State for Defence enshrines the United Kingdom Military Aviation Authority. The purpose of this Charter is to set out the status and authority and make provision for the structural framework, roles and responsibilities of the Military Aviation Authority.
2. The Military Aviation Authority shall have full oversight of all Defence aviation activity and undertake the role of the single regulatory authority responsible for regulating all aspects of Air Safety¹ across Defence. This will be achieved through establishing and maintaining an appropriate regulatory framework, given effect by a certification, approvals and inspection process extending across the acquisition, operation and continued airworthiness of air systems within the Defence aviation environment, and by independent surveillance of relevant Departmental planning and programming processes. The Military Aviation Authority shall thereby provide assurance to the Secretary of State for Defence through the 2nd Permanent Under Secretary of State that high standards of Air Safety are maintained in the conduct of military aviation.

STATUS

3. The Head of the Military Aviation Authority, the Director General, will be a senior military aviator of 3-star rank, highly experienced in the military air environment.
4. The Military Aviation Authority shall be independent and autonomous, but will remain part of the Ministry of Defence. Sufficient independence will be assured by the Director General reporting directly to the 2nd Permanent Under Secretary of State. To aid Department wide coherence in safety policy, the Director General shall attend the Defence Environment and Safety Board; however, as an independent Regulator, he will not be formally accountable to it.

AUTHORITY

5. The Director General is appointed by the Secretary of State for Defence and derives his authority from this Charter. The Secretary of State for Defence has ultimate responsibility for all Safety, Environmental Protection and Sustainable development matters in Defence. The Director General shall be responsible to the Secretary of State for Defence and accountable to the 2nd Permanent Under Secretary of State, as the Safety, Environmental Protection and Sustainable Development process owner, for the overall direction and management of the Military Aviation Authority in accordance with this Charter. Notwithstanding, the Director General shall retain the right of direct access to the Secretary of State to raise Air Safety concerns that he judges are not being satisfactorily addressed through normal processes.

STRUCTURAL FRAMEWORK

6. The Military Aviation Authority shall be governed by an Executive Board which shall be chaired by the Director General. Its membership shall comprise the Military Aviation Authority's Director Operations Group and Director Technical Group and a senior Ministry of Defence Legal Advisor. The Executive Board shall be challenged and advised by an independent, externally chaired Safety Advisory Committee, consisting of a panel of respected experts drawn from across the fields of regulation, academia and delivery in high risk-bearing activities. An Operators' Council comprising senior stakeholders drawn from the operating community and which may, at the discretion of the Director General, from time to time include representation from Industry, shall provide a consultative forum and the means by which senior stakeholders can offer views on strategy, policy and standards.

¹ Military Air Safety is the state of freedom from unacceptable risk of injury to persons, or damage, throughout the life cycle of military air systems. Its purview extends across all Defence Lines of Development¹ and includes Airworthiness, Flight Safety, Policy and the apportionment of Resources. It does not address survivability in a hostile environment.

7. The Director General has particular responsibility for the proper discharge by the Executive Board of its collective role. In discharging his duty, the Director General should take into account the direction set in the Department's Safety Strategy and any relevant requirements of key Sustainable Development Policy Owners (particularly the Directorate of Business Resilience as corporate Environmental Protection Policy Owner) and other Departmental Process Owners. The Head of Safety, Sustainable Development and Continuity will provide the Director General with advice and support on cross-Departmental Safety, Environmental Protection and Sustainable Development process matters.

ROLE AND RESPONSIBILITIES

8. The authority to operate and regulate registered United Kingdom military aircraft is vested in the Secretary of State for Defence. Where Defence can rely on exemptions or derogations from either domestic or international law, under the Secretary of State's delegated authority the Military Aviation Authority will introduce standards and management arrangements that produce outcomes that are, so far as reasonably practicable, at least as good as those required by legislation.

9. It shall be the duty of the Military Aviation Authority to develop, promulgate and enforce a regulatory framework to promote an engaged safety culture and assure appropriate standards are being met in the delivery of military Air Safety through an independent end-to-end assurance process. This will enhance the delivery of operational capability through continuous improvement in military Air Safety, culture and practice.

10. In particular, the Military Aviation Authority shall:

- a. Maintain oversight of all Defence aviation activity in order to provide independent end-to-end evidenced-based assurance on Air Safety².
- b. Provide an Air Safety regulatory framework for the acquisition, operation and continued airworthiness of air systems across Defence.
- c. Through a system of approvals, privileges and, if necessary, sanctions, underpin regulatory compliance.
- d. Identify and report to the Secretary of State for Defence, routinely through the 2nd Permanent Under Secretary of State, where any serious issues threaten Air Safety, particularly where Safety or Environmental Protection compliance within the Defence aviation environment is likely to be impacted by inadequate resources.
- e. Through a system of proportionate, risk-based mechanisms, maintain processes to audit the Top Level Budgets, Trading Fund Agencies and Defence contractors for compliance with Military Aviation Authority policies, standards, rules and regulations.
- f. Provide guidance to Top Level Budget holders, Trading Fund Agencies and Defence contractors to facilitate their compliance with Military Aviation Authority policies, standards, rules and regulations.
- g. Work with Top Level Budget holders, Trading Fund Agencies, Defence contractors and Head Office to manage risks to compliance with the Military Aviation Authority policies, standards, rules and regulations.
- h. Understand and, where appropriate, be involved in shaping Safety and Environmental Protection compliance requirements that are specifically relevant to the Military Aviation Authority's functional area. The Military Aviation Authority should remain engaged with the Director of Business Resilience who has cross-Departmental responsibility for Safety and Environmental Protection.

² Reporting on Environmental Protection is linked to wider responsibilities for the Military Aviation Authority in considering United Kingdom legislative requirements within Air Safety.

- i. Promote and foster continuous improvement in the Military Aviation Authority's area of responsibility, by overseeing and supporting appropriate change programmes, projects or other work streams.
- j. Take due account of the overarching process owner obligations, delegation rules, conflict resolution mechanisms and principles for relationships with Top Level Budgets and (where relevant) Trading Fund Agencies and Defence contractors, as set out in the relevant process owner roles, responsibilities and accountabilities policy.
- k. Where appropriate, ensure consultation and liaison arrangements are established with external aviation organisations, such as the Civil Aviation Authority, European Aviation Safety Agency, the International Civil Aviation Organisation and equivalent international military authorities.
- l. Ensure that all emerging legislative proposals relevant to Defence Air Safety are identified, their impact assessed and provide feedback on possible amendments or military exemptions to be raised.
- m. Provide a UK Military Air Safety annual report, which includes a summary of Defence aviation compliance and regulatory risk, to the 2nd Permanent Under Secretary of State who, in turn, will report to the Defence Board and Defence Audit Committee.

11. The Director General shall undertake the role of Convening Authority for all Service Inquiries into aircraft occurrences and will appoint suitably trained and experienced personnel to undertake the roles of President and panel Members. A Military Air Accident Investigation Branch, accountable directly to the Director General, shall be established and will comprise a team of full time, specialised and experienced operators and technicians able to investigate all United Kingdom and deployed military air accidents. Under the delegated authority of the respective Service Inquiry Presidents, the Military Air Accident Investigation Branch shall assist Service Inquiries in the technical investigation into the cause of aircraft accidents and provide specialist advice to Service Inquiries, as necessary, throughout their broader investigations.

REVIEW AND AMENDMENT

12. Director General Military Aviation Authority and the 2nd Permanent Under Secretary of State may propose amendments to this document at any time. Any such proposals will be considered by the Secretary of State for Defence, who will determine what changes, if any, are to be incorporated taking into account the views of the Military Aviation Authority. This Charter will be reviewed by the Secretary of State for Defence and the Military Aviation Authority at least every fifth year. Legislative changes take precedence over the terms of this Charter.

13. The Military Aviation Authority shall be subject to periodic audit by a competent external agency to ensure compliance with this Charter.

EFFECT

14. This Charter replaces the Interim Letter of Delegation issued by the 2nd Permanent Under Secretary of State to the Director General on 30 March 2010, which shall cease to have effect.

CITATION AND COMMENCEMENT

15. This Charter may be cited as the Military Aviation Authority Charter and shall come into force on 01 September 2010.

Given this the 31st day of August 2010 by the Secretary of State for Defence – Dr Liam Fox

Signed on Original