

**NPA/24/44**

**Title of Proposal:** RA 1020 – Aviation Duty Holder – Roles and Responsibilities

**RA(s) or Manual Chapter(s):** Whole Document

**Organizations and / or business sectors affected:** Whole Regulated Community

**RFC Serial No:** MAA/RFC/2022/095, 2022/189, 2022/262, 2023/001, 2023/233, 2024/038 and 2024/097.

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**Cross-references to Other Documents or Relevant Sources**

**Other MRP Amendments:** N/A

**Service Inquiry Recommendations:** N/A

**AAIB Recommendations:** N/A

**Other Investigation Recommendations:** N/A

**Any Other Document:** N/A

**Feedback Notes for the Regulated Community**

The Regulated Community are invited to offer feedback about the proposed amendment in the following areas:

- Air or Flight Safety impact
- Operational impact
- Errors or omissions
- Timescale for implementation
- Cost of implementation
- Amendment to internal processes/orders

- Resourcing the outcome of change
- (Contract amendments because of the change)

The format for feedback is available within a single Excel Template file on both internal and external MAA websites; it is important to use this format to ensure that your responses are considered and answered correctly.

**Summary of Proposed Amendment**

**Objective:** To ensure that RA 1020 remains up-to-date with current MoD aviation terminology and policy.

**Changes made:** RA 1020 has been amended to incorporate RFC's and the change to Quinquennial reviews.

**Impact Assessment:** Minimal.

**Consultation Period Ends:** 2 September 2024

The consultation period for this proposed amendment ends on the stated date. Please send your feedback, using the Response Form, via email to [DSA-MAA-MRPEnquiries@mod.gov.uk](mailto:DSA-MAA-MRPEnquiries@mod.gov.uk)

*MAA Approval*

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## RA 1020 - Aviation Duty Holder - Roles and Responsibilities

### Rationale

*Aviation Duty Holders (ADH's)<sup>1</sup> are responsible for Air Safety and ensuring that associated Risk to Life (RtL) is As Low As Reasonably Practicable (ALARP) and Tolerable for the aviation activities within their Area of Responsibility (AoR). A compromised level of Accountability for operations may result from not having ADH's in place. Clearly defined roles and responsibilities are required so that legally accountable individuals can effectively carry out their duties in mitigating and making judgements on Air Safety Risk.*

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- 1020(2): Aviation Duty Holder Nomination**
- 1020(3): Withdrawn – Incorporated into RA 1032**

### Regulation 1020(1)

#### Role and Responsibilities of the Aviation Duty Holder

1020(1) ADH's **shall** actively manage Air Safety for each Air System within their AoR via an Air System Safety Case (ASSC) which is managed by an Air Safety Management System (ASMS), to ensure that RtL is ALARP and Tolerable.

### Acceptable Means of Compliance 1020(1)

#### Role and Responsibilities of the Aviation Duty Holder

1. ADH's are legally accountable for the safe operation, Continuing Airworthiness and Maintenance of Systems in their AoR and for ensuring that RtL is ALARP and Tolerable. They **should**:

- a. Cease routine aviation operations if RtL are identified that are not demonstrably ALARP and Tolerable.
- b. Establish and maintain an effective ASMS that, wherever possible, exploits the MOD's existing aviation regulatory structures, publications and management practices, to demonstrate an Acceptable Means of Compliance with the requirements in RA 1200<sup>2</sup>.
- c. Own and manage a robust ASSC<sup>3</sup> for each Air System which demonstrates the Air System is, or is capable of being, safe to operate and operated safely for a given application in a given operating environment.
- d. Promote and lead by example an engaged Air Safety culture.
- e. Identify ADH-Facing Organizations and inform them of their responsibilities detailed in RA 1032<sup>4</sup>. ▶ ◀
- f. ▶ **Challenge any option or action that is proposed or implemented by ADH-Facing Organizations that can undermine the ASSC and result in the activities for which they are responsible not being ALARP and Tolerable.** ◀
- g. Appoint a Senior Operator (SO)<sup>5</sup>, a Chief Air Engineer (CAE)<sup>6</sup>, ▶ ◀ a Military Continuing Airworthiness Manager (Mil CAM)<sup>7</sup> ▶ **and an Accountable Manager (Maintenance) (AM(M))<sup>8</sup>.** ◀

<sup>1</sup> The term ADH encompasses Senior Duty Holder (SDH), Operating Duty Holder (ODH) and Delivery Duty Holder (DDH); interpret accordingly; the different levels are referred to separately where specifically required. Defined in MAA02: MAA Master Glossary.

<sup>2</sup> Refer to RA 1200 – Air Safety Management.

<sup>3</sup> Refer to RA 1205 – Air System Safety Cases; the ODH owns the ASSC, but the SDH and DDH **should** own their contributions to the ASSC.

<sup>4</sup> Refer to RA 1032 – Aviation Duty Holder-Facing Organizations and Accountable Manager (Military Flying)-Facing Organizations - Roles and Responsibilities.

<sup>5</sup> Refer to RA 1022 – Senior Operator – Air Safety Responsibilities.

<sup>6</sup> Refer to RA 1023 – Chief Air Engineers – Air Safety Responsibilities.

<sup>7</sup> Refer to RA 1016 – Military Continuing Airworthiness Management.

<sup>8</sup> ▶ **Refer to RA 4806 – Personnel Requirements (MRP 145.A.30).** ◀

### Acceptable Means of Compliance 1020(1)

2. ODH's **should** have access to all the levers necessary to manage Rtl effectively for all Air Systems in their AoR.
3. Where operational imperatives exist, excursions from the ADH defined capability envelope, declared to the Operational Commander, **should** endure for the shortest time possible<sup>9</sup>, before being resolved through expansion of the ADH defined capability envelope or cessation of the activity.
4. The Operational Commander **should** ensure that where operational imperatives preclude ADH Authorization, the Operational Commander authorizes the excursion from the ASSC defined operating envelope and provides retrospective justification to the ADH at the earliest opportunity.
5. **► Any substantive objections ADH's personally raise over a potential, or actual, course of action by the ADH-Facing Organization that they deem will undermine their ability to deliver safe air operations should be:**
  - a. Recorded formally by the ADH within the planning process of the Annual Budget Cycle and ASSC.
  - b. Elevated and explicitly highlighted within the planning process (including to the MAA<sup>10</sup>) thereafter, for as long as the objection is extant.
6. **Where objections are overruled within the Annual Budget Cycle, the decision to do so should be owned by a named and authorized individual, at a minimum of OF7 or equivalent, and formally recorded as such. Notwithstanding, this cannot oblige an ADH to accept any associated Rtl. ◀**

### Guidance Material 1020(1)

#### Role and Responsibilities of the Aviation Duty Holder

7. ADH's have a personal legal duty of care for:
  - a. Personnel under their command,
  - b. Those who, by virtue of their temporary involvement in aviation activities, come within an ADH's AoR,
  - c. The wider public who may be affected by their operations.
8. By design, the Air Safety Duty Holder (DH) chain sits in parallel with the full Command chain but does not mirror it. In doing so, it minimizes delegations and provides necessary separation, coupled with a degree of beneficial tension between Air Safety and delivery. Nonetheless, the Air Safety ADH governance model does not absolve commanders at any level of their broader, enduring duty of care responsibilities under Common Law and the Health and Safety at Work Act (1974).
9. In the execution of their specific ADH responsibilities, ADH's are accountable and answerable to the Secretary of State for Defence (SofS), via their superior DH chain. The conventional chain of command will continue to command and control the delivery of capability outputs, but will not direct, nor attempt to influence, nominated ADH's within that chain in the execution of their accountable Air Safety responsibilities.
10. **► An ADH is personally ◀ accountable for Rtl and will ultimately determine for themselves the level of Air Safety Risk they are willing to accept, they will be supported by expert advisers. By virtue of their qualifications, training and experience, ADH's will be conversant with managing operating Risk. ► ◀ The ADH will appoint a Mil CAM responsible for the Continuing Airworthiness Management of an Air System. A CAE is also ► appointed ◀ who is responsible for ensuring engineering standards and practices throughout their AoR<sup>6</sup> ► ◀. The ADH will also be supported by a Type Airworthiness Authority (TAA)<sup>11</sup>, who is personally accountable for the Type Airworthiness of the Air System.**
11. ADH's **► will ◀** also appoint a SO to support them and be responsible for self-regulation and providing internal Assurance of operating standards and procedures

<sup>9</sup> 72 hours is considered the maximum reasonable period for the ADH defined envelope to be expanded, save in the most exceptional of circumstances.

<sup>10</sup> **► [DSA-MAA-MRPEenquiries@mod.gov.uk](mailto:DSA-MAA-MRPEenquiries@mod.gov.uk) ◀**

<sup>11</sup> Refer to RA 1015 – Type Airworthiness Management - Roles and Responsibilities.

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and Flight Safety. SDH's may or may not appoint an ODH as their SO, depending on circumstances and their preference<sup>5</sup>.

12. ADH's ►will◀ ensure that a safe operating environment and appropriate Assurance is being provided at all tiered establishments and non-MOD Aerodromes<sup>12</sup>.

13. The first line of defence in Air Safety is the establishment of an engaged Air Safety culture, underpinned by the application of common sense. The ADH has a key role to play in establishing and sustaining such a culture. An ADH's responsibilities apply when any person interacts with an Air System within their AoR. They also have a personal level ►of◀ duty of care to all others, including the wider public, who may be affected by their operations. On any occasion when the Responsibility for an ASSC is handed over between individuals, a pan-Defence Lines of Development (DLoD) review of the ASSC ►will◀ be completed<sup>3</sup>.

#### ADH Engagement

14. It is imperative that ADH's lead by example in nurturing and developing an engaged Air Safety culture. The detailed governance mechanisms employed by ADH's can be tailored to the scale and nature of the aviation activity being supervised, but the following elements will be considered as the minimum requirement:

- a. **Air Safety Steering Group (ASSG).** A not less than annual forum, chaired by the ODH, to evaluate Air Safety Risk across their AoR and to prioritize available resources and requirements. To be supported by a unified ODH Risk Register and Subject Matter Experts (SME) from ADH-Facing Organizations, when required.
- b. **Air System Safety Working Group (ASSWG).** A regular, Type-specific forum, chaired by the ODH to scrutinize the validity of the live ASSC argument and supporting evidence across the DLoDs.
- c. **Programme Boards.** Ownership of the ASSC is with the SRO from Concept phase until transfer to the end-user ODH. As such, ODH's will be appropriately represented at Programme Boards by senior, informed and empowered representatives. Objections, on Air Safety grounds, to any actual or proposed course of action will be submitted formally by the ODH, in person or in writing, and the objection(s) minuted accordingly.
- d. **Budgetary Planning.** During routine budgetary planning, ADH's will be afforded the opportunity to seek additional resources to mitigate all RtL so that they are ALARP and Tolerable. They will be given full and timely visibility of any measures that potentially affect Air Safety adversely, to ensure authoritative and appropriate impact statements inform Auditable planning process decision making.

#### ADH Responsibilities in Operations

15. **Operating Envelope.** ►When appointed as◀ an ADH, ►an air commander◀ is personally and legally responsible for ensuring that RtL emanating from the activities associated with the generation and sustainment of Force Elements (FE)<sup>13</sup> is ALARP and Tolerable. ►Such activities will occur within an 'envelope', which may be considered to be◀ bounded by, among other things: declared role(s); Competency, currency and readiness of personnel; RTS; defined Tactics, Techniques and Procedures (TTP); and ►applicable◀ Regulations. ►Activities include emerging cyber threats to Air Safety, which have the potential to impact RtL during operations; management of these threats can be found in the relevant RA's<sup>14, 15</sup>.◀ The boundaries of ►such◀ envelopes will be defined ►as required◀ by ADH's ►◀ ►and are fixed, however◀ the ADH may adjust and redefine the boundary as changes in capability ►◀ occur. For example, an envelope may be expanded leading up to deployment, on or during, an operation to accommodate capability increments,

<sup>12</sup> Refer to RA 1010 – Head of Establishment - Aviation Responsibilities and Aviation Duty Holder / Accountable Manager (Military Flying) Establishment Responsibilities.

<sup>13</sup> Components of capability comprising, among other things; personnel, training, platforms, their serviceability and sustainment.

<sup>14</sup> ►Refer to RA 1202 – Cyber Security for Airworthiness and Air Safety.

<sup>15</sup> Refer to RA 5890 – Cyber Security for Airworthiness and Air safety – Type Design and Changes / Repairs to Type Design.◀

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such as Urgent Capability Requirements (UCR), ► once the necessary lines of development are all in place (eg training and supervision etc). ◀

16. **ADH and Operational Commander Responsibilities with respect to Operational Employment.** Aviation FEs are allocated to an Operational Commander when authorized under a Chief of Defence Staff's (CDS) directive to employ subordinate FEs in pursuit of operational objectives. The ADH is responsible to the Operational Commander for their operational readiness in their declared role(s), and for the continuing management of all operating RtL so that they remain ALARP and Tolerable within the operating envelope defined in the ASSC (ie for RtL other than that arising from Hostile Action<sup>16</sup>). An Operational Commander has the authority to employ allocated FEs in operational tasks at their discretion, bounded by the Laws of Armed Conflict, CDS's Directive, the accompanying Rules of Engagement, superior command direction, the FE's defined operating envelopes and due regard to RtL of the forces under their command.

17. **Operational Imperative to exceed Operating Envelope.** The limit of an ADH's responsibility and accountability for managing operating RtL in the operational domain is defined as the point at which an Operational Commander directs any relevant activity (operating and / or support) that transcends the operating boundary set by the ADH. In doing so, the Operational Commander will be prepared to justify their actions in retrospect, preferably via a context based auditable Risk analysis. It is acknowledged that the urgency of a particular situation may preclude such a process being carried out formally. Nevertheless, the principles of such a process will inform the Operational Commander's judgements and will be seen to have done so.

18. **Premeditated Change to Operating Envelope**<sup>17</sup>. Where employment of aviation FEs outside of the ASSC defined operating envelope is premeditated:

- a. The Operational Commander will make every effort to understand the residual Risk to properly assess tolerability. Therefore, they will seek advice of the relevant ADH (or their deployed senior representative<sup>18</sup> in Theatre) on the level of Risk, potential mitigations and, if appropriate, alternative courses of action. If direct consultation with the ADH is not achieved, the Operational Commander will make the ADH aware at the earliest opportunity.
- b. RTS excursions will be kept to a minimum and are only to be undertaken when time has precluded the ADH requesting an amendment to the RTS. In any event, such excursions will be notified to the Release To Service Authority.
- c. When, following due consideration and the application of any caveats or controls, an ADH determines that the RtL is ALARP and Tolerable and endorses such an excursion, the operating envelope will be considered redefined and the ADH thereby accepts and owns the associated Risk.
- d. If it is not prudent or practical for the ADH chain to expand the ASSC defined operating envelope, the Operational Commander will accept the RtL, following full ADH consultation. In such cases, the Operational Commander will justify and record the decision to operate outside the envelope described by the ASSC.
- e. Where it is identified that the required operational effect cannot be achieved while maintaining compliance with the MRP, the Operational Commander will consult with the ADH chain as soon as possible. If no compliant solution can be identified, and the Operational Commander judges that the residual Risk is justified by the potential operational benefit, the Operational Commander will accept the RtL before operations continue.

<sup>16</sup> Survivability in a hostile environment and associated balance of Risk will be addressed by the operational command chain when considering the deployment of Air Systems on operations, in consultation with the ADH and ADH chain (as appropriate).

<sup>17</sup> Refer to RA 1210 – Ownership and Management of Operating Risk (Risk to Life).

<sup>18</sup> The nomination of a deployed senior representative is in the context of managing RtL and at the discretion of the ADH, and is not necessarily the same individual as the Deployed SO (see paragraph ►19◀), which is a different and specifically defined role. Though deployed senior representatives provide advice on behalf of the relevant ADH, this need not necessarily be exclusive to their assuming roles in the operational command chain.

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Operational Commander and ADH will consult with the MAA in such cases as soon as practicable.

f. Where a substantive and significant difference of opinion between an ADH and an Operational Commander arises, the ADH has the option to elevate their concerns to the National Contingent Commander (NCC) or the Chief of Joint Operations (CJO). The ADH, NCC and CJO all have the option to refer the issue to CDS.

19. **Deployed SO and CAE.** ADH's may appoint deployed SO and CAE to assist in developing and implementing the associated processes. They are responsible to their parent ADH's for providing internal Assurance of deployed operating procedures, standards and Flight Safety, and Engineering standards and practices. Deployed SO or CAE are responsible directly to the relevant ADH, but need not necessarily be exclusive to them assuming roles in the operational command chain.

20. **Support Structures and Processes.** The implementation of the above principles will require exploitation of existing structures and processes, some of which may need to be adapted. Additional supporting mechanisms may need to be developed, that will need to integrate and be coherent with extant arrangements such as the ADH's ASSC, including Risk Register, ASSG and ASSWG processes. Establishment of working dialogues between operational command and ADH chains will ensure that respective responsibilities and constraints on the deployed Air Systems are thoroughly understood.

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**Aviation Duty Holder Nomination**

1020(2) Each Service Chief **shall** be an SDH by virtue of position, and personally appoint by name ODH's and DDH's within their AoRs.

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**Aviation Duty Holder Nomination**

21. SDH's **should** ensure that all Air Systems in their AoR are operated under the accountability of appropriate ADH's.

22. SDH's **should** ensure that the ODH's and DDH's that they appoint are operators that are Suitably Qualified and Experienced Persons (SQEP) (see paragraph ►25 and 28◄).

23. Names of ODH and DDH nominees **should** be submitted for endorsement by the MAA Director (Dir MAA) in accordance with MAA 03 Annex G<sup>19</sup>.

24. ODH's, DDH's, SO's<sup>20</sup>, CAE's<sup>20</sup>, and Mil CAM's **should** attend the Duty Holder Air Safety Course (DHASC)<sup>21</sup>. ODHs and DDHs **should** complete the DHASC prior to assuming their appointments. Bespoke training **should** be provided for SDH's on appointment.

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**Aviation Duty Holder Nomination**

25. **ADH Levels.** The SDH appoints by name ODH's and DDH's who are SQEP and appointees are required to acknowledge and accept formally their ADH responsibilities. In the execution of their specific ADH responsibilities, ADH's are accountable and answerable to the SofS, via their superior ADH chain. ADH's are nominated at three levels in each Service:

a. **Senior.** SDH's are personally legally responsible and accountable for ensuring that: an effective, end-to-end ASMS is resourced, implemented and appropriately managed in their AoRs; and that those personnel under their

<sup>19</sup> Refer to MAA03: Military Aviation Authority Regulatory Processes, ►Annex G: MAA Letter of Endorsement Application (Operating and Delivery Duty Holders).◄

<sup>20</sup> At all ADH levels.

<sup>21</sup> For further training details see RA 1440 – Air Safety Training.

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command who are engaged directly in Defence Aviation are suitably qualified, trained, experienced and equipped.

b. **Operating.** ODH's are 2\* operators who are personally legally responsible and accountable for the safe operation, Continuing Airworthiness and Maintenance<sup>22</sup> of the Air Systems in their defined AoR. An ODH owns and is responsible for the management and upkeep of the ASSC for each of their Air Systems. ODH's are accountable to their respective SDH for Air Safety, provide the SDH with relevant subject matter advice, and have right of direct access.

c. **Delivery**<sup>23</sup>. DDH's are personally legally responsible and accountable for the safe operation, Continuing Airworthiness and Maintenance<sup>23</sup> of the Air Systems in their defined AoR. DDHs are accountable to their designated ODH for Air Safety, provide the ODH with relevant subject matter advice, and have right of direct access. Where units of one DDH operate from the estate, or are supported by the resources of another, suitable arrangements will be in place to delineate clearly Air Safety responsibilities – the ADH providing support is acting as an ADH-Facing Commanding Officer.

26. **Joint Organizations.** An ODH of a Joint organization may be accountable to multiple SDH's, ► either due to the fact that their AoR encompasses multiple Air System types each with a single SDH, or that a particular Air System has multiple SDH's. ◀

27. **Endorsement.** ODH and DDH appointments need to be endorsed by the MAA on the basis of evidence provided demonstrating that they are suitably qualified, experienced and trained for the role.

28. **SQEP.** Utilizing the ODH and DDH submission template contained within MAA 03 Annex G<sup>19</sup>, Service workforce agencies will provide detailed Terms of Reference for the nominated ADH and an evidence-based argument as to why the nominee is deemed SQEP. ► This will include direct reference to the individual's aviation supervision experience<sup>24</sup>. For ODH / DDH, appropriate experience as a flight supervisor at OF3 and / or OF4 is to be considered essential. Prior command of an aviation unit or command of air operations is to be considered highly desirable for both DDH and ODH ◀

**Regulation  
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**Responsibilities of Aviation Duty Holder-Facing Organizations**  
1020(3) Withdrawn – Incorporated into RA 1032.

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**Responsibilities of Aviation Duty Holder-Facing Organizations**  
29. Withdrawn – Incorporated into RA 1032.

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**Responsibilities of Aviation Duty Holder-Facing Organizations**  
30. Withdrawn – Incorporated into RA 1032.

<sup>22</sup> Where the Maintenance of an Air System is in whole, or in part, conducted by a Mil Part 145 accredited organization, ADH responsibilities in this regard will be limited to oversight activities via their CAE and TAA, including Validation of output standards, and the meeting of any contractual obligations.

<sup>23</sup> DDHs will routinely be appointed at OF5 / air station Command level, but their responsibilities may extend over several sites / sub-units. ► Subject to MAA agreement, ◀ lower levels of appointment may be appropriate in certain specialist areas, such as Test & Evaluation and certain categories of Remotely Piloted Air Systems.

<sup>24</sup> ► The provenance for this is drawn directly from Justice Haddon-Cave's Nimrod Review. [The Nimrod Review - GOV.UK \(www.gov.uk\)](https://www.gov.uk). ◀