

**CAA CONSULTATION ON DELEGATED AIRWORTHINESS ORGANISATION APPROVALS.
WHY YOU NEED TO RESPOND.**

On 1st April 2021, the CAA launched a stakeholder consultation on proposed changes to British Civil Airworthiness Requirements, known as BCAR or CAP 553, and two segments which apply to the LAA and BMAA - *Chapter A3-7: Permit to Fly Aircraft – Initial and Continuing Airworthiness* and *Chapter A8-26: Approval of Organisations Supporting Recreational Aviation*. This is the mechanism by which the CAA delegates the oversight privileges to an approved organisation such as the LAA.

The LAA has serious reservations about many of the changes proposed, which includes the introduction of large swathes of regulation from the certified world which significantly increase bureaucracy and the cost of providing an airworthiness service with no commensurate improvement in the safety of our activities. If these changes are passed, the costs of the additional administration and bureaucracy will inevitably have to be passed on through higher fees to LAA members.

The CAA in their consultation document <https://bit.ly/3wcvXsj>, asks that responses name specific paragraph references and suggested changes or comments. At a meeting with the head of the GA and RPAS Unit at the end of April it was agreed that the narrow terms of the consultation were an opportunity lost, and therefore wider responses covering the whole of A3-7 and A8-26, not just the immediate revisions, would be accepted. We are preparing a detailed line by line response to the consultation, but we encourage you to respond with the core message above.

We have until 27 May 2021 to send comments to the CAA by email to ga@caa.co.uk. We would therefore urge you as members and stakeholders, to respond to the public consultation by asking the CAA to withdraw these proposals. Please note, it will be your only chance to do so.

We believe the CAA should temporarily withdraw these proposals and only resubmit them after a collaborative working group has been convened and a proper consensus with both BMAA and LAA achieved.

In addition, much of A3-7 is inapplicable to recreational aviation when controlled by the sporting organisations and we recommend that A8-26 is decoupled from A3-7, with only agreed and relevant clauses from A3-7 incorporated in A8-26.

I hope you will assist us by taking a moment to respond.

Many thanks

Steve Slater
CEO

SOME BACKGROUND

In the past all major changes to regulations have been achieved through a collaborative process that has almost always produced a result that is supported and respected by those who have to implement those regulations. The A8-26 approval was created via a working group consisting of the CAA, the LAA and the BMAA involving nearly three years of collaborative effort to achieve the agreed regulation. This time, despite our asking to be involved, there has been no such attempt at collaboration.

At the end of 2019, we discovered that CAA General Aviation Unit (GAU) had been working on a revision to A8-26, using resources from outside of the GAU (rather than those familiar with LAA and BMAA procedures) to develop changes, and without the usual collaborative working group process. Although some minor changes have been made as a result of subsequent representations, it is regretted that the CAA has decided to put these proposed changes out for public consultation without having achieved a consensus, which means that our differences have to be aired in public.

This can only damage a long-term working relationship which is characterised by partnership and mutual respect.

NO VALID SAFETY CASE

The LAA received its BCAR A8-26 approval in 2016 and has safely and successfully re-validated Permits to Fly more than 13,000 times since that date.

When the GAU Leadership were challenged on the reasons for embarking on these changes we were advised that “there was a pressing safety case”. The LAA requested sight of this and on examination, it was found to be based on incomplete MOR data when Permit aircraft are exempt from the requirement to submit MORs. It was also backed up by a small number of “whistle blower” reports that the LAA fully investigated. We found no evidence of any systemic safety problems.

The LAA submitted AAIB reported incident data which clearly demonstrates a steady reduction in the rate of incidents over the last 10 years, despite a significant increase in the scale and complexity of our activities. Our own voluntary incident reporting system demonstrates the same trends.

In 2019 and 2020 an independent review was commissioned by the DfT entitled “UK approach to Recreational General Aviation Safety”. The findings of this review have been accepted by the CAA Board. The report’s key conclusions and recommendations were:

1. ‘That the current safety level of recreational GA is acceptable in terms of its unavoidably greater risk than commercial aviation, the much higher risk acceptability of voluntary activities and in comparison with other high risk activities.’
2. ‘We not believe that further regulation in this area would be justified given the current level of accidents, nor necessarily effective. We have not found that comparison can easily be made between regulation and good practice in other high risk activities, given the essentially individualistic character of recreational aviation’.

We do not believe that the CAA has produced a valid safety case to justify their proposed changes.

SOME FURTHER DETAIL

If you require some further detail on some of the particular areas which concern us, please read on. Feel free to use these to inform your comments, but please don't just cut and paste. Individual letters are much more valid in a consultation of this kind.

A3-7

Among the proposed changes to the overlying A3-7 is a clause that would create a barrier to future transitions of 'orphan' CofA types to the Permit system. We recommend this section is removed.

In addition, the current and proposed regs for future CofV validation are more stringent and less flexible than EASA Part ML for certificated aircraft. This section needs fundamental review.

A section on airworthiness review staff training appears to have been lifted from regulations intended for commercial air transport and is inappropriate in a recreational aviation environment. In fact, EASA Part-ML, ML.A.904 gives more generous minimum qualification requirements.

In summary. Much of A3-7 is inapplicable to recreational aviation when controlled by the sporting organisations and we recommend that A8-26 is decoupled from A3-7, with only agreed and relevant clauses from A3-7 incorporated in A8-26.

A8-26

Were A8-26 to be decoupled from A3-7 and allowed to operate as a standalone, as it was originally intended, then it can be better 'fine-tuned' to represent the unique needs of recreational aviation as managed by the sporting bodies, and at the same time offer the CAA a more effective platform to monitor safety.

We are particularly concerned that two new Sections 8.4 "Risk Management" and 8.5 "Occurrence Reporting" (which run to twelve paragraphs) move A8-26 from a mutually agreed code within terms of 'just culture' to a proscriptive process based on mandatory reporting. This appears to be driven by a wish to reintroduce an MOR, mandatory reporting system - despite well-advertised shortcomings which led in 2015 to the CAA abandoning the process for national Permit aircraft as being unworkable. We strongly recommend a separate review of this area of A8-26, and also a wider consultation on the CAA occurrence reporting process for national permit aircraft.

In addition, Sections on Personnel Requirements and Staff Authorisation Systems for Inspecting Personnel and Support Staff, include a series of new clauses which take no account that the majority of Inspectors in particular are part-time volunteers who work in other roles outside the LAA. The requirements appear to have been 'cut and pasted' from other regulations designed for larger National CofA rather than Permit aircraft. These sections of the A8-26 revisions are untenable and reflect a lack of appropriate knowledge by the regulator of the voluntary environment in which we work. They are at present unfit for purpose and should be withdrawn and fundamentally reviewed by CAA prior to further consultation.

A Final Reminder

The deadline for comments to the CAA is 27 May 2021. Please respond to the public consultation by e-mail to ga@caa.co.uk, asking the CAA to withdraw these proposals and only resubmit them after a collaborative working group has been convened and a proper consensus with both BMAA and LAA achieved.