

RESPECTIVE DUTIES

This annex summarises the broad legislative and operational framework under which the CAA/SRG and HSE operate.

1. CIVIL AVIATION AUTHORITY

1.1 Functions under the Civil Aviation Act 1982

1.1.1 The safety regulatory functions of the Civil Aviation Authority are set out at Section 3(c) of the Civil Aviation Act 1982. These functions include the safety of air navigation and aircraft (including airworthiness), the control of air traffic, the certification of operators of aircraft and the licensing of air crew members and aerodromes.

1.1.2 More detailed provisions are contained in the Air Navigation Order (ANO) made pursuant to Section 60 of the Civil Aviation Act 1982 and in Regulations (such as the Rules of the Air Regulations, Air Navigation (General) Regulations and Air Navigation (Dangerous Goods) Regulations made pursuant to powers contained in the ANO.

1.2 Functions under the Civil Aviation (Working Time) Regulations 2004

1.2.1 The CAA's occupational health and safety regulation functions are set out in the Civil Aviation (Working Time) Regulations 2004. These regulations require that the health and safety of crew members be adequately protected while they are at work.

1.3 Functions under the Civil Aviation Act 2006

1.3.1 The CAA is responsible for advising the Secretary of State on the safeguarding of the health of persons on board aircraft as set out in the Civil Aviation Act 2006. The Act includes a general duty of organising, carrying out and encouraging measures for safeguarding the health of persons onboard aircraft. This includes both crew members and passengers.

1.3.2 The Aviation Health Unit was created by the Department for Transport (DfT) to address some of the issues raised by the House of Lords Science and Technology Sub Committee Report, Air Travel and Health, which sought to establish clear responsibilities for advancing passenger and crew member health issues in UK aviation. Although managed by the CAA, the Government, through the DfT, retains policy and standard setting control over the activities of the Aviation Health Unit. The Unit's terms of reference recognise that such standard setting will need to occur in a European context.

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1.3.3 The Aviation Health Unit's principal purpose is to provide specialist aviation health advice to Government and to identify areas where more research or study is warranted. In a wider context, it will seek to promote a positive focus on aviation health issues at home and abroad. The Aviation Health Unit will be proactive whenever possible in the provision of advice and in offering proposals for research or policy development. The Aviation Health Unit does not as yet have any enforcement powers.

1.4 Enforcement

1.4.1 The CAA/SRG may, to maintain aircraft and flight safety, if it thinks fit, provisionally suspend or vary any certificate, licence approval, permission, exemption, authorisation that it has issued pending inquiry or consideration. The CAA may, on sufficient ground being shown, permanently revoke, suspend or vary any of the above. It may only take such action for safety reasons, for example where it is no longer satisfied that a person or organisation remains competent to exercise the privileges of a licence or certificate. It may not take licence action for punitive reasons.

1.4.2 An authorised person may detain an aircraft if it appears that it is intended or likely to be flown in contravention of any one of a number of specified provisions or be a cause of danger to any person or property or in a condition unfit for the flight - Article 144.

1.4.3 Authorised persons have the right of access to aerodromes in order to inspect the aerodrome or any aircraft on the aerodrome or to detain any aircraft - Article 145.

1.4.4 The CAA will seek compliance with the Civil Aviation (Working Time) Regulations 2004 by providing appropriate advice and guidance to employers of crew members. The CAA may issue an improvement notice where they believe an alteration to a work activity is required to protect the health and safety of crew members at work. This notice will require specific actions to be taken. The CAA may issue a prohibition notice where in their opinion the work activity involves the risk of serious personal injury to a crew member. The issue of a prohibition notice prevents the specified activity from taking place.

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1.5 Penalties

- 1.5.1 If any provision of the ANO or any Regulations made thereunder is contravened, it is a criminal offence. CAA is tasked with investigating and prosecuting offences under the ANO.
- 1.5.2 If any of the relevant requirements of the Civil Aviation (Working Time) Regulations 2004 are contravened, a criminal offence is committed. The CAA led by the Occupational Health and Safety Section is tasked with investigating and prosecuting under the Regulations where deemed appropriate.

1.6 Summary

- 1.6.1 The CAA's primary powers and duties are focused on the safe operation of aircraft. Clearly, the requirements and policies developed by CAA in discharging its obligations will tend to provide a safe environment generally.
- 1.6.2 This aviation safety activity will take primacy over CAA's occupational safety and health considerations and responsibilities.

2 HEALTH & SAFETY EXECUTIVE

2.1 The Health and Safety at Work etc Act 1974

- 2.1.1 The Health and Safety at Work etc Act 1974 (HSWA) places general duties on employers to look after the health, safety and welfare of their employees and members of the public who may be affected by the work activity. It places similar duties on the self-employed. It also places duties on employees to look after their own and others' health and safety.
- 2.1.2 Regulations made under the HSWA generally make more explicit what employers are required to do to manage health and safety. One of these key duties requires employers and self-employed people to undertake a 'risk assessment' to assess the risk to workers and anyone else, including members of the public, who may be affected by the work activities being undertaken. Both the HSWA and regulations made under the Act covering particular hazards or sectors of work require that appropriate preventative and protective measures should be taken in the light of the risks identified.

2.2 Enforcement

- 2.2.1 The HSWA gives powers to HSE inspectors to enforce these duties, and other duties under the Act and its relevant statutory provisions. In relation to

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aircraft, HSE is the enforcing authority for work activities at factories making and repairing aircraft, fuel depots, and most work activities at airports. Local authority enforcement officers enforce health and safety legislation in, among other places, shops, offices, restaurants and some warehouses at airports.

2.2.2 HSE inspectors also enforce regulations made under Part III of the Food and Environmental Protection Act 1985, which control the use of pesticides, including their application from the air.

2.2.3 HSC/E provides guidance and advice to Local Authorities on health and safety enforcement through the normal liaison arrangements between the two organisations.

2.3 Penalties

2.3.1 HSE and local authority inspectors seek to secure compliance with the law. Most of their dealings with duty holders are informal (offering information, advice and support). They may also use formal enforcement mechanisms, including improvement notices, prohibition notices, or ultimately prosecution.

Revision History		
Version	Date	Reason for Issue
Issue 1		First issue
Issue 2		
Issue 2.1	01 April 2006	Changes to ANO article numbers in Annex 1 to reflect ANO 2005.
Issue 2.2	08 July 2008	Changes to reflect Civil Aviation Act 2006.
Issue 2.3	04 August 2009	Changes to reflect minor organisational changes