

Title: Amendment Of The Air Navigation Order 2009 For The Radio Operators Certificate Of Competence IA No: DfT00136 Lead department or agency: CAA Safety Regulation Group Other departments or agencies:	Impact Assessment (IA)
	Date: 22/12/2011
	Stage: Final
	Source of intervention: Domestic
	Type of measure: Secondary legislation
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Summary: Intervention and Options	RPC: RPC Opinion Status
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Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?
£N/A	£N/A	£N/A	Yes
			Zero Net Cost

What is the problem under consideration? Why is government intervention necessary?

After a review of the Radio Operators Certificate of Competence (ROCC) scheme it became apparent that, currently, within the ANO, there is no legal requirement for those who operate aeronautical radio stations, within the UK or its territorial waters, for the purpose of providing an Air Ground Communications Service (AGCS), Offshore Communications Service (OCS) or a service to aircraft or parachutists within parachute drop zones, to hold an ROCC. This was at odds with the original intention of the scheme, which was to ensure that it was mandatory for those who operate aeronautical radios for the purposes outlined, to hold an ROCC and to undertake the examination processes designed to ensure their safe operation.

What are the policy objectives and the intended effects?

Policy objectives are to ensure:

1. All who operate aeronautical radio stations within the UK and territorial waters for the purpose of providing an AGCS, OCS and for those who provide a service to aircraft or parachutists within parachute drop zones, are appropriately qualified.
2. The safe and effective operation of aeronautical radio stations.
3. The safety of the aviation environment is maintained.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

1. Do Nothing - This would allow a loophole to remain within the safety regulatory system for the ROCC which would mean that aeronautical radio station operators could by-pass the need to be appropriately qualified to operate their radios, which could have a detrimental effect on this area of aviation safety.
2. Changing The Current ROCC Into A Voluntary Qualification - This option would provide no sanction for someone who chooses not to attain the qualification and by-passes the CAA's examination processes, This option is not considered robust enough to help ensure the safety of the aviation environment. Moreover, as this scheme is, in practice, the same as the Do Nothing Option, it has been disregarded.
3. The Preferred Policy - A legal requirement necessitating individuals who wish to operate aeronautical radio stations to be appropriately qualified. This would allow the CAA legal sanction of anyone who chose to by-pass the ROCC scheme and would help underpin safety in this area of aviation.

Will the policy be reviewed? It will not be reviewed. If applicable, set review date: Month/Year					
Does implementation go beyond minimum EU requirements?			No		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro Yes	< 20 Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: nil	Non-traded: nil	

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed by the responsible _____ **Date:** _____
SELECT SIGNATORY: _____ **e:** _____

Summary: Analysis & Evidence

Policy Option 1

Description: Amendment Of The Air Navigation Order 2009 For The Radio Operators Certificate Of Competence

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: Zero

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	Zero	Zero	Zero

Description and scale of key monetised costs by 'main affected groups'

No costs. The ROCC scheme is already in place and is operated by the CAA. The review of the scheme identified a need to legally underpin a system that was already in force and assumed by all to be mandatory in nature. Therefore, as this is merely a legal underpinning of a scheme that already exists, with no changes in the requirements associated with obtaining an ROCC or the administration of the established scheme, no costs are associated with this proposed amendment of the ANO.

Other key non-monetised costs by 'main affected groups'

No Costs, as explained above.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	Zero	Zero	Zero

Description and scale of key monetised benefits by 'main affected groups'

None.

Other key non-monetised benefits by 'main affected groups'

A key benefit will be that the CAA's existing ROCC Scheme will be legally underpinned, allowing enforcement of the current requirement to be appropriately qualified to operate an aeronautical radio station. Such legal powers would help to avoid any potential, in future, for individuals to by-pass the ROCC system, maintaining confidence in the safety of this area of the aviation environment.

Key assumptions/sensitivities/risks

Discount rate (%)

It is assumed that all those who wish to operate aeronautical radio stations in the UK and territorial waters for the purpose of providing an AGCS, OCS and for those who provide a service to aircraft or parachutists within parachute drop zones, will be required to be appropriately qualified and will be affected directly by this policy. The main risk is the safety risk associated with 'do nothing' or 'a voluntary policy' as individuals will be able to by-pass the safety assurance processes.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: Zero	Benefits: n/a	Net: n/a	Yes	Zero net cost

Evidence Base (for summary sheets)

The Problem To Be Addressed.

The Aeronautical Radio Operators Certificate of Competence (ROCC) is a scheme currently in force, run by the CAA and with processes incorporated within it to ensure the safe operation of aeronautical radio stations. After an internal review of the scheme it became apparent that there was no legal requirement, identified within the Air Navigation Order (ANO), to mandate those who operate aeronautical radio stations, for the purposes identified within this IA, to hold an ROCC. This was at odds with the assumed, by both the CAA and industry, mandatory nature of the scheme. If this situation remains unchanged individuals would legally be able to by-pass the scheme and operate aeronautical radio stations without reference to the CAA or its examination processes this could lead to the unsafe and non-standard operation of aeronautical radio stations with consequential effects on safety in this area of the aviation environment.

Options Considered.

1. Do Nothing - This option would allow a loophole to remain within the safety regulatory system for the ROCC which would mean that aeronautical radio station operators could by-pass the need to be appropriately qualified to operate their radios, potentially generating a detrimental effect on aviation safety.

2. Adapting The Current ROCC Scheme Into A Voluntary Qualification - This option would provide no sanction for someone who by-passes the CAA's examination processes, is not considered robust enough to help ensure the safety of the aviation environment and is not in accordance with the previous long standing understanding regarding the legal remit for this scheme. Additionally, in practice, a voluntary scheme would effectively be the same as the Do Nothing option and as a result this has been disregarded.

3. The Preferred Policy - The Legal Underpinning Of The Current ROCC Scheme. This would necessitate individuals who wish to operate aeronautical radio stations to be appropriately qualified and would allow the CAA legal sanction of those who would by-pass the scheme. Moreover, the incorporation of this ANO amendment would also help to ensure the safe and standard operation of aeronautical radio stations for the purposes outlined within this IA and consequently, will help to ensure safety within this area of the aviation environment.

Rationale for intervention.

The essential examination processes that have been designed and implemented to ensure the safe and effective operation of aeronautical radio stations for the purpose of providing an Air Ground Communication Service (AGCS), Offshore Communication Service (OCS) and for those who provide a service to aircraft or parachutists within parachute drop zones and which have a direct impact on the safety of the aviation environment, could be by-passed. Therefore, it is necessary to amend the ANO to ensure that those who operate these aeronautical radio stations are appropriately trained and qualified to operate them.

Policy Objective.

The policy objective is to ensure that all who wish to operate aeronautical radio stations within the UK and territorial waters for the purpose of providing an AGCS, OCS and for those who provide a service to aircraft or parachutists within parachute drop zones are appropriately qualified. The effect of this legislation will be to help ensure the safe and standard operation of aeronautical radio stations which will, consequently, help to underpin safety in this area of the aviation environment.

Costs and benefits of each option (including administrative burden).

Costs.

There are no additional costs for any of the options outlined with this amendment to the ANO. The ROCC scheme is already in force and is operated by the CAA. The review of the scheme identified a need to legally underpin a system that was already in place and assumed by all to be mandatory in nature. Therefore, as this is merely a legal underpinning of a scheme that already exists, with no changes in the requirements associated with obtaining an ROCC or the administration of the established scheme. Therefore, there are no costs to the CAA in the administration of this established scheme and consequently with this proposed amendment of the ANO.

Benefits.

Option 1- The status quo will allow an individual to operate an aeronautical radio station for the purpose of providing an AGCS, OCS and for those who provide a service to aircraft or parachutists within parachute drop zones without any need for a recognised operator's certificate or to have received any training. This could have a detrimental effect on safety for this part of the aviation environment. There are no safety benefits for this option.

Option 2 – Maintaining the present scheme, on a voluntary basis, would be formalising CAA acceptance of the current situation, and therefore is the same in effect as option 1. This could have a detrimental effect on safety for this part of the aviation environment, so there are no safety benefits for this option.

Option 3 - The benefit of legally underpinning the current ROCC scheme and consequently, mandating the requirement for all aeronautical radio station operators to hold an ROCC for the purpose of providing an AGCS, OCS and for those who provide a service to aircraft or parachutists within parachute drop zones, would be that the existing process where all individuals wishing to hold an ROCC go through the examination processes and assessment of their competency with CAA accredited examiners could be enforced. These examiners will ensure that applicants are at the required standard and that they operate the radio station safely. This would be in accordance with the previously held understanding of the ROCC scheme and therefore has no additional benefits compared to the current situation. However, such legal powers would help to avoid any potential, in future, for individuals to by-pass the ROCC system with its consequential effect on aviation safety, and therefore would help to ensure that safety is maintained within this area of the aviation environment

Summary/conclusion.

The preferred option is option 3: to amend the ANO. This would legally underpin the current ROCC system to ensure that those who operate aeronautical radio stations, for the purpose of providing an AGCS, OCS and for those who provide a service to aircraft or parachutists within parachute drop zones, are suitably qualified. CAA has promulgated ROCC requirements on the basis of a legal remit, which is still considered appropriate, so this would not have additional costs or benefits. However, there could be a detrimental effect on safety in this area of the aviation environment if there remains a loophole in the system that allows the CAA's ROCC scheme to be bypassed, by an individual, who could then operate an aeronautical radio station for the purposes outlined, without a qualification. Therefore, it is essential that the proposal to legally underpin the current ROCC system is adopted to help support aviation safety within this area.

One In, One Out (OIOO)

The proposal is in scope of the OIOO Rule, as it will affect any businesses that need to obtain a ROCC. However, because the system for obtaining an ROCC from the CAA is already well established and this proposal will simply enshrine in law a requirement that is already met by firms, this proposal will impose no additional costs and therefore is classed as a zero net cost.

Annexes.

Annex 1: Post Implémentation Review.

No formal PIR is proposed as there will be no change to the current ROCC Scheme associated with this amendment to the ANO. This change is being used to legally underpin a system that is already in operation but was incorrectly assumed to have a legal basis.

Annex 2: Assumptions underpinning the analysis.

PUBLIC CONSULTATION - SUMMARY

A public consultation was carried out on this proposal. The consultation is summarised as follows:

The need for an amendment to the ANO was identified early in 2011 and the proposed change was consulted upon via the CAA website. The consultation lasted for 3 months, beginning in July 2011. During the consultation period 32 relevant comments were received. There were mixed views regarding the initial consultation based on a misunderstanding regarding the scope of the ANO amendment. These have been clarified in the comments log that was released on the completion of the consultation with any agreed amendments being incorporated.

More detail on the comments received, responses given, and the consequential changes made to the proposal is given in the CAA document:

“Comment - Response Document. Response to the consultation on the proposal to amend the Air Navigation Order 2009 For The Radio Operators Certificate Of Competence”

The document is dated December 2011 and may be found on the CAA website at www.caa.co.uk/consultations

Annex 3: Specific Impact Tests.

Statutory equality duties.

Race

1. The proposal relates to all, therefore we do not anticipate that this amendment will lead to:
 - Different consequences according to people's racial group;
 - People being affected differently according to their racial group in terms of access to a service, or the ability to take advantage of proposed opportunities;
 - Discrimination unlawfully, directly or indirectly, against people from some racial groups;
 - Different expectations of the policy from some racial groups;
 - Harmed relations between certain racial groups, for example because it is seen as favouring a particular group or denying opportunities to another; or
 - Damaged relations between any particular racial group (or groups) and the DfT.

Disability

2. The Disability Discrimination Act (DDA) 1995 now gives rights to disabled people in the area of access to goods, facilities and services. The proposal applies equally to all, so we do not anticipate any disadvantages or discrimination for disabled people, in line with this Act.

Gender

3. The proposal will apply to all. Therefore, we do not anticipate that the reform will lead to:
- Different consequences according to people's gender;
 - People being affected differently according to their gender in terms of access to a service, or the ability to take advantage of proposed opportunities;
 - Discrimination unlawfully, directly or indirectly, against genders; or
 - Different expectations of the policy from between genders.

Competition

4. The proposal will not have an adverse effect on competition because the system for obtaining an ROCC from the CAA is already well established and this proposal will simply enshrine in law a requirement that is already met by firms.

Small firms

5. The system for obtaining an Radio Operators Certificate of Competence from the CAA is already well established, therefore, enshrining in law the requirement to hold such a certificate will have no effect on small firms.

Greenhouse gas assessment

6. The aviation sector already has targets and policies in place to ensure it plays its part in helping to reduce greenhouse gas emissions and thus achieve the UK's climate change targets. This proposal does not affect such policies or targets, and more generally is not expected to affect the amount of greenhouse gas producing activity in the industry. We therefore do not anticipate any direct impact of this proposal on greenhouse gas emissions.

Wider environmental issues

7. There are two wider environmental issues relevant to the aviation sector as a whole: noise pollution and air quality. This proposal does not directly influence the overall level of activity in the industry; therefore, we do not anticipate any direct impact in these areas.

Social impacts

Health and well-being

8. This proposal is not expected to have a direct impact on health. There is no potential for the proposal to directly affect wider determinants of health such as income or the environment, nor is there any potential for the proposal to affect relevant lifestyle related factors such as physical activity or diet. There is no anticipated impact on the demand for health and social care services.

Human rights

9. It is not anticipated that the proposal will have any human rights impact.

Justice system

10. It is anticipated that the proposal will have only very minor implications for the justice system. This is because the scheme is already assumed to be mandatory in nature, only 800 ROCC's are issued every year and the CAA is aware of very few cases in the recent past in which an aeronautical radio station has been used without the relevant qualification being already held.

Rural proofing

11. We do not believe that the proposal will have a different impact on people in rural areas because of their particular circumstances or needs.

Sustainable development

12. Sustainable development entails the current generation satisfying its basic needs and enjoying an improving quality of life without compromising the position of future generations. The proposal does not affect the resources available to future generations, and are therefore compatible with sustainable development.

Annex 4: The proposed amendment to the Air Navigation Order

The table below sets out the proposed amendments to the Air Navigation Order.

Item	ANO Ref.	Proposed Amendment
1	Insert after part 25 204A.—	Certificate of competence to operate aeronautical radio station Prohibition of unauthorised operation of an aeronautical radio station <p>(1) Subject to paragraphs (3) and (4), a person must not operate an aeronautical radio station for a purpose specified in paragraph (5), or hold themselves out, whether by use of a radio call sign or in any other way, as a person who may do so unless—</p> <ul style="list-style-type: none">(a) they hold and comply with the terms of an aeronautical radio station operator certificate of competence granted under article Y authorising the holder to provide such a service at that aerodrome; and(b) they have identified themselves in such a manner as may be notified. <p>(2) In this article ‘operate an aeronautical radio station means activating or altering any of the external controls of any of the apparatus comprised in the station or transmitting or receiving messages.</p> <p>(3) Nothing in this article prevents a person operating an aeronautical radio station for the purpose of avoiding immediate danger.</p> <p>(4) The purposes specified for the purpose of paragraph (1) are to provide—</p> <ul style="list-style-type: none">(a) an air/ground communications service;(b) a service to give information to pilots of aircraft flying to or from offshore oil, gas installations and vessels and for other aircraft operating in the vicinity of these aircraft; or(c) a service to give information to pilots of aircraft flying for the purpose of the dropping of persons by parachute and to persons who have been dropped by parachute.

204B.

Aeronautical radio station operator certificate of competence

- (1) The CAA must grant an aeronautical radio station certificate of competence if it is satisfied that the applicant—
 - (a) (a) is at least 18 years of age; and
 - (b) is qualified by having the knowledge, experience and skill to act in the capacity to which the certificate of competence relates.
- (2) The applicant must supply such evidence and undergo such examinations and tests and undertake such courses of training as the CAA may require.
- (3) The aeronautical radio station certificate of competence may be issued subject to such conditions as the CAA thinks fit.
- (4) An aeronautical radio station certificate of competence—
 - (a) remains in force, subject to article 228, for the period indicated in the certificate or if no period is indicated, for the lifetime of the holder;
 - (b) may be renewed by the CAA from time to time, if it is satisfied that the applicant is qualified in accordance with paragraph (1).
- (5) An aeronautical radio station operator certificate of competence is not valid for use at an aerodrome unless it has been endorsed by the person in charge of the aeronautical radio station.
- (6) The person in charge of the aeronautical radio station must not endorse an aeronautical radio station certificate of competence as required by paragraph (5) unless that person is satisfied that the holder is familiar with the terms and conditions of the Wireless Telegraphy Act Licence for the aeronautical radio station and has been informed of any relevant operational information concerning the types of equipment and operating procedures for the station.
- (7) Every holder of an aeronautical radio station operator certificate of competence must, on such occasions as the CAA may require, submit to such examinations and tests and supply such evidence of the holder’s knowledge, experience, competence and skill and undergo such courses of training as the CAA may require.
- (8) Nothing in this Order obliges the CAA to accept an application for the issue, variation or renewal of an aeronautical radio station operator certificate of competence if the application is not supported by such reports from such persons approved under article 244 as the CAA may specify, either generally or in a particular case or class of cases.

204C.

Approval of courses, persons, examinations and simulators

- (1) Without prejudice to any other provision of this Order the CAA may, for the purposes of this Part, approve—
 - (a) any course of training or instruction;
 - (b) any unit training plan or unit competence scheme;
 - (c) a person to conduct such examinations, assessments or tests as it may specify;
 - (d) any examinations, assessments or tests, together with associated arrangements; and
 - (e) any simulation hardware and software for the training, instruction, examination, assessment or tests.”