

28 March 2014  
FOIA reference: F0001867

Dear XXXX

I am writing in respect of your recent request of 5 March 2014, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

*“The request is in relation to the consultation on deregulation of all single seat microlight aircraft, the consultation can be found here:  
<http://www.caa.co.uk/default.aspx?catid=2653>*

*I require you to send me the full response from the British gliding association (BGA) that was submitted in relation to the above proposal”.*

Our response:

In assessing your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), we are pleased to be able to provide the information requested. We have, however, removed a mobile phone number from this information in accordance with Section 40(2) of the FOIA as to release the information would be unfair to the individual concerned and would therefore contravene the first data protection principle that personal data shall be processed fairly and lawfully. A copy of this exemption can be found below.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Mark Stevens  
External Response Manager  
Civil Aviation Authority  
Aviation House  
Gatwick Airport South  
West Sussex  
RH6 0YR

[mark.stevens@caa.co.uk](mailto:mark.stevens@caa.co.uk)

**Civil Aviation Authority**

Aviation House GW Gatwick Airport South Crawley West Sussex England RH6 0YR [www.caa.co.uk](http://www.caa.co.uk)  
Telephone 01293 768512 [rick.chatfield@caa.co.uk](mailto:rick.chatfield@caa.co.uk)

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office  
FOI/EIR Complaints Resolution  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
[www.ico.gov.uk/complaints.aspx](http://www.ico.gov.uk/complaints.aspx)

Should you wish to make further Freedom of Information requests, please use the e-form at <http://www.caa.co.uk/foi>.

Yours sincerely

Rick Chatfield  
Information Rights and Enquiries Officer

## **CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE**

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.

**Freedom of Information Act: Section 40**

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if-

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.

(3) The first condition is-

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-

- (i) any of the data protection principles, or
- (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and

(b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

(4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).

(5) The duty to confirm or deny-

(a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and

(b) does not arise in relation to other information if or to the extent that either-

(i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or

(ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

(6) In determining for the purposes of this section whether anything done before 24<sup>th</sup> October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

(7) In this section-

"the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;

"data subject" has the same meaning as in section 1(1) of that Act;  
 "personal data" has the same meaning as in section 1(1) of that Act.

**From:** Pete Stratten [mailto:pete@gliding.co.uk]

**Sent:** 13 October 2013 13:05

**To:** Requirements

**Subject:** Proposal to deregulate (for Airworthiness purposes) all UK registered single seat microlight aeroplanes

Proposal to deregulate (for Airworthiness purposes) all UK registered single seat microlight aeroplanes

Comment by British Gliding Association

While noting that the measure does not implicate nationally registered unpowered sailplanes, for which current regulations remain unchanged, *the British Gliding Association fully supports the proposed amendment in favour of UK deregulation of single seat microlights up to 300kg flying weight* (the EASA Annex II limit). We can well foresee that these developments by 'amateurs and associations of non-profit making amateurs', could revitalise and expand the position of microlight aviation in UK, and lead to UK ultimately playing a larger role in the world market through developments under national regulation.

Similar opportunity continues to exist for the development of UK homebuilt sailplanes under the stewardship of the British Gliding Association, but we would note that future commercial exploitation of sailplane designs is currently not possible, either in UK or elsewhere, as under EASA regulation, un-regulated designs of single seat sailplanes are limited to only 80kg (empty weight). At the BGA we continue to question why, in EASA Annex II limitations, such a punitive approach has been made in respect of sailplanes, for which de-regulated single seat designs are limited to approximately 100kg below the 'equivalent' powered aircraft limit.

While supporting this UK proposal for deregulation, which will the benefit of the light-powered community, this measure throws into stark relief the rigid and disproportionate approach to sport aviation in general and to gliding in particular under EASA.

Yours sincerely

Pete Stratten  
Chief Executive

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Meridian Business Park  
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