



Department  
for Transport

The Lord Moylan  
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**Lord Hendy of Richmond Hill**  
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2 December 2024

Dear Lord Moylan,

Thank you for your contribution to the recent debate in the House regarding the Aviation Safety (Amendment) Regulations 2024. I am writing in response to your question relating to the consultation exercise with the smaller operators.

The EU Aviation Safety Agency consulted through Notices of Proposed Amendment from the EU Aviation Safety Agency (EASA) between 2016 and 2020. Another consultation was carried out in 2023 by the Civil Aviation Authority (CAA) post-EU and EASA exit, and all interested parties had the opportunity to respond via the CAA's website.

It is expected that Individual Fuel Schemes will only be taken up by the largest operators who already have the appropriate systems in place. The Department for Transport was particularly interested in understanding how the new fuel planning regulations would affect operators, so the CAA spoke with a large operator to learn more about the operational impacts of the rule changes.

This revealed there are only a limited number of circumstances in which this large operator would take advantage of new fuel planning regulations. In the expert judgement of the CAA, this limited set of circumstances would place small or medium sized operators at a low risk of disadvantage relative to larger operators.

In a briefing with my officials, you also asked whether this instrument is more an exercise in harmonising standards than something which will enhance safety. The regulations do improve safety in some areas; for example, by creating more robust regulation where helicopters refuel while their rotors are turning and improving the visual and non-visual aids in aerodromes to enhance the safety of all-weather operations.

In other areas, the regulations do not directly improve safety, but make sure that new systems and processes that enhance efficiency are introduced in a safe manner, e.g., by allowing operators to take more factors into account when planning how much fuel they need.

You also asked how the International Civil Aviation Organization (ICAO) ensures that updates to its Standards and Recommended Practices (SARPs) are safe. The driver for any change to ICAO SARPS can come from a variety of sources - Air Accident reports, ICAO Regional Bodies, individual States, National Aviation Authorities or industry. The CAA has experts working at every level of ICAO. Any change to SARPs has input and feedback from the UK CAA's representatives, either during the development or consultation stages, or both, to ensure that safety is maintained or enhanced by any changes.

You also raised the question of who is ultimately accountable when things go wrong. "Just Culture" is a critical aspect of ensuring that the UK aviation safety framework remains safe and serious incidents are investigated or reported without appointment of blame or liability to ensure lessons can be learned in the future.

This means that while the CAA is responsible for regulating industry, who are expected to comply with legislation, criminal enforcement action will only be taken in the most serious cases. The CAA can take other regulatory action, including withdrawing licences or approvals. In the event of a serious incident or accident, there may be both criminal and Air Accidents Investigation Branch investigations. The DfT assures the CAA's effectiveness as a regulator, holding the CAA to account via the State Safety Board and other governance mechanisms.

Thank you once again for your contribution. If you have any further questions on this matter, please feel free to get in touch.

I am copying this letter to all Noble Lords who contributed to this debate and will place a copy of this letter in the Libraries of both Houses.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Hendy', written in a cursive style.

**Peter, Lord Hendy of Richmond Hill**

**MINISTER OF STATE FOR RAIL**