



BRIEFING PAPER

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Aviation: FAQs for 2021

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Summary

This paper has been written **specifically for Members of Parliament and their staff**, though others may find it of general interest.

It is a compilation of regularly asked questions about aviation issues. There is no intended link between articles other than that the topics are often the subject of requests by Members, usually on behalf of their constituents.

It covers the following issues:

- Who is responsible for **aviation policy** and its implementation;
- Changes to the aviation industry as a result of **Brexit**;
- **The impact of COVID-19**
- The rights of **passengers with a disability** or reduced mobility;
- Protections when an **airline goes into administration**;
- Air **accident** investigations;
- Dealing with **noise** and **nuisance** and what to do about changes to **flight paths**;
- **Heathrow** expansion; and
- **Drones**.

Further details on these issues and more can be found in a suite of Commons Library briefing papers, [available on our website](#).

1. Introduction

This paper has been written **specifically for Members of Parliament and their staff**, though others may find it of general interest.

It is a compilation of regularly asked questions about aviation-related issues. There is no intended link between articles other than that the topics are often asked by constituents of Members.

Please note that nothing in this paper should be considered as constituting legal advice. It is not intended to address the specific circumstances of any particular individual. A suitably qualified professional should be consulted if specific advice or information is required.

Transport policy largely emanates from the [Department for Transport \(DfT\)](#) and its agencies, non-departmental public bodies and other offshoots. Issues such as noise management and environmental pollution are devolved, as is planning. Some aspects of policy come under the overall control of other departments – e.g. decarbonisation and climate change. Much of the overarching framework for aviation law is set at the international level – by the [International Civil Aviation Organization \(ICAO\)](#).

In **Parliament** transport policy is largely scrutinised by the [Transport Select Committee](#), though those policies covered by other departments may well attract attention from other committees. For example, in the 2017 Parliament [air quality](#) was an issue of concern for the Environment Food and Rural Affairs, Environmental Audit Committee, Health, and Transport Committees. Separately, the [Public Accounts Committee](#) looks at issues across Government departments, largely based on reports by the National Audit Office (NAO).

The [House of Lords](#) has its own committees that consider transport issues and there are [All Party Parliamentary Groups \(APPGs\)](#), which are informal cross-party groups that have no official status within Parliament. They are run by and for Parliamentarians from both Houses and often involve individuals and organisations from outside Parliament in their administration and activities (e.g. APPGs on [Heathrow expansion](#) and [Air Passenger Duty reform](#)).

[Transport Statistics Great Britain \(TSGB\)](#) is the DfT's main statistical compendium analysing trends in British transport. The authorities in Wales, Scotland and Northern Ireland publish their own data. Aviation statistics are produced primarily by the [Civil Aviation Authority \(CAA\)](#).

A range of international transport statistics are available online, the primary providers being the OECD, the World Bank and the World Health Organisation.

2. Aviation: general

2.1 Who is responsible for aviation-related policy?

Much of the overarching framework for aviation law is set at the international level – by the [International Civil Aviation Organization \(ICAO\)](#).

When the UK was a member of the European Union (EU) some aviation law was made by the EU and had direct legal effect, as a European Regulation, in the UK. The transition period ended on 31 December 2020. This means that the UK is now formally a third country and EU law no longer applies. From 1 January 2021 the UK law that applies to such aviation rights and obligations are the retained EU Regulations, as amended by various UK Statutory Instruments (made under the European Union (Withdrawal) Act 2018).

Domestically, policy about air travel and airports is largely reserved to the UK Government, but **some aspects are devolved to Scotland, Wales and Northern Ireland**, particularly as regards to noise pollution and control. So, for example, the UK Government sets the overall strategy for airspace use and management, and how airports are regulated, but the Scottish Government could impose noise restrictions on airport operations in Scotland. The Scottish and Welsh Governments also own an airport each (Glasgow Prestwick and Cardiff respectively). [Air Passenger Duty \(APD\)](#) – a tax on flying – is devolved in Scotland and partially devolved in Northern Ireland.

The [Civil Aviation Authority \(CAA\)](#) is the UK's aviation regulator. It is responsible for safety, consumer protection, the ATOL holiday financial protection scheme and the economic regulation of some airports and certain aspects of air traffic control.

2.2 We have now left the EU, what has changed?

The UK has left the EU, and since the end of the transition period is now formally a third country and EU law no longer applies. The [Civil Aviation Authority \(CAA\) explains](#):

From 1 January 2021 the UK law that applies to such aviation rights and obligations are the retained EU Regulations, as amended by various UK Statutory Instruments (made under the European Union (Withdrawal) Act 2018).

The amendments that apply from 1 January 2021 do not fundamentally change any of those obligations or rights but deal only with the fact that the UK is no longer part of the EU legal system.

With a week to go until the end of the transition period, the UK and EU announced the [Trade and Cooperation Agreement \(TCA\)](#) on 24 December 2020. The deal covers the future UK-EU relationship.

Ahead of the TCA being signed, many in the aviation industry had expressed concerns over connectivity issues, safety and authorisations and design certificates for aerospace products. The TCA addresses many of these concerns and preserves basic connectivity for air transportation services between the UK and the EU. It also establishes processes for future cooperation in areas including aviation safety and the liberalisation of ownership and control restrictions.

Specifically, the TCA provides for:

- **Air traffic rights:**
 - That allow EU and UK carriers with unlimited rights to fly between the UK and the EU (1-4 freedom of the air rights).
 - That allow individual EU Member States and the UK to negotiate on and grant each other's respective carriers fifth freedom rights (i.e. to provide scheduled and non-scheduled all-cargo air transport services operating between points situated in their respective territories, as part of a service originating or ending in the UK or the Member State respectively).
- **code sharing** between UK, EU and third country carriers, provided that the relevant operating carrier has the necessary rights to perform the relevant service.
- **dry leasing** (leasing an aircraft without the crew) and **wet leasing** (aircraft plus crew). For EU carriers, however, wet leasing is only permitted if the leasing can be justified on the basis of exceptional need, seasonal capacity or operational difficulties of the lessee.
- **Ownership and control restrictions**, which are maintained meaning that UK air carriers must be majority owned, operated and licensed in the UK and vice versa for EU air carriers. However, there is a grandfathering provision for UK air carriers with a valid operating licence granted in accordance with EU law as at the 31 December 2020 and which are owned and controlled by EU nationals. There is no equivalent right granted by the EU.
- **Recognition of Existing Authorisations** on various aspects of aviation safety such as airworthiness, operation, air traffic management and personnel training and licencing. Annexes are to be developed by the Specialised Committee on Air Transport to outline the scope of the cooperation in each relevant area.
- **Consumer protection**, including access to information, assistance for persons with (for example) disabilities and reduced mobility, reimbursement and – if applicable – compensation in the event of denied boarding, cancellation or delays, and efficient complaint handling procedures. (see section 4 for specific passenger rights questions)

The UK has long had bilateral agreements with many of its important markets, such as the US, which were superseded by EU-third party agreements. As a result of EU membership, UK airlines benefitted from [42 Air Services Agreements](#) entered into by the EU with countries inside

and outside the EU including the US and China. These agreements have lapsed upon leaving the EU.

Given its importance to the UK, the Government was swift to focus on a replacement for the [EU-US Aviation Agreement](#), commonly called 'Open Skies'. [When Open Skies was agreed](#) back in 2007 the UK market was one of the key attractions for the US – at the time the UK accounted for a 40% share of the EU-US market. The UK and the US [reached an agreement](#) in November 2018.

2.3 I'm a UK-licensed pilot - can I work for an EU airline?

Since the end of the transition period, pilots with a UK commercial pilot licence (UK Part FCL) cannot operate EU registered aircraft. To continue operating EU-registered aircraft, pilots may still seek a licence validation from any of the European Union Aviation Safety Agency (EASA) Competent Authorities. It was possible for British pilots to transfer their pilot licences to an EU Member State before the end of the transition period. This would mean they would be licensed by a EASA Competent Authority, which would be valid for aircraft registered in any EASA Member State.

In contrast, EU licenced pilots can continue to fly UK-registered aircraft, so long as the licence was issued before the end of the transition period. Those pilots must also be in possession of a general validation document which can be downloaded from the [Civil Aviation Authority microsite](#). This is valid for two years, as per the European (Withdrawal) Act 2018.

In January 2021, [Lord Balfre, president of BALPA](#) – the pilots union – stated a number of concerns he had about the [UK-EU Trade Cooperation Agreement \(TCA\)](#). He noted this imbalance in flight crew licensing, which he said is, “at the moment biased towards Europe and away from the UK”

This situation may change in the future because the TCA commits the parties to establish a Specialised Committee on Aviation Safety which is empowered to adopt Annexes for amongst other things personnel licensing and other areas covered by the Chicago Convention. Once agreed, each party is obliged to accept findings of compliance and certificates issued by the other party in accordance with any Annex. This means the TCA does allow for future mutual recognition of personnel licensing, including for commercial pilots, but the deal as it currently stands doesn't allow for it yet.

3. COVID-19

The information in this section deals with a fast-moving issue and should be read as correct at the time of publication.

3.1 How has COVID-19 affected the aviation industry?

The pandemic has had a huge impact on the aviation industry globally, with a recovery to 2019 levels of flying not expected for at least four years.

The International Civil Aviation Organization (ICAO) has been tracking the global impact of COVID-19 and the associated travel restrictions on the aviation industry. In its [latest report](#), the ICAO estimates that compared with 2019, COVID-19 has resulted in:

- A reduction of 50% of seats offered by airlines
- A reduction of 2,690 million passengers (-60%)
- A ~USD 370 billion loss of gross passenger operating revenues of airlines

The [International Airport Transport Association \(IATA\)](#) meanwhile forecasts losses to the global airline industry of \$118 billion in 2020 and \$38 billion in 2021.

In the UK, seat capacity fell by around 92% in April 2020 (compared to April 2019) and by September was still 85% down on 2019 with high capacity summer months lost, [according to Airlines UK](#). Meanwhile, the [Airport Operators Association \(AOA\)](#), the trade body for airports, reported that its members were losing £83 million a week.

For information on COVID-19 travel restrictions from and to the UK, you may wish to read Commons Library briefing, [Coronavirus: International Travel FAQs for England](#).

For information on COVID-19 travel restrictions and consumer rights regarding package holiday bookings, you may wish to read the Commons Library briefing, [Coronavirus: holiday bookings](#).

4. Passenger rights

4.1 How can you complain about a flight or treatment at an airport?

Details of [how to make a complaint](#) about a flight or an experience at an airport are given on the Civil Aviation Agency (CAA) website. In the first instance you must complain to the relevant airline or airport. The CAA recommends providing as much detail as possible: if anything should go wrong with a claim, it is useful to have a record of any communications.

The EU Alternative Dispute Resolution (ADR) Directive ([Directive 2013/11/EU](#))¹ requires schemes to be available to help settle any dispute that cannot be resolved through a business's own complaint handling procedure. Two UK-based ADRs are currently available; you must use the one that the company you have a dispute with is a member:

- [Aviation ADR \(Consumer Dispute Resolution Limited\)](#) – members include Air Canada, Air France, easyJet, Emirates, Flybe, KLM, Norwegian, [Ryanair](#), TUI, Virgin Atlantic and Wizz; and
- [Centre for Effective Dispute Resolution \(CEDR\)](#) – members include British Airways and Heathrow, Gatwick, Stansted, Manchester and Bristol airports.

Three other ADRs, based abroad, provide services for a number of airlines based outside the UK, they are the [Latvian Consumer Rights Protection Centre \(CRPC\)](#), the [Czech Trade Inspection Authority \(CTIA\)](#), and [söp](#).

ADR decisions are binding on airlines and airports if the appellant (the customer) agrees to the determination.

ADRs can charge a maximum fee of £25 to complainants. This must be refunded if the ADR finds in their favour.

The [CAA continues to handle disputes](#) with those **airlines and airports that are not members of ADRs**.

Complaints about a tour operator or travel agent should be taken up with a trade association such as the [Association of British Travel Agents \(ABTA\)](#) or the [Association of Independent Tour Operators \(AITO\)](#). These associations have codes of conduct for their members. ABTA and AITO also offer arbitration procedures through which customers can pursue complaints. The tour operator's brochure or travel agent's invoice should indicate if they are members of an association.

¹ The [Alternative Dispute Resolution for Consumer Disputes \(Competent Authorities and Information\) Regulations 2015](#) implemented the provisions of the ADR Directive (as amended by the Consumer Protection (Amendment etc.) (EU Exit) Regulations 2018

4.2 What are the rights of passengers with disabilities when travelling by air?

The rights of passengers with disabilities or reduced mobility (PRMs) are provided through retained EU law – [Regulation 1107/2006/EC](#), particularly Articles 3, 4 and 10 and Annex II as amended by the [Air Passenger Rights and Air Travel Organisers' Licensing \(Amendment\) \(EU Exit\) Regulations 2019](#). Additionally, the *Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014* ([SI 2014/2833](#)) give the CAA full legal authority to ensure airlines or airports comply with the 2006 Regulation.

Full details of PRM rights to travel are set out on the [Equality and Human Rights Commission's website](#), updated in February 2019.

The 2006 Regulation provides that an air carrier or its agent or a tour operator shall not refuse, on the grounds of disability or of reduced mobility, to accept a reservation for a flight departing from or arriving at an EU airport, or to embark a passenger with a disability or a PRM at such an airport, provided that the person concerned has a valid ticket and reservation [Article 3]. Notwithstanding the above, a reservation can be refused on two grounds:

- in order to meet applicable safety requirements; or
- if the size of the aircraft or its doors makes the embarkation or carriage of that disabled person or person with reduced mobility physically impossible.

The process for determining who or what might constitute a 'safety concern' is a matter for individual airlines, but they would have to be able to justify these conditions were they to be taken to court on the grounds of discrimination in the provision of goods and services.

Article 4 provides that in the event of refusal to accept a reservation on the grounds referred to above, the air carrier etc. must "make reasonable efforts to propose an acceptable alternative" to the person in question. Anyone denied boarding on the grounds of his or her disability or reduced mobility and any person accompanying this person (as defined in Article 2) must be offered the right to reimbursement or rerouting.

Article 10 and Annex II state that an air carrier must provide the following assistance *without additional charge* to someone with a disability or a PRM departing from, arriving at or transiting through an EU airport:

- Carriage of recognised **assistance dogs** in the cabin, subject to national regulations;
- In addition to **medical equipment**, transport of up to two pieces of mobility equipment per disabled person or person with reduced mobility, including electric wheelchairs (subject to advance warning of 48 hours and to possible limitations of space on board the aircraft, and subject to the application of relevant legislation concerning dangerous goods);

- Communication of essential **information** concerning a flight in accessible formats;
- The making of all reasonable efforts to arrange **seating** to meet the needs of individuals with a disability or reduced mobility on request and subject to safety requirements and availability;
- Assistance in moving to **toilet facilities** if required; and
- Where a passenger is assisted by an **accompanying person**, the air carrier will make all reasonable efforts to give that person a seat next to the passenger they are accompanying.

The UK Government's July 2018 [Inclusive Transport Strategy](#) set out plans to review the CAA's powers to enforce the relevant law and to evaluate levels of passenger assistance and to strengthen both if need be. There are likely to be further proposals in the Government's [Aviation Strategy](#), which has yet to be published in its final form. In July 2019 [the CAA reported](#) that for the first time no UK airport had been reported as providing a 'poor' level of accessibility for passengers with disabilities – every airport was ranked 'good' or better.

If you think you might have been treated unfairly and want further advice, you can contact the [Equality Advisory and Support Service](#).

4.3 How can you get compensation for a delayed or cancelled flight?

UK passenger rights to compensation are provided through retained EU law – [Regulation 261/2004/EC](#) as amended by the [Air Passenger Rights and Air Travel Organisers' Licensing \(Amendment\) \(EU Exit\) Regulations 2019](#). The law sets out what airlines must provide their passengers if a flight is delayed or cancelled. This applies even if the information is not contained in the airline's terms and conditions.

- **The UK legislation** covers all flights which (i) depart the UK, (ii) arrive in the UK with an EU or UK carrier, or (iii) arrive in the EU with a UK carrier.
- **The EU Regulation** covers passengers on flights between two designated countries or on flights departing or arriving from a designated country from a third country, as the law doesn't require you to be an EU citizen to claim compensation. A list of designated countries is available on the [CAA website](#); essentially it is all EU countries, Iceland, Norway and Switzerland.

The main difference between claims made through the retained UK law are that payments are made in pounds sterling, not Euros.

Full details of the current passenger rights to compensation are available on the [CAA website](#) and in their [Know Your Rights leaflet](#), updated in September 2019.

An airline is not obliged to pay compensation if it can prove that a delay or cancellation was caused by '**extraordinary circumstances**'. This is defined in paras 14 and 15 of the preamble to the 2004 Regulation. What constitutes 'extraordinary circumstances' has been subject to legal challenge. Travel restrictions imposed as a result of the COVID-19

pandemic have caused a number of cancellations. The CAA considers that flights cancelled as a result of COVID-19 would fall under the extraordinary circumstance exemption. You can see a [list of cancelled flights relating to COVID-19 on the CAA website](#).

It is also worth noting that anyone who pays for an airline ticket using a credit card can contact the credit card provider to see if there is any additional compensation available under [section 75](#) of the *Consumer Credit Act 1974*.

4.4 How are air passengers protected if an airline goes into administration?

At present, passenger protection against financial loss in the event of the insolvency of an airline may be provided by one or more of the following:

- the **Air Travel Organiser's Licence (ATOL)** scheme – broadly speaking, UK firms selling air packages, flight plus trips and some flight only bookings must hold an ATOL and if the firm fails, the [CAA](#) draws on the Air Travel Trust (funded by payments from purchasers of ATOL-protected bookings) to cover repatriation and refunds. Whilst it has been effective in mitigating financial losses to most passengers incurred as a result of the insolvency of small airlines (e.g. FlyBMI and Wow Air), the collapse of Monarch and Thomas Cook have demonstrated the scheme's limitations and the challenges of repatriating stranded passengers when large airlines fail.;
- a **travel insurance** policy (potentially packaged with other financial products), of which around 50% provide cover for an airline failure;
- a claim against **credit card** issuers who are jointly and severally liable for a breach of contract under the [Consumer Credit Act 1974](#); and
- reversal of a transaction by a **debit card** issuer where services have not been provided.

The outcomes differ with the various protections. For example, ATOL protection results in repatriation organised by the CAA or a refund for cancelled bookings. Protection under the 1974 Act covers claims above £100 for both losses from the original flight and consequential loss. By contrast, the debit card protection covers loss from the original flight but not consequential loss.

The crucial point to note is that the existing protections are incomplete. Only around 80% of UK-originating passengers have some form of protection from financial loss due to the failure of an airline.

Reform is coming in this area. In May 2019 the Department for Transport published the final report of the independent [Airline Insolvency Review](#), chaired by Peter Bucks.

The then Secretary of State, Chris Grayling, commissioned the Review following the [collapse of Monarch Airlines](#) in October 2017, when

85,000 passengers were repatriated by the Civil Aviation Authority (CAA) at a cost to the taxpayer. More recently, in September 2019, winding-up orders were made by the court against the [Thomas Cook Group companies](#). Following authorisation by the Government, the CAA orchestrated the [repatriation](#) of approximately 150,000 passengers.

The Review considered both refund and repatriation protection in the event of an airline's failure. Its key recommendations were for a new flight protection scheme at a rough cost of 50 pence per passenger; reform of the airline insolvency regime so an airline's own aircraft can be used to repatriate its passengers should it fail; improved powers for the CAA and measure to increase take up of safeguards that protect the future bookings of customers, when airlines collapse.

The Government has yet to publish a formal response. However, the [December 2019 Queens Speech](#) announced legislation to protect passengers in the event of an airline going bust by reforming the airline insolvency process. This would include:

- The introduction of a special administration regime for airlines to support the needs of passengers post-insolvency and to keep aircraft fleet flying long enough for passengers to be repatriated;
- Enhancing the CAA's regulatory powers to improve their oversight of airlines in distress and mitigate the impacts of a future airline failure;
- Reforms to airline insolvency, to strike a better balance between strong consumer protection and the interests of taxpayers;
- Extending the CAA's remit to apply to the repatriation of both ATOL and non-ATOL protected passengers. (Currently they do not have to repatriate non-ATOL passengers); and
- Establishing and enhancing a repatriation 'toolkit' of mechanisms for companies and passengers, including making it easier for the CAA to grant a Temporary Airline Operating Licence so that an airline can continue repatriating passengers following insolvency.

Airlines has been one of the hardest-hit industries during the COVID-19 pandemic (See section 3). Several airlines have already collapsed including [British regional airline Flybe](#), which entered administration in the first week of March, with pandemic thought to have exacerbated existing financial issues. The proposed reforms may therefore come too late to effect any other near-future COVID-impacted airline insolvencies.

Full details of current arrangements and planned reforms are provided the Commons Library briefing paper [Airline Insolvency Review](#).

5. Airports and aircrafts

5.1 Who investigates when there is an air accident?

The UK [Air Accidents Investigation Branch \(AAIB\)](#) is the relevant investigating authority for any incidents that occur in or over the UK or occurring elsewhere to aircraft registered in the UK. Incidents that occur to non-UK registered aircraft over non-UK airspace are investigated by the relevant national authorities.

The AAIB was set up in 1987, but this function has existed in one form or another since the 1920s. The fundamental principles governing the investigation of civil aviation accidents and incidents are set out in international law (specifically, [Annex 13 of the Chicago Convention 1944](#) and EU [Regulation 996/2010/EU](#)) and implemented in the UK by section 75 of the [Civil Aviation Act 1982](#), as amended, and regulations made under it.

AAIB is an independent branch within the Department for Transport (DfT). The AAIB's head, the Chief Inspector of Air Accidents, reports directly to the Secretary of State on accident investigation. [AAIB's role](#) is to determine the circumstances and causes of an accident and to make safety recommendations, if necessary, with a view to the preservation of life and the avoidance of accidents in the future. It is not to apportion blame or liability. The AAIB is not a regulatory authority and cannot therefore enforce its recommendations.

A full explanation of [AAIB's investigative process](#) is given on its website, updated in June 2018.

5.2 Who can help if someone is affected by noise or nuisance from aircraft?

Affected individuals often want action taken against noisy and/or low flying aircraft, including helicopters.

In some cases, if it is possible to work out where the nuisance is coming from, you can make representations to the relevant airport, aerodrome, airfield, or heliport that is being used by the aircraft. They have powers to deal with noise and to change departure schedules. It is important to note that any actions they might take are a matter for them.

Issues relating to noise from **commercial aircraft** should be directed to the relevant airport (e.g. nuisance caused by living under a flightpath for an airport such as Edinburgh, Heathrow or Gatwick). These are often complex, systemic issues and are not usually reflective of a law being broken.

If one has reason to believe that an aircraft or helicopter may be in breach of the [Rules of the Air](#), breaking the law or posing a safety risk, one can raise this with the CAA as the relevant enforcement authority. The [CAA can investigate](#):

- **Low flying:** In general, unless they are landing or taking off, an aircraft should be 1,000 ft over a built-up area or otherwise 500 ft from people, buildings etc.
- **Unsafe flying:** You need to provide evidence of the incident, and to enable CAA to track the aircraft concerned you would ideally have its registration. For UK aircraft this is normally G- followed by four letters and is on the side and wing of the aircraft. Examples include unapproved and dangerous low aerobatics or a helicopter landing in a place that puts people or property in danger.
- **Other examples:** Aircraft flying without the correct approvals; companies or individuals charging for flights without the correct certificates; pilots flying without the correct licences and engineers undertaking unapproved work.

If you think you have witnessed a breach of aviation law, the CAA advises reporting the incident using its [online tool](#).

There are three issues the CAA does not deal with. These are:

- **Drones:** If you think a drone is being flown dangerously you should contact the local police on 101.
- **Low flying military aircraft:** For complaints about low flying military aircraft contact SWK-lowflying@mod.gov.uk or call 01780 417 558
- **Criminal activities and security risks:** If you think an aircraft is being used for criminal purposes or is a security risk you should contact Crime Stoppers on 0800 555 111 or call the local police on 101 and quote Project Pegasus.

5.3 How can I get involved with a local airport's plans to change its flightpaths?

Airspace is a complex thing to understand, the easiest way to think of it is as a motorway network in the sky. Airspace is the volume of space above ground level and extends as far as aircraft can fly. UK airspace contains a network of corridors, or airways. Airspace, like any other piece of infrastructure, needs to be managed and improved. Changes are made via an 'airspace change' process.

Airspace change – whether temporary or permanent – can have unwelcome impacts for local communities. Over recent years there have been concerns that airports have not adequately consulted those who have been affected before implementing change and that the change process itself has not been properly explained.

Anybody can initiate, and thus, sponsor, an airspace change. Sponsors are largely aerodrome/airport operators, the Air Navigation Service Provider (ANSP) (or a combination of the two); or the regulator (the CAA).

A new airspace change process took effect in January 2018. It is explained in detail in the CAA's CAP 1616 document [Airspace Design: Guidance on the regulatory process for changing airspace design including community engagement requirements](#). There are seven stages

to the change process, as set out in CAP 1616. In terms of consultation, this should form a part of stages 1 and 2 (Design and Develop and Assess). Stage 3 (Consult) is the key stage or 'gateway' for consultation. This consists of four separate steps (preparation, approval, consultation, collate and review responses). The CAA must accept each consultation strategy for the proposal to move forwards.

Finally, at stage 5 (Decide) there is a public evidence session for Level 1 airspace changes (i.e. a change that will alter traffic patterns below 7,000 feet and for which sponsors must demonstrate a clear consideration of noise impacts).

Individual sponsors should provide clear information to those affected or anyone who thinks they may be affected, to give their views at all appropriate stages. **A list of applications being processed through the CAP 1616 process is given on the [CAA website](#).** You can use this to search by airport and then sign up for all updates for individual change proposals.

The [Air Traffic Management and Unmanned Aircraft Bill](#) makes provision for the Secretary of State to direct airports and other entities with functions relating to air navigation to take forward airspace change proposals.

5.4 Will Heathrow's third runway be built?

The Government confirmed that Heathrow is its preferred option for expansion of airport capacity in the South East. However, it is currently unclear whether a third runway will be built following two court cases concerning the legality of the Government's policy in favour of the development of a third runway at Heathrow, and the Government's equivocal comments on development following the outcomes of these court rulings.

In February, the [Court of Appeal ruled that](#) the proposed expansion was unlawful as the procedures followed by the Secretary of State did not take into account climate commitments, but that in future, the expansion could go ahead if shown to be compatible with UK climate policy. Specifically, the court concluded that the Airports National Policy Statement was not produced as the law requires, and as Parliament expressly provided. It further stated that the [Paris Agreement](#), non-CO₂ emissions and emissions post 2050 ought to have been taken into account by the Secretary of State in the preparation of the NPS and an explanation given as to how it was taken into account, but it was not (paragraph 283).

The [Secretary of State responded](#) to the judgement by indicating that the Government would not appeal the decision. Heathrow, however, did appeal the decision.

In December 2020, the [Supreme Court overturned the earlier judgment](#), ruling in favour of Heathrow. [Heathrow welcomed the decision](#) while the [Government said](#) it was "carefully considering the Court's judgment".

This means the project can now seek planning permission via a Development Consent Order (DCO). The final decision on any DCO application would be taken by a Minister in the Department for Transport in line with the June 2018 [Airports National Policy Statement](#). The Government has said that any expansion by Heathrow must “meet strict criteria on air quality, noise and climate change”. More information on the DCO process can be found in the Commons Library briefing paper [Planning for Nationally Significant Infrastructure Projects](#).

5.5 What is the Government doing to regulate drones?

The Civil Aviation Authority (CAA) introduced [new drone registration and training requirements](#) from 30 November 2019.

- Anyone responsible for a drone or unmanned aircraft (including model aircraft) weighing between 250g and 20kg needs to register as an operator. The cost for this is £9 renewable annually.
- Anyone flying a drone or unmanned aircraft (including model aircraft) weighing between 250g and 20kg must take and pass an online education package. This is free and renewable every three years.

Members of ARPAS-UK, the British Model Flying Association (BMFA), the Scottish Aeromodellers’ Association (SAA), the Large Model Association (LMA) and FPV UK do not need to register as an operator with the CAA system if they are a current member of these associations. With permission, the associations will collect the registration fee from members directly and supply their data to the CAA. This will take place initially by 31 January 2020.

Similarly, remote pilots flying in accordance with a permission, exemption or operational authorisation (e.g. such as the permission related to commercial operations as required in the *Air Navigation Order 2016*, [Article 94\(5\)](#)) that has been issued to a named operator by the CAA are exempt from having to undertake the online education training and test.

The Government set out its reasons for the new requirements in [July 2017](#). These were largely around maintaining the UK’s aviation safety record and addressing security and privacy concerns. The Air Traffic Management and Unmanned Aircraft Bill was [reintroduced to Parliament](#) for the 2019-20 session following the General Election. This Bill would expand the regulatory framework to address misuse of unmanned aircraft, by:

- Providing powers to police the misuse of unmanned aircraft, including to: (i) ground unmanned aircrafts; (ii) stop and search people and vehicles; (iii) to obtain a warrant to search property
- providing for fixed penalties for certain offences relating to unmanned aircraft.

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