

Theme	Relevant Section(s) of revised statement	Response
General concerns around the idea of forcing a sponsor to undertake an airspace change proposal, including when against its (business) interest	2.3-2.11 (unchanged)	<p>In December 2018, the Government launched a consultation entitled “Aviation 2050 – the future of UK Aviation”.¹ In Annex A of this consultation, the Government invited views on proposed legislation to enforce the development of airspace change proposals. The Government response to this aspect of the consultation was published in October 2019, and confirmed the Government’s intention to bring forward legislation regarding airspace change proposals.² Most comments under this theme were not the subject of this consultation exercise and therefore out of scope.</p> <p>It should, however, be noted that the Government’s current policy is to consider using the Direction powers from Part 1 of the Act only as a last resort, and, at least initially, only in respect of airspace change proposals identified as part of the airspace change masterplan (the single coordinated implementation plan for airspace changes in the UK to cover the period to 2040). The CAA accepted Iteration 2 of the masterplan into its Airspace Modernisation Strategy in January 2022.</p>
	Figure 1.1 (added – see below)	We have added a summary diagram to aid understanding of the different stages of the process before penalties can be imposed, and the roles and responsibilities of the Secretary of State and the CAA. These stages include the Direction itself, the Compliance Notice, the Enforcement Order, imposing penalties and the opportunities to make representations or to appeal.

¹ HM Government, *Aviation 2050, the Future of UK Aviation: a Consultation* (December 2018):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/769695/aviation-2050-web.pdf

² Department for Transport, *Consultation Response on Legislation for Enforcing the Development of Airspace Change Proposals* (October 2019):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841247/consultation-response-on-legislation-for-enforcing-the-development-of-airspace-change-proposals.pdf

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	2.10 (unchanged)	The document already refers to the fact that the CAA may advise the Secretary of State that a third party (or ‘alternative sponsor’) would be better placed to progress an airspace change proposal, where appropriate.
“Draconian” process and penalty amount	Figure 1.1 (added – see below)	As noted above, the Government has stated that the Secretary of State’s powers under Part 1 of the Act would only be used as a last resort. We have added a summary diagram to aid understanding of the different stages of the process including roles and responsibilities of the Secretary of State and the CAA.
	4.32 (unchanged)	The Act – which came into force on 29 April 2021 – stipulates the <u>maximum</u> penalty amounts which are: a fixed amount not exceeding 10% turnover, and/or a daily amount not exceeding 0.1% turnover. Several respondents suggested that the approach to determining the penalty amount should be proportionate, and that all mitigating and aggravating factors should be taken into account. The Statement of Policy on Penalties highlights the importance of proportionate sanctioning as an underlying principle to imposing penalties under Part 1 of the Act. The Statement also sets out how CAA will take into account any aggravating and mitigating factors.
CAA and ACOG’s involvement in the process	Figure 1.1 (added – see below)	We have added a summary diagram to aid understanding of the different stages of the process including roles and responsibilities. The CAA has an enforcement role, whereas ACOG does not, and therefore a code of conduct for ACOG in relation to penalties is not appropriate. Nevertheless, we agree that transparency is important, and the Act imposes certain publication obligations on us. Therefore we (or the Secretary of State where relevant) will publish any enforcement action taken and the circumstances, including any Direction (or delegation to the CAA), Compliance Notice, Enforcement Order, penalties imposed or any relevant variations,

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		revocations and withdrawals, and any revision to the Enforcement Guidance and Statement of Policy on Penalties.
References to 'persons'	1.5 (unchanged)	Paragraph 1.5 explains what is meant by a 'person involved in airspace change', as defined by section 2(2) of the Act: an air navigation service provider, an airport operator or another person with functions relating to air navigation (in other words a legal person, not just a natural person).
	3.13 (change)	We have clarified footnote 19 and added the same explanatory footnote to paragraph 3.13.
Evidence used by the CAA in determining the penalty	4.26 (change)	We have clarified that "the CAA will consider evidence received throughout the entirety of the enforcement process including representations to the Contravention Notice or otherwise".
Form of penalty	4.8 (change)	We provided guidance in paragraph C31 in the draft version, but have added this to paragraph 4.8 to aid clarity.
Clarity of the guidance and policy document	Various	We have made minor wording or editorial changes to improve the clarity and consistency of the document.