Clause 12: Independent aviation rule-making oversight

To: The Chairs and Members of the Public Bill Committee

Civil Aviation (Consumer Protection and Regulatory Reform) Bill [HL] | 17 October 2026

Submitted in a personal capacity by Michael Gadd, constituent of South Devon

Dear Committee Members,

Further to previous comments submitted via my MP, I have been encouraged by colleagues and acquaintances to further ensure my most specific concerns regarding the current implications of Clause 12 are received for consideration.

1. The General Intent of the Bill

I support the purpose of the Bill. Aviation rules should be clear, current and capable of keeping pace with technology, whilst balancing the wide range of needs of both the industry and the public it seeks to provide services to. I also recognise that Parliament and Ministers should not be required to approve every technical detail, hence the principle of a competent authority, with appropriately delegated powers to undertake these aspects is also fully supported.

I am concerned, however, that Clause 12 grants the Civil Aviation Authority (CAA) wide rule-making powers without a corresponding statutory right of independent technical challenge.

2. The specific gap in Clause 12

The proposed section 61A of the Civil Aviation Act 1982 would give the CAA extensive powers across existing aviation safety and operational frameworks. Under section 61B, the CAA must consult the Secretary of State and such other people as it considers appropriate. Under section 61C, ordinary consultation can be bypassed for urgent safety rules (with ministerial agreement), or for changes the CAA itself considers sufficiently minor or a restatement.

The Bill contains genuine safeguards, including ministerial directions, considerations about matters to retain for Ministers and annual reporting to Parliament. The Lords strengthened some of them.

My concern is narrower: none of these provisions expressly ensures that a standing, independent group of qualified aviation specialists automatically sees proposals, including those using the fast-track procedure, and can inform Ministers of consequences the Department may not otherwise identify. This is not a criticism of any current situation. Ministers change and officials cannot be expected to have expert knowledge of every aspect of flight safety, airworthiness, airspace, air traffic services and implications of emerging innovation sectors such as unmanned aircraft or advanced air mobility concepts. Hence, they cannot know when specialist advice may be appropriate, for example, if there is a problem that no one has first alerted them to. An annual report can reveal what has been done, it cannot always prevent a problem arising, and in a fast paced, evolving, and safety dependent sector, such retrospective consideration is an unnecessary situation.

3. An established model Parliament can adapt

There are useful comparisons. The Government itself cited the Financial Services and Markets Act 2000 model when explaining why rule-making should be delegated to the CAA. In this case Parliament also legislated for the Financial Conduct Authority and Prudential Regulation Authority to maintain independent Cost Benefit Analysis Panels to provide expert scrutiny, make recommendations and must have their representations considered, with published responses. The principle is therefore relevant: delegated regulatory expertise and statutory independent challenge can coexist.

4. Practical, proportionate safeguards

I ask the Committee to consider a similar approach, for a statutory Aviation Rule-Making Advisory Panel, independent of the CAA and able to advise the Secretary of State directly. It should not duplicate the work of the CAA or hold a veto over the regulator. Its role would be to ensure that important concerns around rulemaking, policy and process changes have been identified and fully considered with those impacted. This should not delay urgent safety actions or require review of more routine amendments. It should however, have authority to provide formal recommendations to the Secretary of State and CAA when concerns are identified, and for these to be appropriately dispositioned. It should also be able to provide opinion or advice when requested.

5. What I am asking of the Committee

Please consider amending Clause 12, in particular the proposed sections 61B and 61C, so that independent technical notification and a right to make representations are statutory rather than discretionary. The Panel's detailed constitution could be developed through subsequent regulations. If there is insufficient time at Committee Stage, I ask the Minister to consider bringing forward a focused amendment at Report Stage.

This is not an argument to slow aviation regulation down. It is an argument to equip faster regulation with appropriate scrutiny and an independent early-warning mechanism. A fundamental principle across the aviation systems is to recognise and challenge safety-critical assumptions before they become failures or worst-case scenarios. Parliament should build the same discipline into the process by which those systems are regulated.

Yours faithfully,

Michael Gadd

Reference provisions: Bill 132, Clause 12 (proposed Civil Aviation Act 1982 sections 61A–61J); Financial Services and Markets Act 2000, sections 138IA and 138JA (inserted by the Financial Services and Markets Act 2023, section 43); House of Lords Delegated Powers and Regulatory Reform Committee, First Report 2026–27, paragraphs 5–13.