

Airspace Infringements: review and actions process

CAP 1404

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Introduction

An airspace infringement (AI) is the unauthorised entry of an aircraft into notified airspace. This includes controlled airspace, prohibited and restricted airspace, active danger areas, aerodrome traffic zones, radio mandatory zones and transponder mandatory zones.

The Civil Aviation Authority (CAA) recognises the level of complexity of UK airspace and understands that there are many causal factors as to why an airspace infringement may occur; every infringement, however, has the possibility to cause a significant risk to the safety of aircraft. Under Section 3 of the Civil Aviation Act 1982 the safety of air navigation and aircraft are statutory functions of the CAA which are intended to keep pilots and the general public safe. The CAA has an obligation to minimise the possibility of an infringement occurring, and for all parties to learn from previous events.

The CAA receives on average 1100 MORs (Mandatory Occurrence Report) and Alleged Breaches of Air Navigation Legislation (ABANL) relating to Airspace Infringement per annum. The reviews into those reports result in (on average) 68% of pilots receiving educational material, 22% undertaking some computer-based training (online tutorial or AIAC), 6% undertaking additional flight training. Whilst (on average) 4% of pilots may become subject to temporary Provisional Suspension of their licence due to the severity of the occurrence, recent infringement record or if the CAA cannot verify that the pilot meets the requirements to hold a licence or is not satisfied that the pilot has the skills, knowledge or competence to fly; less than 0.4% of infringements result in prosecution, and less than 0.025% result in full licence suspension/revocation. Only 5% of those having infringed then re-infringe, demonstrating the value of the Just Culture process.

Working within a Just Culture

The CAA promotes a Just Culture, in which people are treated fairly and are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training. The aim of a Just Culture is to promote continuous learning from previous mistakes and to encourage pilots to openly and freely share essential safety related information.

Civil aviation safety is sustained by a culture which fosters and facilitates the reporting of occurrences and advances the principles of a Just Culture. The CAA recognises that Just Culture is an essential element of a broader safety culture, which forms the basis of a robust safety management system. The CAA embraces safety culture principles, including Just Culture, and notes that outcomes from this and similar processes result, in the large majority of cases, in purely educational or training activities. However, to maintain or improve aviation safety in cases of, for example, gross negligence, wilful violations and destructive acts, further action may be necessary.

When addressing safety-related issues within a Just Culture, it is vital that investigations and decisions are fair and timely and that all reasonable efforts are made by the CAA to decide upon remedial actions **without delay**.

Commensurate with that principle:

- the CAA will share with the pilot all details which will be taken into account. If the pilot requires a copy of the material, they will be advised how to request the information from 3rd parties and to submit an SRG1605 for a copy of the occurrence report;
- the pilot may comment on such material and is invited to submit additional information where it has become available;
- the CAA will clearly communicate to the pilot the rationale for the decision, including material relied upon;
- any remedial actions notified in the decision will be underpinned by the same principle of '**without delay**';
- timescales for response to CAA requests for additional information will be clearly shown in relevant correspondence; and,
- Where the CAA has made a substantive decision on a pilot's licence, we will notify the affected pilot of their entitlement to have the decision reviewed in accordance with Regulation 6 of the Civil Aviation Regulations 1991. Details can be found at: [General Appeals Process - Section 6 of CAP393](#)

Why is CAP1404 needed?

The aim of CAP1404 is to clearly outline how the CAA deals with an AI report and make it transparent to those who are going through, or may go through, the process.

There are many reasons as to why an AI may occur and work to understand these causes are researched by the CAA every year. The reasons behind, and the severity of, an AI sits on a scale and there is no single solution to cover each infringement; that is why there are numerous outcomes to an AI being reported - from no action, through to the request for further training and, in extreme cases, provisional suspension of a licence. With a Just Culture in place, each outcome aims to enhance the knowledge and capability of the pilot and/or to ensure both the pilot and the public are kept safe.

The purpose of the CAA's AI review and actions process is to improve safety by ensuring that reported infringements are reviewed and assessed in a consistent way and, if an infringement is found to have occurred, to identify appropriate remedial actions to prevent reoccurrence.

CAA Regulatory Safety Management System (RSMS)

The CAA Regulatory Safety Management System (RSMS) incorporates safety assurance and audit functions to provide assurance to the CAA Board that our activities are being carried out as we would expect them to be. We want to know if our SMS is working, what areas we are doing well, what areas need to be improved and, most importantly, that we are identifying and dealing with the right things with regard to aviation safety risks faced by the UK public. ICG activity is subject to these processes and the CAA annual report will include details of any metrics and changes relating to Airspace Infringement activity.