

The Civil Aviation Authority and the National Air Traffic Services

2.1. The terms of reference required us to consider part of the activities of the Authority, the full range of whose responsibilities are summarised in Appendix 2. Those activities to which we were directed—the supply of navigation and air traffic control services to civil aircraft, which we generally refer to in this report as ATC—are provided by the Authority under section 72(1) of the Civil Aviation Act 1982. Directions dated 9 February 1976¹ and issued by the Secretaries of State for Trade and Defence under section 28(2) of the Civil Aviation Act 1971 (now section 72(2) of the 1982 Act), require the Authority *inter alia* to:

... collaborate with the Secretary of State for Defence in exercising its functions in providing air navigation services [the statutory definition² of which in section 105(1) of the 1982 Act subsumes ATC] through a joint organisation known as the National Air Traffic Services (hereinafter referred to as 'NATS'). NATS shall be manned jointly by civilian staff of the Authority and by personnel of the Services and civilian staff to be made available by the Secretary of State for Defence, and shall make use of civil and military facilities and installations as appropriate . . .

Our report is therefore mainly concerned with the operations of NATS, which represent one part—although the largest part—of the Authority's responsibilities. NATS is a service which is in many ways unusual, perhaps unique, as it is a public service jointly provided by a non-Governmental body (the Authority) and a Government department, the Ministry of Defence (MOD). This duality accounts for many of the special issues which have to be considered in examining the efficiency and costs of the Authority in supplying the services under reference.

2.2. This chapter outlines the history of the Authority and of NATS. It sets out the statutory provisions bearing on their activities; describes their organisation and structure; and comments on the relationship between the Authority and NATS and between them and the two Government departments principally concerned, the Department of Trade³ and MOD.

History

2.3. The establishment of NATS preceded that of the Authority. At the conclusion of World War II responsibility for the regulation of civil aviation, including ATC, was vested in the newly formed Ministry of Civil Aviation and

¹ The Directions are reproduced as Appendix 3.

² "Air navigation services" includes information, directions and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft, and includes the control of movement of vehicles in any part of an aerodrome used for the movement of aircraft.'

³ The Secretary of State for Trade had the Parliamentary and departmental responsibilities for the Authority at the time this reference was made and during the greater part of our inquiry. These responsibilities passed to the Secretary of State for Transport on 13 June 1983. For the sake of clarity our report refers in this connection to the Department of Trade (DOT), but appropriate references to current and future departmental functions should be read in the light of this transferred responsibility.

thereafter, until 1972, in a succession of Government departments. Throughout the 1950s air traffic services were progressively reorganised, the general principle being to achieve segregation of civil and military air movements—in so far as this was practicable—rather than integration or co-ordination of civil and military ATC operations.

2.4. By the end of the 1950s, provision of air traffic services to all airspace users by a joint civil and military organisation was adopted as a Government objective. In 1959 the National Air Traffic Control Planning Group (chaired by Air Chief Marshal Sir Hubert Patch) was set up and given the task of studying the joint civil/military ATC system required in the period 1965 to 1975. The Patch Report of 1961¹ concluded that in the interests of the safe and expeditious flow of all categories of air traffic, a unified national organisation should be set up to plan and run a common system of ATC under which all airspace users' interests would be given due weight but none would be allowed to predominate.

2.5. Following the Patch Report, NATS formally came into existence in December 1962 as the National Air Traffic Control Services. The shorter title leading to the acronym NATS was adopted in the early 1970s. A unified headquarters was formed comprising both civilian and Service officers and headed by the Controller who was responsible for ATC policy, planning, procurement and implementation of facilities. The headquarters of the separate military and civilian operational organisations were combined to form a single operational headquarters—Joint Field Headquarters—with executive responsibility for implementing ATC policy under the operational direction of the Controller.

2.6. The history of the Authority followed a different course from that of NATS. By the mid-1960s, fragmentation of overall civil aviation regulatory and service functions, and the complicated working relationships between the various bodies, gave rise to the need for a thorough review of United Kingdom civil aviation. In 1967 the Government set up a Committee of Inquiry into Civil Air Transport under the chairmanship of Sir Ronald Edwards. One of the recommendations of the Edwards Committee in their report² was the establishment of a statutory body to be responsible for the implementation of Government civil aviation policy. This new Authority was to bring together various civil aviation functions previously undertaken by the Board of Trade,³ the Air Transport Licensing Board and the Air Registration Board.

2.7. The Edwards Committee included a chapter in their report on airport operation and air traffic services. The Committee said that if, as they recommended, the new Authority was set up, the civil side of the air traffic services needed to be closely integrated with other aspects of civil aviation and should report to the Authority. In this connection, they referred to the mention of ATC in the report of the Fulton Committee⁴ as one area which might be

¹ This report has not been published.

² *British Air Transport in the Seventies*, Cmnd 4018.

³ The Board of Trade had become part of the then Department of Trade and Industry by the time the Authority was established in 1971.

⁴ *The Civil Service*, Cmnd 3638.

considered for hiving off from the civil service and suggested that ATC civilian staff should belong to the Authority, rather than be civil servants. The Authority would have a vital interest in ATC and navigational aids:

We would want those concerned with air traffic control and navigation to continue to be constantly considering the changing needs of civil aviation as they emerge from technological, safety and economic developments. We would want to avoid any risk of detachment leading to undue weight being given to air traffic control considerations by themselves rather than to those of aviation as a whole. We would especially want to see responsibility for research strategy embrace all the related fields effectively. Hence if there were a Civil Aviation Authority, that would be the body which should have the direct civil interest in the Controllerate. It would be to the Authority that the Controller should report on the civil side and the civil component of his staff would be employees of the Authority.

The Controllerate would thus be a partnership between the Ministry of Defence and the Civil Aviation Authority . . .¹

2.8. Following the Edwards Committee Report the Authority was established in December 1971 under the Civil Aviation Act 1971. The principal responsibilities of the Authority are the safety and economic regulation of British civil aviation—which are not within our terms of reference—and the operation of NATS jointly with MOD. The Government, through the Department of Trade ((DOT), but see footnote to paragraph 2.2), have retained certain civil aviation functions including international civil aviation relations and the investigation of aircraft accidents; and policy on aircraft noise, on national airports development and on aviation security. On general civil aviation matters the Authority acts as the Government's expert adviser.

Statutory position

2.9. The principal statute governing the regulation of civil aviation (including the services referred to us) is now the Civil Aviation Act 1982. This Act consolidates the Civil Aviation Acts 1949 to 1982 which contained the main provisions affecting the Authority.

2.10. The Air Navigation Order 1980² is the principal piece of secondary legislation and is also a consolidation measure replacing earlier Orders in Council. It is concerned with the regulation of air navigation in all its aspects and hence covers *inter alia* the registration and certification of aircraft, and the licensing of flight crew, maintenance engineers and ATC staff. Part VIII of the Order (Articles 61 to 67) is concerned with control of air traffic. Article 61 confers on the Secretary of State the power to make detailed regulations on this subject, entitled 'The Rules of the Air and Air Traffic Control Regulations'³. These are a kind of Highway Code, but legally enforceable, governing the procedures to be observed by aircraft on the ground and in the air for the safe movement of traffic. Since these secondary measures are concerned with the technical regulation of civil aviation, DOT rely to a considerable extent

¹ Paragraphs 1010 and 1011 of the Edwards Committee Report.

² SI 1980: 1965.

³ SI 1981: 34.

on advice from the Authority in preparing them. Secondary legislation is promoted by the Secretary of State, and DOT question and, as necessary, modify the Authority's proposals before they are enacted.

Organisation and structure

2.11. The Secretary of State appoints the Members of the Authority, which consists of up to 12 persons including the Chairman. The Members also constitute the Board. The Authority employs about 7,400 staff, over three-quarters of whom work in NATS. A quarter of the Authority's staff, are based in Central London and the remainder at various locations throughout the United Kingdom. The Authority is not part of Government and its staff are not civil servants.

2.12. The Authority is organised in five groups, of which the largest is NATS, the others being Safety Services, Economic Regulation, Finance and Central Services, and Personnel Services. The position of NATS in the Authority is shown in Appendix 4. NATS is headed by the Controller (currently an Air Marshal—the practice has been that the Controller is drawn alternately from the civil and the military sides of the organisation). The Controller, who is also a Member of the Authority, is appointed jointly by the Authority (with the consent of the Secretary of State for Trade) and by the Secretary of State for Defence; and reports in parallel to MOD, illustrating the character of NATS as a joint civil and military organisation, in which military staff made available by MOD play an integral part alongside their civilian colleagues from NATS.

2.13. We note here that the 1976 Directions (see paragraph 2.1) refer to NATS as being manned jointly by civilian staff of the Authority and by Service personnel. It is necessary to recognise that the term 'NATS' can refer both to a definable body of people, that is to say those staff directly employed by the Authority; and also to a function—the national air traffic services—the discharge of which brings under the direction of the Controller NATS Service personnel who are working on joint civil and military ATC in United Kingdom airspace; as distinct from those working on purely military ATC or on air defence. While Service personnel and facilities working wholly or partly on joint ATC are outside our terms of reference, their contribution to ATC cannot be separated in our inquiry from that provided by the appropriate staff of the Authority. When therefore in our report we refer to NATS, we are, inescapably, sometimes referring to one of the groups within the Authority and sometimes to the function performed jointly by that group and by part of the Services. We believe that the context will make clear which reference to NATS is to the group and which to the joint function.

2.14. The organisation of NATS is shown in Appendix 5. The Controller is responsible for the United Kingdom's air traffic services and for the development and operation of a common national system of ATC in which due weight is given to the interests and needs of all branches of aviation. There are three main divisions of NATS; two at headquarters are headed by the Deputy Controller and by the Director-General of Telecommunications (DG Tels), while the Joint Field Commander (JFC) is responsible for day-to-day opera-

tions of NATS units in the field and for short-term planning. Under the Deputy Controller are the integrated civil and military operational policy and planning staffs, and the air traffic services administration. DG Tels is responsible for the policy for and planning and implementation of technical facilities and for the telecommunications staff at headquarters.

2.15. Responsibility for the general management, control and co-ordination of NATS activities is vested in the NATS Management Committee, which normally meets monthly. All capital projects of £100,000 or more in total must be endorsed by the Committee. The Controller is chairman and its permanent members are the Deputy Controller, JFC and DG Tels, with other specialists in attendance as appropriate.

2.16. The main establishments of NATS comprise:
Joint Field Headquarters at RAF Uxbridge;
London Air Traffic Control Centre at West Drayton;
Scottish Air Traffic Control Centre at Prestwick;
Oceanic Area Control Centre also at Prestwick; and
Manchester Air Traffic Control sub-centre at Manchester Airport.

The Manchester sub-centre and the Oceanic Area Control Centre are manned by NATS civil staff; the other centres are manned jointly by NATS and MOD staff. There are also a number of ATC radar units, some jointly manned, some manned only by military personnel and one by civil staff. Other establishments include the College of Air Traffic Control and the Air Traffic Control Evaluation Unit, both at Hurn; the College of Telecommunications Engineering at Bletchley; and the Telecommunications Engineering Establishment at Gatwick.

2.17. NATS provides all en route civil ATC in United Kingdom airspace and the separate control service for traffic operating over the North-Eastern part of the North Atlantic, known as the Shanwick Oceanic Control Area. NATS also provides ATC at the seven British Airports Authority (BAA) airports—Heathrow, Gatwick, Stansted, Prestwick, Glasgow, Edinburgh and Aberdeen; the municipal airports at Cardiff, Birmingham, Manchester and Belfast; and the eight small Authority-managed Highlands and Islands airports. ATC services at some airports are provided by local authorities or by commercial firms (see paragraph 1.3).

2.18. Overall responsibility for international arrangements is vested in DOT (for civil matters) and in MOD (for military matters). NATS discharges the operational and technical commitments arising from United Kingdom membership of, for example, the International Civil Aviation Organisation (ICAO) and the European Organisation for the Safety of Air Navigation (Eurocontrol). Appendix 6 shows the relationship between NATS, Government and international organisations.

Relationship with the Ministry of Defence

2.19. MOD are involved at many points in the operations of NATS, ranging from the shared appointment of the Controller to the joint manning of some ATC centres (ATCCs) and radar units, access by the Authority to information

from some military radars, installation of new equipment for joint use and the shared funding of the costs of certain NATS operations.

2.20. NATS is not a self-accounting body. Its capital and running costs are funded by the Authority and MOD. The Authority is now required to recover all the costs incurred by NATS (apart from the grant from the Scottish Development Department for the Highlands and Islands airports). Most of these costs are recovered from aircraft operators, airport owners and airport operators. The Authority and MOD share the running and capital costs of those facilities which are jointly used with the military (including some MOD installations). For running costs, cost-sharing agreements have been negotiated between the Authority and MOD and agreed civil and military joint usage ratios are applied to the annual running costs of all jointly used installations. Financial settlements are made on an annual basis by each side's agreeing the amount due to the other. For all other than minor capital items, cost-sharing is individually negotiated on the basis of envisaged civil and military usage.

Relationship with the Department of Trade¹

2.21. DOT rely on the Authority for advice on general civil aviation matters, including questions arising in relation to ATC, and are in close contact on many aspects of its work. Through their policy and powers in relation to noise abatement they affect the implementation of ATC, eg by setting maximum noise limits on take-off, by imposing restrictions during certain night hours on the number of aircraft movements and in implementing their policy on runway alternation at designated London airports. DOT exercise the general supervision of a sponsoring department in relation to the financial performance and objectives and the accounts of the Authority. They receive monthly and quarterly financial information and are concerned, with the Treasury, in the determination of the External Financing Limit for the Authority and in the review of capital investment projects. DOT and the Authority work closely together in relation to the formulation and presentation of the United Kingdom's policy and proposals in international organisations such as ICAO and Eurocontrol; most of the detailed technical work is undertaken on behalf of DOT by the Authority, and specifically by staff belonging to NATS.

¹ See footnote to paragraph 2.2.