



MR D. D. W. REID – HM SENIOR CORONER FOR WORCESTERSHIRE

INVESTIGATION INTO THE DEATH OF MR PETER RICHARD GREGORY

CIVIL AVIATION AUTHORITY RESPONSE TO A REPORT ON ACTION TO PREVENT OTHER DEATHS

PURSUANT TO REGULATIONS 28 & 29 OF THE CORONERS (INVESTIGATIONS) REGULATIONS 2013

Introduction

The UK Civil Aviation Authority ('CAA') would first like to express its sincere condolences to the family and friends of Mr Gregory.

The CAA is a public corporation, established by Parliament in 1972 as an independent specialist aviation regulator. The CAA works so that:

- the aviation industry meets the highest safety standards,
- consumers have choice, value for money, are protected and treated fairly when they fly,
- through efficient use of airspace, the environmental impact of aviation on local communities is effectively managed and CO₂ emissions are reduced,
- the aviation industry manages security risks effectively.

The CAA has carefully considered the Regulation 28 Report to prevent future deaths issued by the Senior Coroner for Worcestershire dated 2 August 2024 ('the Report'), including the following recommendation that is relevant to the role of CAA:

... In my opinion, action should be taken to prevent future deaths and I believe you, as Chief Executive of the Civil Aviation Authority, have the power to take such action, by carrying out a review of the regulation of balloon flying in the UK, considering in particular whether there should be regulation of the design, construction, inspection and testing of amateur or home-built balloons and of competition balloon flying in the UK .

The CAA was not an Interested Person at this inquest. As such, it did not have access to the inquest evidence. When preparing this response, with a view to implementing further action, the CAA has relied on the information contained in the Report, together with the report published by the Air Accidents Investigation Branch ('AAIB') into the circumstances of this accident dated 23 May 2024 and regulatory information held by the CAA.

Background to the CAA's Regulation of the General Aviation Sector

'General Aviation' is considered to incorporate all civil aviation in the UK other than scheduled commercial air transport. Within the CAA, the General Aviation Unit regulates non-complex aircraft including microlights, amateur built and historic aircraft, balloons, gliders, piston twins and singles up to 5,700kg maximum take-off weight and single pilot helicopters up to 3,175kg. The General Aviation Unit is broadly focussed on the regulation of private transport, sport, and recreational flying, including civilian air display flying, though it does also include some commercial activity, such as certain flight

training, aerial work activity, and passenger flying in certain historic aircraft. The CAA's statutory functions in relation to General Aviation activities are set out in various pieces of legislation: including the Civil Aviation Act 2012, various assimilated regulations, as well as in secondary legislation, principally, the Air Navigation Order 2016, as amended ('ANO'). The CAA may only conduct functions given to it under, or pursuant to, legislation.

The CAA works closely with those that operate and conduct aviation activities with a view to maintaining high levels of safety performance in civil aviation.

As with all regulated activities however, the obligation to ensure safety is placed upon organisations and individuals that undertake aviation activities, not the regulator.

Balloons

Most hot air balloons recorded on the UK civil aircraft register are classified as 'Part 21' aircraft.¹ This means they are issued with a Certificate of Airworthiness by the CAA and with an Airworthiness Review Certificate, which is renewed annually. These aircraft are subject to direct CAA airworthiness regulation. There are currently 1263 balloons in this category on the UK register.

There are, in addition to the balloons regulated by the CAA, a smaller number of balloons (69) that are not regulated for the purposes of CAA airworthiness oversight and are restricted to recreational or private use, rather than commercial operation. These balloons are classified as 'non-Part 21' aircraft². In respect of this category of balloons, 54 are amateur constructed balloons. Although these amateur-built balloons are not currently subject to CAA airworthiness requirements, they are restricted in respect of volumetric size and occupancy.

Competition balloon flying is not a commercial activity. However, it should also be noted that whilst competition balloon flying is not regulated by the CAA, there are competition *rules* promulgated by the British Balloon and Airship Club ('BBAC') that should be followed by competitors. These rules are based on the Federation Aeronautique Internationale Rules for competition ballooning that are used worldwide. The CAA does not currently perform any dedicated oversight of competition balloon flying in the UK but does perform periodic general oversight of UK balloon competitions in the same way as it does for other types of balloon events. This typically consists of checking aircraft and balloon pilots conform to licensing and medical requirements, airworthiness specifications (for Part 21 balloons) and adherence to the UK Rules of the Air.

Next Steps

The CAA has already conducted an initial review of the regulation of balloon flying in the UK.

The DB-6R type balloon involved in this tragic accident was an amateur-built balloon and designed specifically for competition flying. There are two further DB-6R type balloons recorded on the UK civil aircraft register. In October 2023 the CAA issued directions to stop both these aircraft from flying, based on the preliminary findings from the AAIB's investigation into this accident. These directions will remain in place until the CAA is satisfied that the unsafe conditions identified in the AAIB's final report have been satisfactorily addressed and the balloons are independently assessed as airworthy.

¹ Aircraft in this category are those that were previously managed by the European Union Aviation Safety Agency (EASA) and were considered as EASA types. These are regulated under UK Regulation (EU) 2018/1139 (known as the UK Basic Regulation) and its implementing regulations covering airworthiness, operations, flight crew licensing, etc.

² Aircraft in this category are managed nationally under the UK Air Navigation Order 2016, as amended.

Following publication of the AAIB's final report, the Senior Coroner will be aware that two safety recommendations were issued to the CAA. The CAA has accepted both recommendations and has committed to working with the BBAC to produce guidance in relation to the design, testing and inspection of amateur-built balloons (including those used in competition flying). Additionally, the CAA will collaborate with the BBAC to produce guidance for the safe oversight of balloon events. The AAIB has classified the CAA responses as 'adequate-open' and the recommendations will remain open until the CAA has delivered on its commitment. The AAIB recommendations and the CAA's initial response are set out below:

AAIB Recommendation 2024-008

It is recommended that the Civil Aviation Authority publish guidance on the design, testing and inspection of amateur-built balloons to reduce the risk of accidents due to unsafe conditions such as parachute stall.

CAA Response

The CAA accepts this recommendation and will publish guidance to mitigate the risk of accidents caused by unsafe conditions arising from the design, testing, and inspection of amateur-built balloons. The CAA will liaise with the British Balloon and Airship Club (BBAC) in producing this guidance.

The CAA will provide an update on the actions taken to address this safety recommendation by the end of February 2025.

AAIB Recommendation 2024-012

It is recommended that the Civil Aviation Authority publish guidance for the safe oversight of competition balloon flying in the UK, to ensure the risks associated with the activity are appropriately understood by competitors and managed by competition organisers.

CAA Response

The CAA accepts this recommendation and will publish safety guidance for balloon events to ensure the risks associated with competition balloon flying are understood by competitors and managed by competition organisers. The CAA will liaise with the British Balloon and Airship Club (BBAC) in producing this safety guidance.

The CAA will provide an update on the actions taken to address this safety recommendation by the end of February 2025.

Further to the proposed actions set out above, the CAA will continue its review of the regulation of balloon flying in the UK with a particular emphasis on whether there should be regulation of the design, construction, inspection and testing of amateur or home-built balloons and of competition balloon flying. The CAA will continue to work with domestic aviation stakeholders to mitigate the risks to public safety in accordance with the concerns highlighted in the Senior Coroner's Report.

This review process will take several months to conclude and involve dedicated subject matter experts from the CAA's General Aviation Unit (balloon airworthiness and operations) working in collaboration with the BBAC. The CAA seeks to balance safety with proportionality, taking into account analysis of safety data derived from amateur balloon flying in the UK. At the conclusion of this process the CAA will consider whether rule changes are required.

The CAA is willing to provide the Senior Coroner with a supplemental report on the progress of this work on or before **31st March 2025**.



Acting Head of General Aviation

Civil Aviation Authority

26 September 2024