

# Letters to the Editor

## A lawyer writes

Sir,

I read that AOPA may have suggested that the CAA's enforcement division could be replaced with the police and CPS enforcing aviation legislation. I write as both an aviation and criminal lawyer. Such a suggestion would, with respect, be an absolute disaster inevitably resulting in a significant increase in the number of pilots/aircraft owners facing stressful prosecutions and inappropriate criminal charges. The police are unlikely to have any experience of aviation practices and unlikely to have the time or resources to obtain the type of technical advice available to the CAA. My experience of CAA investigators is that, whilst they may be retired police officers, they build up or have built up a reasonable degree of knowledge of the aviation world. They have access to technical and aviation related advice. They generally deal with those under investigation in a courteous and civilised way with interviews taking place by prior appointment at a suitable time and venue, often the suspect's home or office. The average police officer, on the other hand, is more likely to treat an aviation suspect as he would any other criminal. Prior to the introduction of the Serious and Organised Crime Prevention Act 2005 the only breach of the ANO that was arrestable was a breach of article 78. SOCPA has introduced a general right of arrest to a constable where for example they have reasonable grounds for believing a person to be guilty of an offence and, for example, in order to allow the prompt and effective investigation of the offence (the amended section 24 (5) PACE). This could result in many alleged breaches of the ANO resulting in the arrest of a suspect if dealt with by the police. No such power existed for a CAA investigator. S 18 PACE allows the police a right to search the premises of an arrested person without a warrant where the offence is one that can be tried in the Crown Court; thankfully this does not apply to most aviation offences but does include things such as flying without a valid C of A or reckless endangerment. Again whilst such a power is available to a constable it is not available to a CAA investigator. Interviews will have to take place at police stations, possibly after unannounced arrests, and a pilot under suspicion may well find him or herself spending time in a police cell both before and after interview.

My experience over many years is that the CAA legal department is approachable and by and large sensible in its decisions over charging. Often minor infringements are dealt with by way of a warning letter or a caution and the Authority can be very understanding where a pilot has made a genuine mistake. Whilst a formal caution is available to the police/CPS, CAA type words of advice seldom are. The CPS charging standards are is there sufficient evidence to charge? Yes/No? If yes consider a caution or charge. It goes without saying that many more pilots who breach the ANO will end up with a formal caution or criminal charge whereas under the CAA they will have received no more than a stiff letter and warning as to their future conduct or the offer to undergo further/remedial training. Whilst a caution is not a criminal conviction it does remain on an individual's record and may have to be disclosed in certain circumstances. This could have consequences regarding employment and even such things as security checks to obtain air side passes. A letter from the CAA is not so disclosable and is in effect a matter between the Authority and the individual concerned.

I am afraid that I have seen too many bad charging decisions from the police and CPS to be comfortable with them taking over enforcement of

the ANO from the CAA. Such a move will inevitably lead to a greater number of pilots and aircraft operators appearing before the courts. Such experiences are extremely stressful and have considerable financial implications. Legal aid may not be available to many and even if eventually found not guilty not all of what might be their considerable costs are recouped by a successfully acquitted defendant. The costs of maintaining the CAA's Enforcement Division, once spread across the aviation community, might be a small amount to pay for the wellbeing of those who will otherwise find themselves being unfairly investigated and prosecuted.

**Stephen Spence**  
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## Antwerp landing fees

Sir,

I thought the readership may like to be warned about the level of landing fees currently being charged at Antwerp.

I visited there a year or so ago and was impressed both with the airport itself and the City of Antwerp. At that time, the landing fee was quite reasonable, so a few weeks ago I revisited them along with my co-pilot and two passengers.

The landing fee came to €71.04, which apparently includes a 'passenger tax' of €42! That makes the highest landing fee I have ever paid, in the UK or abroad. I wonder how their local GA club get on?

Needless to say, Antwerp has not replied to my subsequent enquiry on this matter, so if anyone is considering visiting them, beware!

Which is a shame, because it is a really nice city.

**Andrew Mumford**  
G-BZDH (PA28)

## Caernarfon wind turbines

*AOPA has received several queries and complaints about Caernarfon airport's proposal to erect wind turbines on the active area of the aerodrome. Caernarfon is a valuable GA airfield in its own right, and serves as a useful fuelling stop on flights to and from Ireland and as a facility for aircraft based at Mona, where no fuel is available. This letter is the airport's response to points that we have raised.*

Sir,

As you are probably aware, Caernarfon airport is a small GA airfield with two licensed runways 02/20 and 08/26. We receive no government subsidies or local authority funding and therefore rely totally on revenues generated from visiting and based aircraft. In the present economic climate the airport finds itself having to look for new ways of generating extra income as the outgoings are far exceeding the revenue. This situation cannot go on, and without extra revenue the airport cannot and will not survive this winter.

I am a pilot myself and have been in GA for the last 30 years, and I know how important it is to keep what few GA airfields we have open. I also know how reluctant pilots are to pay £10 including VAT to land their microlights. Landing fees are a big issue with all pilots, yet it is what helps small GA airports like Caernarfon open. In order to keep our fees down and to ensure we are not forced to close the airport altogether we have had to look at new ways of generating revenue and would welcome any suggestions you or your members have.

You will see on the attached plan where the proposed turbine locations are, and believe me, when taking into account noise, birds, shadow flicker, turbulence etc, this is the best location in order to maintain runway 08/26 as a licensed runway. As the turbines penetrate the strip and transitional slope of 02/20 this will have to be de-licensed. And to what extent it can be used as a runway will depend on the actual amount of vortices given off from the blades. As a matter of interest in the worst wind direction the blade tips would be at its closest 100 feet from the runway edge of 02/20.

As aircraft safety is of paramount importance and in order to put forward a safety case to the CAA a lot of information on rotor turbulence has to be gathered before we could advise on whether runway 02/20 could still be used under certain wind conditions.

As you may be aware, East Midlands Airport are putting up four of the same sized turbines as proposed at Caernarfon and have conducted such studies and are well ahead of ourselves as the first two wind turbines are due to be installed by early spring 2011, which will give us valuable information on building our safety case with the CAA. As and when this information becomes available I will advise you of our progress.

I hope now you have this information you will support the airport with this attempt to maintain a GA airfield in North Wales and come to the same conclusion as myself – that an operational airport with one licensed runway is far better than a closed airfield with the all too familiar white crosses on the runways.

**Roy Steptoe**  
Managing Director  
Air Caernarfon Ltd ■

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