



# Ministry of Defence

Ministry of Defence  
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Ref: FOI2019/08845

E-mail: [DSA-Enquiries@mod.gov.uk](mailto:DSA-Enquiries@mod.gov.uk)

13 August 2019

James Jones  
request-592706-e48719a2@whatdotheyknow.com

Dear James Jones

Thank you for your email of 26 July requesting the following information:

*“MAA Regulatory Article 1210 makes it clear that,*

*(1) ADHs are legally accountable for the safe operation of systems in their AoR and for ensuring that RtL for 1st, 2nd and 3rd parties, which includes the general public, are both ALARP and Tolerable.*

*(2) The validity of an ALARP argument can only be decided definitively by the courts, in the event of an accident.*

*Can you advise me as to which courts the latter refers.”*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence, and I can confirm that no recorded information in scope of your request is held.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note that the intent of the RA is to highlight the forum in which the ALARP issue would be assessed; this could be in the Coroner's Court (in the event of a fatality), the Civil Courts (in the event of litigation), or the Criminal Court (in the event that the ALARP issue is pertinent to any criminal case).

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact us in the first instance at the address above. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely

DSA Secretariat