
STATUTORY INSTRUMENTS

1989 No. 2062

**The Civil Aviation (Investigation
of Air Accidents) Regulations 1989**

PART I

ACCIDENT INVESTIGATION

Duty to furnish information relating to accidents

5.—(1) Where a reportable accident occurs the commander of the aircraft involved at the time of the accident, or if he be killed or incapacitated then the operator of the aircraft, and, in the case of an accident occurring on or adjacent to an aerodrome, the aerodrome authority shall forthwith give notice thereof to the Chief Inspector by the quickest means of communication available and in the case of a reportable accident occurring in or over the United Kingdom shall also notify forthwith the local police authorities of the accident and of the place where it occurred.

(2) The notice to the Chief Inspector referred to in paragraph (1) above shall be given the identifying abbreviation ACCID and shall state as far as possible—

- (a) the type, model and the nationality and registration marks of the aircraft;
- (b) the name of the owner, operator and hirer (if any) of the aircraft;
- (c) the name of the commander of the aircraft;
- (d) the date and Coordinated Universal Time of the accident;
- (e) the last point of departure and the next point of intended landing of the aircraft;
- (f) the position of the aircraft by reference to some easily defined geographical point and latitude and longitude;
- (g)
 - (i) the number of crew on board the aircraft at the time of the accident and the number of them killed or seriously injured as a result of the accident;
 - (ii) the number of passengers on board the aircraft at the time of the accident and the number of them killed or seriously injured as a result of the accident;
 - (iii) the number of other persons killed or seriously injured as a result of the accident;
- (h) the nature of the accident and the extent of the damage to the aircraft as far as is known.

(3) Where an accident to which these Regulations apply occurs, whether in or over the United Kingdom or elsewhere, the owner, operator, commander or hirer of the aircraft shall, if so required by notice in writing given to him by the Chief Inspector, send to the Chief Inspector, within such time as may be specified in the notice, such information as is in his possession or control with respect to the accident in such form as the Chief Inspector may require.

6. The Chief Inspector may at any time publish, or cause to be published, information relating to an accident whether or not such an accident is the subject of an investigation by an Inspector, of a Review Board or of a Public Inquiry.

Removal of damaged aircraft

7.—(1) Subject to regulation 9 below, where a reportable accident occurs in or over the United Kingdom, no person other than an authorised person shall have access to the aircraft involved in the accident and neither the aircraft nor its contents shall except under the authority of the Secretary of State be removed or otherwise interfered with:

Provided that, subject to the provisions of section 21(4) and (5) of the Customs and Excise Management Act 1979(1)—

- (i) the aircraft may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals, removing any mails, valuables and dangerous goods carried by the aircraft, preventing destruction by fire or other cause, or preventing any danger or obstruction to the public or to air navigation or to other transport, or under the supervision of an Inspector or, with the agreement of an Inspector or of a constable, for the purpose of removing any other property from the aircraft;
- (ii) if an aircraft is wrecked on the water, the aircraft or any of its contents may be removed to such extent as may be necessary for bringing it or them to a place of safety.

(2) In this regulation the expression “authorised person” means any person authorised by the Secretary of State either generally or specially to have access to any aircraft involved in an accident and includes any constable or any officer of Customs and Excise.

Inspectors of Air Accidents

8.—(1) For the purpose of carrying out investigation into the circumstances and causes of accidents to which these Regulations apply the Secretary of State shall appoint persons as Inspectors of Air Accidents, one of whom shall be appointed by the Secretary of State as Chief Inspector of Air Accidents.

(2) The Chief Inspector shall determine whether or not an investigation shall be carried out into any accident to which these Regulations apply and the form of the investigation. He may himself carry out, or may cause an Inspector to carry out, an investigation of any such accident.

(3) Without prejudice to the power of an Inspector to seek such advice or assistance as he may deem necessary in making an investigation, the Secretary of State may at the request of the Chief Inspector appoint persons to assist any Inspector in a particular investigation and such persons shall for the purpose of so doing have such of the powers of an Inspector under these Regulations as may be specified in their appointment.

Powers of Inspectors

9. For the purpose of the investigation of any accident to which these Regulations apply, or any inquiries undertaken with a view to determining whether any such investigation should be held, an Inspector shall have power—

- (a) by summons under his hand to call before him and examine all such persons as he thinks fit, to require such persons to answer any question or furnish any information or produce any books, papers, documents and articles which the Inspector may consider relevant and to retain any such books, papers, documents and articles until the completion of the investigation or any inquiry held pursuant to regulation 18 below or, as the case may be, it is determined that an investigation shall not be carried out;
- (b) to take statements from all such persons as he thinks fit and to require any such person to make and sign a declaration of the truth of the statement made by him;

(1) 1979 c. 2.

- (c) to have access to and examine any aircraft involved in any such accident and the place where the accident occurred and to require any such aircraft or any part of equipment thereof to be preserved unaltered pending investigation;
- (d) to examine, remove, test, and take measures for the preservation of, or otherwise deal with—
 - (i) the aircraft involved in the accident; or
 - (ii) where it appears to the Inspector requisite for the purposes of such investigation or inquiries, any other aircraft,or any part of such aircraft or anything contained therein;
- (e) on production if required of his credentials, to enter and inspect any place, building or aircraft the entry or inspection whereof appears to the Inspector to be requisite for the purposes of any such investigation or inquiries or any inquiry held pursuant to regulation 18 below, except that an Inspector shall not have power to enter any premises under this sub-paragraph for the purpose of inquiries with a view to determining whether an investigation should be held if at the time of the proposed entry the premises are being used as a dwelling;
- (f) to take such measures for the preservation of evidence as he considers appropriate.

Form and conduct of investigations

10.—(1) An investigation into any accident to which these Regulations apply may be a formal investigation or a field investigation.

(2) Public notice that a formal investigation is taking place shall be given in such manner as the Chief Inspector may think fit and shall invite any persons who desire to make representations concerning the circumstances or causes of the accident to do so in writing within the time to be specified in the notice.

(3) All investigations shall be held in private.

(4) Where it appears to the Inspector in the course of any investigation that in order to resolve any conflict of evidence or that for any other reason it is expedient so to do, he may permit any person to appear before him and to call evidence and examine witnesses.

(5) Every person summoned by the Inspector as a witness in accordance with these Regulations shall be allowed such expenses as the Secretary of State, with the approval of the Treasury, may determine.

(6) The Chief Inspector may determine that any investigation being carried out into an accident shall be discontinued and in the event of a formal investigation being discontinued no report shall be made thereon to the Secretary of State under regulation 11(1) below, but public notice shall be given, in such manner as the Chief Inspector may think fit, that the investigation has been discontinued.

(7) Following the discontinuance of any investigation, the Chief Inspector shall submit to the Civil Aviation Authority such information as he considers desirable in the interest of the avoidance of accidents in the future.

Inspector's Report and submission of information to the CAA

11.—(1) Subject to the provisions of Regulation 12 below, upon completion of a formal investigation the Chief Inspector shall submit to the Secretary of State the report of the Inspector who carried out the investigation.

(2) Upon completion of a field investigation the Chief Inspector shall submit to the CAA such information as he considers desirable in the interest of the avoidance of accidents in the future.

(3) The report to the Secretary of State upon completion of a formal investigation shall state the facts relating to the accident followed by an analysis of the facts and conclusions as to the causes of the accident, together with any recommendations which the Inspector thinks fit to make with a view to the preservation of life and the avoidance of accidents in the future.

Notice of Inspector's Report and Representations thereon

12.—(1) No report shall be submitted to the Secretary of State under regulation 11(1) above in respect of an accident until the Inspector has—

- (a) where it appears to him to be practicable so to do, served a notice under this regulation upon the operator and commander of the aircraft involved in the accident and on any person whose reputation is, in the Inspector's opinion, likely to be adversely affected by the report or, if any of the foregoing be a deceased individual, upon such person or persons as appear to the Inspector, at the time he proposes to serve notice pursuant to this paragraph, to represent best the interest of the deceased in the matter, and
- (b) considered any representations which may be made to him in accordance with paragraph (3) below by or on behalf of the persons served with such notice.

(2) The notice referred to in paragraph (1) above shall include particulars of any proposed analysis of facts and conclusions as to the cause or causes of the accident which may affect the person on whom or in respect of whom the notice is served.

(3) Any representations made pursuant to paragraph (1) above shall be in writing and shall be served on the Inspector within 28 days of service of the notice referred to in that paragraph or within such further period as may be allowed under regulation 22 below.

(4) A copy of the report submitted to the Secretary of State under regulation 11(1) above shall be served by the Chief Inspector on any person who has been served with a notice pursuant to paragraph (1) above.

(5) No person shall disclose or permit to be disclosed any information contained in a notice or report served on him pursuant to paragraphs (2) or (4) above to any other person without the prior consent in writing of the Chief Inspector.