



Civil Aviation Act 1982

1982 CHAPTER 16

PART III

REGULATION OF CIVIL AVIATION

Investigation of accidents

75 Investigation of accidents.

- (1) Without prejudice to section 60 above, the Secretary of State may by regulations under this section make such provision as appears to him to be requisite or expedient—
- (a) for the investigation of any accident arising out of or in the course of air navigation and either occurring in or over the United Kingdom or occurring elsewhere to aircraft registered in the United Kingdom; and
 - (b) for carrying out any Annex to the Chicago Convention (being an Annex adopted in accordance with the Convention and relating to the investigation of accidents involving aircraft) as it has effect from time to time with any amendment made in accordance with the Convention (hereafter in this section referred to as “the Annex”).

[^{F1}(1A) The power to make regulations under this section includes power to make provision—

- (a) for the purpose of implementing the Community obligations of the United Kingdom under Council Directive [94/56/EC](#) of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents;
 - (b) for the purpose of dealing with matters arising out of or related to any such obligation.]
- (2) Without prejudice to the generality of subsection (1)(b) above, the provision there authorised includes provision with respect to any of the following matters, that is to say—
- (a) the definition of “accident” for the purposes of this section so as to correspond to the meaning adopted for the time being in the Annex;

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- (b) the participation of any persons authorised for the purpose in accordance with the regulations in any investigation held in accordance with the requirements of the Annex by the competent authorities of any other state; and
 - (c) the investigation of any incident other than one to which subsection (1)(a) above applies for the purpose of securing any information, articles or other material which it is the duty of the United Kingdom in accordance with any requirements of the Annex to furnish to any other state.
- (3) Without prejudice to the generality of subsection (1) above, regulations under this section may contain provisions—
- (a) requiring notice to be given of any such accident as is mentioned in subsection (1)(a) above in such manner and by such persons as may be specified in the regulations;
 - (b) applying any of the provisions of section 3 of the ^{M1}Notice of Accidents Act 1894 (with or without modifications) for the purposes of any investigations held in accordance with the regulations or any inquiries undertaken in accordance with the regulations with a view to determining whether any such investigation should be held;
 - (c) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred, and authorising any person so far as may be necessary for the purposes of an investigation, or for the purpose of determining whether an investigation should be held, to have access to, examine, remove, test, take measures for the preservation of, or otherwise deal with, any such aircraft and any other aircraft;
 - (d) authorising or requiring the cancellation, suspension, endorsement or surrender of any licence or certificate granted under an Air Navigation Order or an order under section 62 above where it appears on an investigation that the licence or certificate ought to be cancelled, suspended, endorsed or surrendered and requiring the production of any such licence or certificate for the purpose of being so dealt with.
- (4) Without prejudice to subsection (2)(a) above, in this section “accident” shall be construed as including any fortuitous or unexpected event by which the safety of an aircraft or any person is threatened.
- (5) If any person contravenes or fails to comply with any regulations under this section he shall be liable on summary conviction to a fine not exceeding [^{F2}level 5 on the standard scale] or to imprisonment for a term not exceeding three months.
- (6) Nothing in this section shall limit the powers of any authority under sections [^{F3}245 to 247 and sections 252 to 254 of the Merchant Shipping Act 1995].

Textual Amendments

- F1** S. 75(1A) inserted (1.3.1996) by S.I. 1996/76, **reg. 2**
- F2** Words substituted by virtue of (E.W.) **Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46**, (S.) **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G** and (N.I.) S.I. 1984/703 (N.I. 3), **art. 5**
- F3** Words in s. 75(6) substituted (1.1.1996) by 1995 c. 21, s. 314(2), **Sch. 13 para. 64(a)** (with s. 312(1))

Modifications etc. (not altering text)

- C1** S. 75 excluded (16.5.1995) by S.I. 1995/1038, **art. 106(2)(b)**
S. 75 extended (with modifications) (Overseas Territories) (16.5.2001) by S.I. 2001/1452, **art. 4, Schs. 1, 2** (with **art. 5**)

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C2 S. 75 amended by S.I. 1989/2062, reg. 2(2)

Marginal Citations

M1 1894 c. 28.

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