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STATUTORY INSTRUMENTS

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**1989 No. 2004**

**The Air Navigation Order 1989**

**PART X**

**GENERAL**

**Mandatory reporting**

- 94.**—(1) Subject to the provisions of this article, every person who:
- (a) is the operator or the commander of a public transport aircraft which is registered in the United Kingdom and has a maximum total weight authorised of more than 2300kg.;
  - (b) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof;
  - (c) signs a certificate of maintenance review, or of release to service in respect of such an aircraft, part or equipment;
  - (d) performs a function for which he requires an air traffic controller's licence; or
  - (e) is the licensee or manager of a licensed aerodrome, shall:
    - (i) make a report to the Authority of any reportable occurrence of which he knows and which is of such a description as may be prescribed; the report shall be made within such time, by such means, and shall contain such information as may be prescribed and it shall be presented in such form as the Authority may in any particular case approve; and
    - (ii) make a report to the Authority, within such time, by such means, and containing such information as the Authority may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Authority in accordance with this article.
- (2) In this article "reportable occurrence" means:
- (a) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants, or any other person; and
  - (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants:

Provided that any accident notified to the Secretary of State in pursuance of regulations made under section 75 of the Civil Aviation Act 1982(1) shall not constitute a reportable occurrence for the purposes of this article.

(3) Subject to paragraph (1)(ii) of this article, nothing in this article shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Authority in accordance with this article.

(4) A person shall not make any report under this article if he knows or has reason to believe that the report is false in any particular.

(5) Without prejudice to article 40(2),(4) and (5) and subject to the provisions of article 65 of this Order, the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this article, preserve any data from a flight data recorder or a combined cockpit voice recorder/flight data recorder relevant to the reportable occurrence for 14 days from the date on which a report of that occurrence is made to the Authority or for such longer period as the Authority may in a particular case direct:

Provided that the record may be erased if the aircraft is outside the United Kingdom and it is not reasonably practicable to preserve the record until the aircraft reaches the United Kingdom.