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STATUTORY INSTRUMENTS

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**1989 No. 2062**

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

**PART III**

**PUBLIC INQUIRIES**

**Holding of Public Inquiries**

**18.**—(1) Where it appears to the Secretary of State that it is expedient in the public interest to hold a Public Inquiry into the circumstances and causes of an accident to which these Regulations apply or into any particular matter relating to the avoidance of such accidents in the future, he may direct that a Public Inquiry be held by a Commissioner appointed by the Lord Chancellor. In any such case any investigation relating to the accident or to the particular matter, as the case may be, shall be discontinued except for the purpose of rendering assistance as required by paragraph (3) below.

(2) The Commissioner (hereinafter called “the Court”) shall be a judge or a barrister of not less than ten years standing and shall be assisted by not fewer than two Assessors possessing aeronautical, engineering or other special skills or knowledge. The Assessors shall be appointed by the Lord Chancellor.

(3) Where the Secretary of State has directed a Public Inquiry to be held, he shall remit the case to the Attorney-General, and thereafter the preparation and presentation of the case shall be conducted by the Treasury Solicitor under the direction of the Attorney-General; the Chief Inspector shall render such assistance to the Court and to the Attorney-General as is in his power.

(4) When the Secretary of State has directed a Public Inquiry to be held, the Attorney-General shall cause a notice of the date, time and place and the nature of the Public Inquiry to be served upon the owner, operator, hirer and commander of any aircraft involved in the accident and on any other person who in his opinion ought to be served with such notice.

(5) The Attorney-General, the owner, the operator, the hirer, the commander and any other person upon whom a notice of inquiry has been served under paragraph (4) above, shall be deemed to be parties to the proceedings.

(6) Any other person may by leave of the Court appear, and any person who obtains leave to appear shall thereupon become a party to the proceedings. Any application for such leave may be made to the Court at a preliminary meeting.

(7) At any time before the date appointed for holding the inquiry, the Court may hold a preliminary meeting at which any directions may be given or any preliminary or interlocutory order as to the procedure may be made. Notice of the date, time and place of the preliminary meeting shall be given by the Treasury Solicitor to the parties to the proceedings and to any other person who has notified the Treasury Solicitor that he intends to apply to the Court for leave to appear. Any person intending to make an application to the Court at the meeting shall give notice thereof to the Treasury Solicitor.

(8) The Court shall have, for the purposes of the inquiry, all the powers of a Magistrate’s Court, and without prejudice to those powers, the Court may—

- (a) enter and inspect, or authorise any person to enter and inspect, any place, building or aircraft the entry or inspection whereof appears to the Court to be requisite for the purposes of the inquiry;
- (b) by summons require the attendance as witnesses of all such persons as the Court thinks fit to call and examine, and require such persons to answer any question or furnish any information or produce any books, papers, documents and articles which the Court may consider relevant;
- (c) administer an oath to or require a solemn affirmation from any such witness.

The Assessors shall have the same power of entry and inspection as the Court.

(9) Affidavits and statutory declarations may, by permission of the Court, be used as evidence at the hearing.

(10) At the time and place appointed for holding the inquiry the Court may proceed with the inquiry whether the parties, upon whom a notice of inquiry has been served or who have obtained leave to appear, or any of them, are present or not.

(11) The Court shall hold the inquiry in public Court save to the extent to which the Court directs, in relation to any part of the evidence or any argument relating thereto, that the inquiry be held in private in the interest of justice or in the public interest.

(12) The Inspector who carried out or, before its discontinuance under paragraph (1) above, was carrying out an investigation into an accident to which the inquiry relates and a member of the Council on Tribunals, or in the case of an inquiry held in Scotland, a member of the Scottish Committee of that Council shall be entitled to be present at any proceedings of the Court held in private.

### **Proceedings of Public Inquiries**

**19.**—(1) The proceedings on the inquiry shall commence with an opening speech by or on behalf of the Attorney-General, followed at the discretion of the Court with brief speeches by or on behalf of the other parties. The proceedings shall continue with the production and examination of witnesses on behalf of the Attorney-General. These witnesses, after being examined on behalf of the Attorney-General, may be cross-examined by the parties in such order as the Court may direct, and may then be re-examined on behalf of the Attorney-General.

(2) When the examination of the witnesses produced on behalf of the Attorney-General has been concluded, the Court shall proceed to hear the other parties to the proceedings. Each party to the proceedings shall be entitled to address the Court and produce witnesses or recall any of the witnesses who have already been examined for further examination and generally adduce evidence. The parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the Court shall direct. Further witnesses may also be produced and examined on behalf of the Attorney-General and may be cross-examined by the parties and re-examined on behalf of the Attorney-General.

(3) When the whole of the evidence has been concluded any of the parties who desires so to do may address the Court upon the evidence and the Court may be addressed in reply upon the whole case on behalf of the Attorney-General.

(4) The Court may adjourn the inquiry from time to time and from place to place, and where an adjournment is asked for by any party to the inquiry the Court may impose such terms as to payment of costs or otherwise as it may think just as a condition of granting the adjournment.

(5) Upon completion of the inquiry, the Court shall make a report to the Secretary of State stating the facts relating to the accident and the opinion of the Court touching the cause or causes of the accident or on the particular matter referred to the Court and adding any recommendations which

the Court thinks fit to make with a view to the preservation of life and the avoidance of accidents in the future.

(6) Each Assessor shall either sign the report with or without reservations, or state in writing his dissent therefrom and his reasons for any such dissent, and such reservations or dissent and reasons shall be forwarded to the Secretary of State with the report. The Secretary of State shall, unless in his opinion there are good reasons to the contrary, cause any such report and reservations or dissent and reasons to be made public wholly or in part in such manner as he thinks fit.

(7) Every person attending as a witness before the Court shall be allowed such expenses as would be allowed to a witness attending before the High Court, and in case of dispute as to the amount to be allowed, the same shall be referred by the Court to a master of the Supreme Court Taxing Office who on request signed by the Court shall ascertain and certify the proper amount of the expenses:

Provided that in the case of any party to the proceedings or of any person in the employment of such a party, any such expenses may be disallowed if the Court in its discretion so directs.

### **Rehearing of Public Inquiries**

**20.**—(1) The Secretary of State may, in any case where a Public Inquiry has been held, direct the inquiry to be reheard either generally or as to any part thereof and shall do so—

- (a) if after the completion of the inquiry evidence has been disclosed which is in his opinion both new and important, or
- (b) if for any other reason there is in his opinion ground for suspecting that a miscarriage of justice has occurred.

(2) If the Secretary of State directs any inquiry to be reheard, the Lord Chancellor may direct that the inquiry shall be reheard either by the Court by whom it was heard in the first instance or by some other person appointed by him to hold the rehearing.

(3) Any inquiry reheard shall be subject to and conducted in accordance with the provisions of these Regulations relating to the holding of Public Inquiries.