
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact the Civil Aviation (Investigation of Air Accidents) Regulations 1989 with amendments. They give effect to amendments made to Annex 13 of the Chicago Convention and they implement Council Directive [94/56/EC](#) establishing the fundamental principles governing the investigation of civil aviation accidents and incidents (OJNo. L319, 12.2.94, p.1—corrected by OJ No. L191, 12.8.95, p.39).

The principal changes are—

- (a) the expression “accident” is defined more narrowly; it no longer includes an incident (regulation 2(1)).
- (b) the Regulations apply to civil aviation accidents and incidents; the exclusion of accidents or incidents to which the Air Navigation (Investigation of Air Accidents Involving Civil and Military Aircraft or Installations) Regulations 1986 (S.I.1986/1953) may be directed to apply is omitted (regulation 3).
- (c) the preclusion of the removal of damaged aircraft is extended to any case where the aircraft is withdrawn from service as a result of a serious incident (regulation 7(1)).
- (d) the existing Inspectors of Air Accidents of the Air Accidents Investigation Branch of the Department of Transport are identified as the investigating body (regulation 8(2)).
- (e) accidents and serious incidents must be investigated, including those serious incidents occurring to aircraft not registered in the UK but operated by undertakings established in the UK (regulation 8(3)).
- (f) the Chief Inspector is enabled to delegate investigation of an accident or incident to another member State or, in certain cases to a State which is party to the Chicago Convention (regulation 8(5)).
- (g) the Chief Inspector is enabled to provide assistance to other member States (regulation 9(4)).
- (h) the division of investigations into formal and field investigations is omitted; the procedure to be followed is as determined by the Chief Inspector (regulation 10(1)).
- (i) the provisions relating to review boards and to public inquiries are omitted.
- (j) where the accident or incident involves a collision between a civil aircraft and a military aircraft or occurs to a civil aircraft using an aerodrome of the armed forces of Her Majesty or another country the investigation excludes matters affecting discipline or internal administration of those forces more appropriately undertaken by those forces (regulation 11(2)).
- (k) safety recommendations included in a report are not to create a presumption of blame or liability (regulation 11(5)).
- (l) the Inspector’s report of an investigation into an accident or incident must be published (regulation 13).
- (m) any undertaking or authority to whom a safety recommendation contained in a report is addressed must take that recommendation into consideration and advise the Secretary of State of the measures taken or intended to be taken to implement it or the reasons why it is not to be implemented by that body (regulation 14).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (n) the preclusion of the disclosure of certain records for purposes other than accident or incident investigation save where the court otherwise orders (regulation 18).

A copy of the eighth edition of Annex 13 to the Chicago Convention can be obtained from the CAA, Printing and Publications Service, Greville House, 37 Gratton Road, Cheltenham, Glos., GL50 2BN.