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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations replace the Air Navigation (Investigation of Air Accidents involving Civil and Military Aircraft or Installations) Regulations 1986 in so far as they apply to Military Aircraft involved in Accidents or Incidents occurring at Civil Aerodromes only. They do not apply to any Accidents or Incidents involving Civil Registered Aircraft which are covered separately under The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996.

The principal differences made by these Regulations are—

- (i) to provide for the Chief Inspector to publish or cause to be published at any time information dealing with an investigation to which the Regulations apply (*regulation 6*). Where such information is contained in a report required to be published by the Chief Inspector pursuant to regulation 13, the power in regulation 6 is subject to the proviso that such information cannot be published if it is likely to have an adverse effect on any person until that person has made representations regarding that information. It can only then be published once the investigating Inspector has made any necessary changes in the light of the representations received (*regulation 12*).
- (ii) To provide for the Chief Inspector to appoint a deputy Inspector for the purposes of an investigation and to delegate his powers and obligations under those Regulations to him (*regulation 8*).
- (iii) To provide for the Chief Inspector to determine the scale of investigations required in an investigation along with procedure to be adopted (*regulation 10*). In determining the above he is obliged to have regard to the fact that the purpose of the investigation is the prevention of accidents, not the apportionment of blame or liability (*regulation 4*).
- (iv) The introduction of the requirement that any safety recommendation made in the investigation report shall not create a presumption of blame or liability for an accident to which these Regulations apply (*regulation 11*).
- (v) To preclude any person who has been afforded an opportunity to make representations on a proposed analysis of facts and conclusions as to the cause of the accident from disclosing that information or any information contained in the draft report provided to him (*regulation 12*).
- (vi) To require that the Chief Inspector endeavour to make any investigation report into an accident public within 12 months or within the shortest time possible and in such manner as he thinks fit (*regulation 13*).
- (vii) To provide that the Chief Inspector shall communicate the accident investigation report to any undertaking or national aviation authority whose military aircraft is involved in an accident to which these Regulations apply. Those bodies are required to consider and where appropriate to act on safety recommendations made and send details of the same to the Secretaries of State for Defence and Transport or explain why any recommendation so made will not be acted upon (*regulation 14*).
- (viii) To require that the investigation of an accident to which these Regulations apply be reopened if in the Chief Inspector's opinion new and important evidence relating to an accident has been disclosed or if he has any grounds to suspects that the reputation of any person has been unfairly and adversely affected (*regulation 15*).

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

Copies of Annex 13 9<sup>th</sup> Edition (July 2001) to the International Convention on Civil Aviation may be obtained from Airplan Flight Equipment Limited, of 1A Ringway Trading Estate, Shadowmoss Road, Manchester, M22 5LH.