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STATUTORY INSTRUMENTS

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**2018 No. 321**

**CIVIL AVIATION**

**The Civil Aviation (Investigation of Air  
Accidents and Incidents) Regulations 2018**

<i>Made</i>	- - - -	<i>5th March 2018</i>
<i>Laid before Parliament</i>		<i>15th March 2018</i>
<i>Coming into force</i>	- -	<i>9th April 2018</i>

The Secretary of State is a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to air transport.

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 75(1) to (3) and 102(2) of, and Part II and paragraphs 4 and 6 of Part III of Schedule 13 to, the Civil Aviation Act 1982<sup>(3)</sup> and by section 2(2) of the European Communities Act 1972.

**Modifications etc. (not altering text)**

- C1** [Regulations](#) extended (with modifications) (Guernsey) (5.7.2023) by [The Civil Aviation \(Investigation of Air Accidents and Incidents\) \(Guernsey\) Order 2023 \(S.I. 2023/662\)](#), arts. 1(1), 2, [Sch.](#)

**PART 1** **U.K.**

**General**

**Citation and commencement** **U.K.**

**1.** These Regulations may be cited as the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018 and come into force on 9th April 2018.

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(1) [S.I. 1993/2661](#), to which there are amendments not relevant to these Regulations.  
(2) [1972 c.68](#). Section 2(2) was amended by section 3 of, and Part I of the Schedule to, the European Union (Amendment) Act [2008 \(c.7\)](#).  
(3) [1982 c.16](#). Section 75 applies to aircraft belonging to or exclusively employed in the service of Her Majesty by virtue of [S.I. 1959/1309](#).

### Commencement Information

**11** [Reg. 1](#) in force at 9.4.2018, see [reg. 1](#)

### Interpretation **U.K.**

**2.**—(1) In these Regulations—

“the Air Accidents Investigation Branch” means that part of the Department for Transport known by that name;

“Annex 13” means Annex 13 (Aircraft Accident and Incident Investigation) to the Chicago Convention<sup>(4)</sup> as that Annex has effect from time to time;

“Chief Inspector” means the Chief Inspector of Air Accidents appointed under regulation 9;

“Inspector” means a person appointed as an Inspector of Air Accidents under regulation 9;

“Investigating Inspector” means the investigator-in-charge and any other Inspector who is assisting the investigator-in-charge with a safety investigation by virtue of paragraph (6) of regulation 9;

“investigator-in-charge” means a person charged, on the basis of that person’s qualifications, with responsibility for the organisation, conduct and control of a safety investigation;

“Regulation 996/2010” means Regulation (EU) No 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation<sup>(5)</sup> and repealing [Directive 94/56/EC](#)<sup>(6)</sup>; and

“safety investigation” means a process conducted by the Air Accidents Investigation Branch for the purposes of accident and incident prevention, which includes the gathering and analysis of information, the drawing of conclusions (including the determination of causes and contributing factors) and, when appropriate, the making of safety recommendations.

(2) In these Regulations the following words and expressions have the meanings given by Article 2 of Regulation 996/2010—

“accident”;

“incident”;

“person involved”; and

“serious incident”.

(3) In these Regulations “aircraft” has the same meaning as in Regulation 996/2010.

### Commencement Information

**12** [Reg. 2](#) in force at 9.4.2018, see [reg. 1](#)

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(4) See definition of “the Chicago Convention” in section 105 of the Civil Aviation Act 1982. The latest edition of Annex 13, which is published by the International Civil Aviation Organization, is the 11th edition, which applied from 10th November 2016 (ISBN 978-92-9249-968-6).

(5) OJ No L 295, 12.11.2010, p35, amended by Regulation (EU) No 376/2014 of the European Parliament and of the Council (OJ No L 122, 24.4.2014, p18). Regulation 996/2010 has been extended to the European Economic Area by the Decision of the EEA Joint Committee No 95/2014 (OJ No L 310, 20.10.2014, p60). It applies to Switzerland by virtue of Decision No 2/2014 of the Joint European Union/Switzerland Air Transport Committee (OJ No L 373, 31.12.2014, p24).

(6) OJ No L 319, 12.12.1994, p14.

### Meaning of “act of unlawful interference” and “victim” **U.K.**

3.—(1) For the purposes of paragraph 2 of Article 12 of Regulation 996/2010, “an act of unlawful interference” means any act which constitutes an offence under—

- (a) subsection (1) of section 1 (hijacking) of the Aviation Security Act 1982(7) (“the 1982 Act”), but as if subsection (2) of that section (and the reference to subsection (2) in subsection (1)) was omitted;
- (b) subsection (1) or (2) of section 2 (destroying, damaging or endangering safety of aircraft) of the 1982 Act, but as if subsection (4) of that section (and the references to subsection (4) in subsections (1) and (2)) was omitted; or
- (c) subsection (1) or (3) of section 3 (other acts endangering or likely to endanger safety of aircraft) of the 1982 Act, but as if subsections (5) and (6) of that section (and the references to subsections (5) and (6) in subsection (1) and the reference to subsection (5) in subsection (3)) were omitted.

(2) For the purposes of paragraphs 4 and 5 of Article 15 of Regulation 996/2010, “victim” means any person who suffers a fatal injury or a serious injury in any of the circumstances described in sub-paragraph (1)(a) of Article 2 of that Regulation.

(3) In paragraph (2) “fatal injury” and “serious injury” have the meanings given by Article 2 of Regulation 996/2010.

#### Commencement Information

**I3** [Reg. 3](#) in force at 9.4.2018, see [reg. 1](#)

### Service of notices and other documents **U.K.**

4.—(1) Any notice or other document required or authorised by these Regulations to be served on any person may be served by—

- (a) delivering it to that person in person;
- (b) leaving it at that person’s proper address; or
- (c) sending it by post or by electronic means to that person’s proper address.

(2) In the case of a body corporate, any such notice or document may be served on a director of that body or on any other officer or employee of that body (“authorised person”) who is authorised to accept service of such notices or documents on its behalf.

(3) For the purposes of this regulation, “proper address” means—

- (a) in the case of a body corporate or its director or authorised person—
  - (i) the registered or principal office of that body; or
  - (ii) the email address of the secretary or clerk of that body, the director or the authorised person;
- (b) in any other case, a person’s last known address, which includes an email address.

#### Commencement Information

**I4** [Reg. 4](#) in force at 9.4.2018, see [reg. 1](#)

## Revocations **U.K.**

5. The following Regulations are revoked—
- (a) the Civil Aviation Act (Investigation of Accidents) Regulations 1996<sup>(8)</sup>;
  - (b) the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996<sup>(9)</sup>;
  - (c) the Civil Aviation (Investigation of Military Air Accidents at Civil Aerodromes) Regulations 2005<sup>(10)</sup>.

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### Commencement Information

**I5** [Reg. 5](#) in force at 9.4.2018, see [reg. 1](#)

## Amendment of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 **U.K.**

6.—(1) Regulation 14 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013<sup>(11)</sup> is amended as follows.

(2) In paragraph (6) of that regulation, omit sub-paragraph (d) and for sub-paragraph (g) substitute—

“(g) Article 9 of Regulation (EU) No 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation and repealing [Directive 94/56/EC](#).”

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### Commencement Information

**I6** [Reg. 6](#) in force at 9.4.2018, see [reg. 1](#)

## Safety investigation authority and accident investigation authority **U.K.**

7. The Air Accidents Investigation Branch continues to be designated as—
- (a) the safety investigation authority for the United Kingdom for the purposes of Article 4 of Regulation 996/2010; and
  - (b) the accident investigation authority for the United Kingdom for the purposes of Annex 13.

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### Commencement Information

**I7** [Reg. 7](#) in force at 9.4.2018, see [reg. 1](#)

## Objective of a safety investigation **U.K.**

8. The sole objective of a safety investigation which is undertaken pursuant to Regulation 996/2010, Annex 13 or these Regulations is the prevention of accidents and incidents, without the apportionment of blame or liability.

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<sup>(8)</sup> [S.I. 1996/76](#).

<sup>(9)</sup> [S.I. 1996/2798](#), amended by the Police (Northern Ireland) Act 2000 ([2000 c.32](#)), section 78 and by [S.I. 1997/2971](#) and [S.I. 2004/1256](#).

<sup>(10)</sup> [S.I. 2005/2693](#).

<sup>(11)</sup> [S.I. 2013/1471](#), to which there are amendments not relevant to these Regulations.

**Commencement Information**

**I8** Reg. 8 in force at 9.4.2018, see [reg. 1](#)

**Inspectors of Air Accidents** **U.K.**

**9.**—(1) For the purposes of carrying out safety investigations, the Secretary of State must appoint persons to work for the Air Accidents Investigation Branch as Inspectors of Air Accidents.

(2) The Secretary of State must appoint one such Inspector as the Chief Inspector of Air Accidents.

(3) The Chief Inspector must appoint another such Inspector as the Deputy Chief Inspector of Air Accidents.

(4) Any of the Chief Inspector’s powers and obligations under these Regulations may be exercised or discharged by the Deputy Chief Inspector where the Chief Inspector so directs.

(5) Where a safety investigation is required or permitted by Regulation 996/2010, Annex 13 or by these Regulations, the investigator-in-charge is the Chief Inspector or any other Inspector selected by the Chief Inspector for that purpose.

(6) The Chief Inspector may determine that the investigator-in-charge shall be assisted by one or more Inspectors.

**Commencement Information**

**I9** Reg. 9 in force at 9.4.2018, see [reg. 1](#)

**Power to investigate** **U.K.**

**10.**—(1) Notwithstanding the obligations to investigate imposed by paragraphs 1 and 2 of Article 5 of Regulation 996/2010 and by Chapter 5 of Annex 13, the Chief Inspector may cause a safety investigation to be conducted in accordance with Regulation 996/2010, Annex 13 and these Regulations where—

- (a) an accident, a serious incident or any other incident occurs in or over the United Kingdom;
- (b) that accident, serious incident or incident involves any aircraft, including—
  - (i) an aircraft to which the obligation in paragraph 1 of Article 5 of Regulation 996/2010 does not apply; or
  - (ii) an aircraft engaged in military, customs, police or similar services; and
- (c) the Chief Inspector expects to draw safety lessons for civil aviation from the safety investigation.

(2) In this regulation “similar services” has the same meaning as in paragraph 3 of Article 3 of Regulation 996/2010.

**Commencement Information**

**I10** Reg. 10 in force at 9.4.2018, see [reg. 1](#)

## Obligation to investigate accidents and serious incidents occurring outside the United Kingdom **U.K.**

**11.**—(1) Insofar as it is practicable to do so, the Chief Inspector must cause a safety investigation to be conducted in accordance with Annex 13 and these Regulations where—

- (a) an accident or serious incident occurs in or over a country or territory other than the United Kingdom or any other Contracting State;
- (b) the accident or serious incident involves an aircraft in respect of which the United Kingdom is—
  - (i) the State of Registry;
  - (ii) the State of the Operator;
  - (iii) the State of Design; or
  - (iv) the State of Manufacture; and
- (c) an investigation is not conducted by another State.

(2) In this regulation—

“Contracting State” means any State which is party to the Chicago Convention;

“investigation” (in sub-paragraph (c) of paragraph (1) only) means a process conducted, other than by the Air Accidents Investigation Branch, for the purposes of accident and incident prevention, which includes the gathering and analysis of information, the drawing of conclusions (including the determination of causes and contributing factors) and, when appropriate, the making of safety recommendations; and

“State of Registry”, “State of the Operator”, “State of Design” and “State of Manufacture” have the meanings given by Chapter 1 of Annex 13.

### Commencement Information

**111** Reg. 11 in force at 9.4.2018, see [reg. 1](#)

## Additional provisions – Inspectors’ powers **U.K.**

**12.**—(1) The power conferred by subparagraph (f) (power to call and examine witnesses) of paragraph 2 of Article 11 of Regulation 996/2010 must be exercised by the service of a summons signed by an Investigating Inspector and requiring any person (“witness”) to attend a witness interview at a time and place stated in the summons, in order to—

- (a) answer any question, or
- (b) produce any document, record, information or other evidence,

which is, in the opinion of that Inspector, relevant to the safety investigation.

(2) A witness must be allowed the expenses of attending a witness interview, payable by the Secretary of State.

**13.** An Investigating Inspector has the power to—

- (a) record a witness interview in any manner that the Investigating Inspector considers appropriate;
- (b) take a statement from a witness and require the witness to make and sign a declaration of truth in relation to that statement; and

- (c) retain any evidence which is produced by a witness or which the investigator-in-charge has access to or control over, by virtue of paragraph 2 of Article 11 of Regulation 996/2010, until the completion of the safety investigation.

14.—(1) Subject to paragraph (2), an Investigating Inspector may, on production of that Inspector's authority to act as an Inspector, enter and inspect any land or premises (including any dwelling and any aircraft) where, in the opinion of the investigator-in-charge, such action is necessary for the purposes of the safety investigation.

(2) An Investigating Inspector may not enter and inspect any dwelling unless one of the following conditions is met—

- (a) the occupier of the dwelling has consented to the entry and inspection;
- (b) such entry and inspection has been authorised by a warrant issued by a justice, on an application made by an Investigating Inspector and supported by—
  - (i) in England and Wales, an information in writing;
  - (ii) in Scotland, evidence on oath; or
  - (iii) in Northern Ireland, a complaint on oath;
- (c) the investigator-in-charge is satisfied that access to the dwelling is required urgently and that the requirement to obtain consent or a warrant would undermine the safety investigation.

(3) A justice may issue a warrant if the justice is satisfied that there are reasonable grounds for entering and inspecting the dwelling for the purposes of the safety investigation and that at least one of the following conditions is met—

- (a) entry to the dwelling has been, or is likely to be, refused and notice of the intention to apply for a warrant has been served on the occupier;
- (b) asking for consent to enter and inspect the dwelling would undermine the safety investigation;
- (c) entry to the dwelling is required urgently;
- (d) the dwelling is unoccupied or the occupier is temporarily absent.

(4) A warrant may authorise a maximum of two Investigating Inspectors to enter and inspect a dwelling.

(5) A warrant is valid for one month beginning on the date of its issue.

(6) Where an Investigating Inspector exercises the power conferred by paragraph (1), that Inspector may—

- (a) search the land or premises for any item;
- (b) examine anything that is on the land or premises;
- (c) require any person to produce any document or record that is in that person's possession or control;
- (d) seize, detain or remove any item that is on the land or premises and any document or record that has been produced in accordance with sub-paragraph (c); and
- (e) take copies of or extracts from any document or record found on the land or premises.

(7) Any item, document or record seized by an Investigating Inspector may be retained until the completion of the safety investigation.

(8) In this regulation—

“dwelling” means any premises wholly or mainly used as a place of residence or abode (including any garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling); and

“a justice” means—

- (a) in England and Wales, a justice of the peace;
- (b) in Scotland, a sheriff or a summary sheriff; and
- (c) in Northern Ireland, a lay magistrate.

#### Commencement Information

**I12** Reg. 12 in force at 9.4.2018, see [reg. 1](#)

**I13** Reg. 13 in force at 9.4.2018, see [reg. 1](#)

**I14** Reg. 14 in force at 9.4.2018, see [reg. 1](#)

#### Release of evidence to owner **U.K.**

**15.**—(1) This regulation applies where an aircraft, its contents or wreckage (“property”) is held by the Air Accidents Investigation Branch in a hangar, or in any other facility which is being used by the Branch, for the purposes of a safety investigation.

(2) Subject to paragraph (5), where any such property is no longer required for the purposes of the safety investigation the Chief Inspector must inform the owner of the property, by serving a notice in writing, that it will be released to the owner at the place and date specified in the notice and in accordance with any other arrangements that are specified in the notice.

(3) An owner on whom such a notice is served must collect the property in accordance with the arrangements specified in the notice (or in accordance with any alternative arrangements that the owner agrees in writing with the Chief Inspector), failing which—

- (a) the Chief Inspector may make arrangements for the destruction or disposal of the property; and
- (b) the reasonable costs of such destruction or disposal will be recoverable from the owner as a debt due to the Secretary of State.

(4) A notice served pursuant to paragraph (2)—

- (a) must not specify a date for collection of the property earlier than one month beginning with the date on which the notice was served; and
- (b) must include a warning that a failure by the owner to collect the property on the date specified in the notice (or such other date that the owner agrees in writing with the Chief Inspector) will entitle the Chief Inspector to make arrangements for the destruction or disposal of the property and that the reasonable costs of such destruction or disposal will be recoverable from the owner as a debt due to the Secretary of State.

(5) Where any property referred to in paragraph (1) is no longer required for the purposes of the safety investigation and the Chief Inspector is satisfied that a person, body or authority (other than the owner) is entitled (under statutory or common law powers that apply in any part of the United Kingdom) to collect that property for the purposes of another investigation and has confirmed their intention to do so—

- (a) paragraph (2) does not apply to that property; and
- (b) the Chief Inspector must release it to that person, body or authority and inform the owner of the property, by serving a notice in writing, that it has been so released.



(6) In this regulation “owner”, in relation to an aircraft which is registered, means the registered owner of the aircraft.

**Commencement Information**

**I15** Reg. 15 in force at 9.4.2018, see [reg. 1](#)

**Notice of safety investigation report** **U.K.**

**16.**—(1) Where the investigator-in-charge considers that a safety investigation report could adversely affect the reputation of any person (“the person concerned”), the final safety investigation report must not be published until the investigator-in-charge has—

- (a) served a notice on the person concerned or, where that person is deceased, the person who appears to the investigator-in-charge to best represent the interests of the person concerned in the matter; and
  - (b) made such changes as the investigator-in-charge thinks fit, following the consideration by that investigator of any representations that have been made pursuant to paragraph (2)(b).
- (2) The notice referred to in paragraph (1)(a) must—
- (a) include particulars of any proposed analysis of facts and conclusions as to the circumstances and causes of the relevant accident or incident which could affect the person concerned; and
  - (b) inform the person on whom it is served that written representations regarding that proposed analysis may be made to the investigator-in-charge by or on behalf of that person within 28 days, beginning with the date on which the notice was served, or within such longer period as the Chief Inspector may allow.

**Commencement Information**

**I16** Reg. 16 in force at 9.4.2018, see [reg. 1](#)

**Pre-publication copies of the final safety investigation report** **U.K.**

**17.** Before the publication of the final safety investigation report, the Chief Inspector must provide a copy of it to the Secretary of State and must also serve a copy of it on any person on whom a notice was served pursuant to paragraph (1)(a) of regulation 16.

**Commencement Information**

**I17** Reg. 17 in force at 9.4.2018, see [reg. 1](#)

**Reopening of safety investigation** **U.K.**

**18.**—(1) Subject to paragraph (3), where, following publication of a final safety investigation report relating to an accident or serious incident, evidence has become available which, in the Chief Inspector’s opinion, is new and significant, the Chief Inspector must cause the safety investigation to be reopened.

(2) Subject to paragraph (3), following publication of a final safety investigation report relating to an accident or serious incident, the Chief Inspector may cause the safety investigation to be reopened for any other reason where the Chief Inspector considers it appropriate to do so.

(3) The Chief Inspector must not reopen a safety investigation into an accident or serious incident in respect of which the task of conducting the safety investigation has been delegated to the Air Accidents Investigation Branch, pursuant to paragraph 2 of Article 6 of Regulation 996/2010 or paragraph 5.1, 5.1.1 or 5.1.2 of Annex 13, without first obtaining the consent of the head of the investigation authority which so delegated that task.

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**Commencement Information**

**I18** Reg. 18 in force at 9.4.2018, see [reg. 1](#)

**Amendments to the Civil Aviation Act 1982** **U.K.**

**19.** In section 75 of the Civil Aviation Act 1982(**12**) (investigation of accidents), omit subsection (1A) (power to make provision for the purpose of implementing Council [Directive 94/56/EC](#)(**13**)).

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**Commencement Information**

**I19** Reg. 19 in force at 9.4.2018, see [reg. 1](#)

**PART 2** **U.K.**

Contraventions

**Failure to notify accident or serious incident** **U.K.**

**20.**—(1) Any person involved who—

- (a) has knowledge of the occurrence of an accident or serious incident in or over the United Kingdom, and
- (b) fails, without reasonable excuse, to notify it without delay to the Chief Inspector and, in the case of an accident, a police officer or (in relation to Scotland) constable for the area where the accident occurred,

contravenes these Regulations.

(2) In this regulation, “police officer” means any person who is a member of—

- (a) a police force,
- (b) the Police Service of Northern Ireland, or
- (c) the Police Service of Northern Ireland Reserve.

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**Commencement Information**

**I20** Reg. 20 in force at 9.4.2018, see [reg. 1](#)

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(12) 1982 c.16. Subsection (1A) was inserted by S.I. 1996/76, which is revoked by these regulations (see regulation 3).

(13) OJ No L 319, 12.12.1994, p14, repealed by Regulation 996/2010, Article 25.

## **Obstruction** **U.K.**

**21.** Any person who, without reasonable excuse, obstructs or impedes an Inspector in the exercise of any duties, powers or entitlements imposed or conferred by Regulation 996/2010, Annex 13 or by these Regulations, contravenes these Regulations.

**22.** Any person who knowingly provides false or misleading information to an Inspector in connection with a safety investigation contravenes these Regulations.

### **Commencement Information**

**I21** [Reg. 21](#) in force at 9.4.2018, see [reg. 1](#)

**I22** [Reg. 22](#) in force at 9.4.2018, see [reg. 1](#)

## **Failure to comply with witness summons** **U.K.**

**23.** Any person who fails, without reasonable excuse, to comply with a witness summons served under paragraph (1) of regulation 12 contravenes these Regulations.

### **Commencement Information**

**I23** [Reg. 23](#) in force at 9.4.2018, see [reg. 1](#)

## **Failure to preserve evidence** **U.K.**

**24.**—(1) Any person who, without reasonable excuse, contravenes any of the prohibitions in paragraph 2 of Article 13 of Regulation 996/2010 also contravenes these Regulations.

(2) Any person involved who fails, without reasonable excuse, to take the necessary steps described in paragraph 3 of Article 13 also contravenes these Regulations.

### **Commencement Information**

**I24** [Reg. 24](#) in force at 9.4.2018, see [reg. 1](#)

## **Failure to protect sensitive safety information** **U.K.**

**25.**—(1) Subject to paragraphs (3) and (4), any relevant person who knowingly contravenes any of the prohibitions in paragraphs 1 or 2 of Article 14 of Regulation 996/2010 also contravenes these Regulations.

(2) In paragraph (1) “relevant person” means—

- (a) an Inspector;
- (b) any other officer of the Secretary of State; or
- (c) any person to whom any relevant record has been made available by such an Inspector or other officer.

(3) Paragraph (1) does not apply to information which is included in a final safety investigation report.

(4) Paragraph (1) does not apply where a relevant person makes a relevant record available to another person (“person A”) in the following circumstances—

- (a) in a case where person A is a party to or otherwise entitled to appear at judicial proceedings and the relevant court has ordered that that record must be made available to person A for the purposes of those proceedings; or
  - (b) in any other case, where the relevant court has ordered that that record must be made available to person A for other specified purposes.
- (5) The relevant court must not make an order under paragraph (4) unless it is satisfied that the benefits of the disclosure of the record concerned outweigh the adverse domestic and international impact which the disclosure might have on the safety investigation to which the record relates or any future safety investigation.
- (6) In this regulation—
- “judicial proceedings” includes any proceedings before any court, tribunal or person having by law power to hear, receive and examine evidence on oath;
- “relevant court” means—
- (a) in the case of judicial proceedings or an application for disclosure made in England, Wales or Northern Ireland, the High Court; and
  - (b) in the case of judicial proceedings or an application for disclosure made in Scotland, the Court of Session; and
- “relevant record” means any of the records specified in paragraphs 1 and 2 of Article 14 of Regulation 996/2010.

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**Commencement Information**

**I25** Reg. 25 in force at 9.4.2018, see [reg. 1](#)

**Unauthorised disclosure of information relating to a safety investigation** **U.K.**

- 26.**—(1) This regulation applies to a person who receives information from—
- (a) an Inspector in accordance with paragraph 4 of Article 15 of Regulation 996/2010; or
  - (b) the investigator-in-charge in accordance with paragraph (1) of regulation 16.
- (2) Any person to whom this regulation applies who, without the prior written consent of the Chief Inspector in the case of paragraph (1)(a), causes or permits that information or any part of it to be disclosed to any other person, body or organisation before it is made publicly available by the Chief Inspector (on publication of the final safety investigation report or otherwise) contravenes these Regulations.

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**Commencement Information**

**I26** Reg. 26 in force at 9.4.2018, see [reg. 1](#)

**Failure to provide information on persons and dangerous goods on board an aircraft following an accident** **U.K.**

- 27.**—(1) This regulation applies where an accident has occurred in or over the United Kingdom.
- (2) Where the operator of an aircraft involved in the accident fails to—
- (a) provide to the Chief Inspector, within two hours of the notification by the operator of the occurrence of the accident, the list required by paragraph 1(a) of Article 20 of Regulation 996/2010, or

(b) provide to the Chief Inspector, immediately following the notification by the operator of the occurrence of the accident, the list required by paragraph 1(b) of that Article, the operator contravenes these Regulations.

**Commencement Information**

I27 Reg. 27 in force at 9.4.2018, see reg. 1

**Disclosure of information relating to persons on board an aircraft and persons to be contacted in the event of an accident** U.K.

28. Any person who causes or permits—

- (a) any information contained in a list produced pursuant to paragraph 1(a) of Article 20 of Regulation 996/2010, or
- (b) any information provided to an operator pursuant to paragraph 3 of Article 20,

to be used or disclosed other than in accordance with paragraph 2, 3 or 4 of that Article contravenes these Regulations.

**Commencement Information**

I28 Reg. 28 in force at 9.4.2018, see reg. 1

**Penalties** U.K.

29. Insofar as any provision in regulations 20 to 28 is not made under section 75 of the Civil Aviation Act 1982, subsection (5) of that section (penalties)(14) nevertheless applies to that provision as if it had been so made.

**Commencement Information**

I29 Reg. 29 in force at 9.4.2018, see reg. 1

Signed by authority of the Secretary of State for Transport

5th March 2018

*Sugg*  
Parliamentary Under Secretary of State  
Department for Transport

(14) Subsection (5) of section 75 was amended (in relation to England and Wales) by the Criminal Justice Act 1982 (c.48), sections 37 and 46, and by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10), section 85, and has been prospectively amended (also in relation to England and Wales) by the Criminal Justice Act 2003 (c.44), section 280 and Schedule 26.

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## EXPLANATORY NOTE

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

These Regulations revoke and replace (see regulation 5) the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996 (S.I. 1996/2798) and the Civil Aviation (Investigation of Military Air Accidents at Civil Aerodromes) Regulations 2005 (S.I. 2005/2693). They make consequential amendments to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (S.I. 2013/1471) (“RIDDOR”) in order to ensure that injuries arising from air accidents which are required to be notified to the Air Accidents Investigation Branch continue to be excluded from the relevant notification and reporting requirements in RIDDOR.

In part, these Regulations supplement Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20th October 2010 on the investigation and prevention of accidents and incidents in civil aviation (OJ No L 295, 12.11.10, p35) (“Regulation 996/2010”), as amended by Regulation (EU) No 376/2014 (OJ No L 122, 24.4.14, p18).

The following provisions do not supplement Community obligations: regulations 11, 15, 16 and 18. Regulations 11 and 18 implement requirements in Annex 13 to the Chicago Convention (signed on behalf of the United Kingdom Government on 7th December 1944 at the International Civil Aviation Conference in Chicago). In regulation 2, “Annex 13” is defined as meaning that Annex as it has effect from time to time. Regulations 15 and 16 are purely domestic provisions.

Regulation 3 defines (a) “an act of unlawful interference”, for the purposes of paragraph 2 of Article 12 of Regulation 996/2010 (which requires the investigator-in-charge to inform the competent authorities when it becomes known or is suspected that such an act was involved in an accident or serious incident), and (b) “victim” (of an accident), for the purposes of paragraphs 4 and 5 of Article 15 of that Regulation (provision of information by the investigation authority to victims and their relatives prior to publication).

Regulation 7 provides that the Air Accidents Investigation Branch (“the AAIB”) (part of the Department for Transport) continues to be designated as the safety investigation authority for the United Kingdom, for the purposes of Article 4 of Regulation 996/2010, and the accident investigation authority for the purposes of Annex 13.

Regulation 8 provides that the sole objective of a safety investigation is the prevention of accidents and incidents, without the apportionment of blame or liability.

Regulation 9 provides for the appointment of Inspectors of Air Accidents, a Chief Inspector of Air Accidents and a Deputy Chief Inspector and provides that the investigator-in-charge of a safety investigation is the Chief Inspector or any other Inspector selected by the Chief Inspector for that purpose.

As permitted by Regulation 996/2010, regulation 10 empowers the Chief Inspector to cause a safety investigation to be conducted in accordance with Regulation 996/2010, Annex 13 and these Regulations where an accident, serious incident or any other incident occurs in or over the United Kingdom and involves an aircraft to which Regulation 996/2010 would not otherwise apply (including an aircraft engaged in military, customs, police or similar services), but only in cases where the Chief Inspector expects to draw safety lessons for civil aviation from a safety investigation.

Regulation 11 implements paragraph 5.2 of Annex 13. It requires the Chief Inspector to cause a safety investigation to be conducted (insofar as it is practicable to do so) where an accident or serious incident occurs in or over a country or territory other than the United Kingdom or any other State which is party to the Chicago Convention. It applies where the accident or serious incident

involves an aircraft in respect of which the United Kingdom is the State of Registry, the State of the Operator, the State of Design or the State of Manufacture (as defined in the regulation) and where an investigation is not conducted by another State.

Regulations 12 to 14 confer powers on the Inspectors of Air Accidents, which are supplemental to those conferred by Regulation 996/2010 and Annex 13, to enable them to conduct safety investigations effectively.

Regulation 15 makes provision for the release of evidence by the AAIB following the completion of a safety investigation and for the recovery of the reasonable costs of destruction or disposal of such property where the owner fails to collect it.

Regulation 16 requires the investigator-in-charge to provide any person whose reputation could be adversely affected by a safety investigation report (or such other person who appears to best represent that person's interests) with particulars of any proposed analysis of facts and conclusions as to the circumstances and causes of the accident or incident prior to the publication of the report, and to permit that person to make written representations regarding that proposed analysis. Following the receipt of such representations, the investigator-in-charge must make such changes to the report as the investigator thinks fit.

Regulation 17 requires the Chief Inspector to provide a pre-publication copy of the final safety investigation report to the Secretary of State and any person on whom a notice has been served under regulation 16.

Paragraphs (1) and (3) of regulation 18 implement paragraph 5.13 of Annex 13 and require the Chief Inspector to reopen a safety investigation where new and significant evidence becomes available. Paragraph (2), which empowers the Chief Inspector to reopen a safety investigation for any other reason where the Chief Inspector considers it appropriate to do so, is a purely domestic provision. In both cases, the Chief Inspector must not reopen a safety investigation which has been delegated to the AAIB without the prior consent of the head of the investigation authority which delegated it.

Regulation 19 repeals subsection (1A) of the Civil Aviation Act 1982 (1982 c.16), in order to reflect the repeal (by Regulation 996/2010) of Council Directive 94/56/EC of 21<sup>st</sup> November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents (OJ No L 319, 12.12.1994, p14).

Regulations 20 to 28 specify the acts and omissions that contravene these Regulations. Regulation 29 provides that subsection (5) of section 75 of the Civil Aviation Act 1982 (penalties) applies to all of those provisions, irrespective of whether they are made under section 75.

Copies of Annex 13 of the Chicago Convention can be accessed via the website of the International Civil Aviation Organization (at <https://store1.icao.int/index.php/annex-13-aircraft-accident-and-incident-investigation-english-printed-13532.html>) as a priced publication.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum is published alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018.