

STATUTORY INSTRUMENTS

2018 No. 321

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

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.

Commencement Information

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

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

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

13 [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

I4 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

I5 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.

Commencement Information

16 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.

Commencement Information

17 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

18 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

I9 [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)⁽¹⁾ nevertheless applies to that provision as if it had been so made.

Commencement Information

I10 [Reg. 29](#) in force at 9.4.2018, see [reg. 1](#)

(1) 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.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018, PART 2.