

STATUTORY RULES AND ORDERS,
1922, No. 650.

AIR NAVIGATION.

THE AIR NAVIGATION (INVESTIGATION OF ACCIDENTS) REGULATIONS, 1922, DATED JUNE 28, 1922, MADE BY THE SECRETARY OF STATE FOR AIR, FOR THE INVESTIGATION OF ACCIDENTS, PURSUANT TO SECTION 12 OF THE AIR NAVIGATION ACT, 1920 (10 & 11 GEO. 5, c. 80).

In pursuance of the powers conferred upon me by the Air Navigation Act, 1920, and all other powers enabling me in that behalf, I the Right Honourable Frederick Edward Guest, one of His Majesty's Principal Secretaries of State make the following Regulations.

Application of Regulations.

1. These regulations shall apply to accidents arising out of or in the course of air navigation which occur in or over the British Islands, or which occur elsewhere to British aircraft registered in the British Islands.

Notification of Accidents.

2. (1) Where an accident to which these regulations apply occurs, and involves death or personal injury to any person, whether carried in the aircraft or not, or such serious structural damage to the aircraft as is hereinafter mentioned, or is believed on reasonable grounds to have been caused or contributed to by the failure in the air of any part of the aircraft, the pilot, or, if the pilot is incapacitated by injury, the owner or hirer of the aircraft—

(i) if the accident occurs in or over the British Islands shall—

(a) send notice thereof by telegram to the Air Ministry, and

(b) notify the local police; and

(ii) if the accident has occurred elsewhere than in or over the British Islands, shall send notice thereof in writing to the Air Ministry :

Provided that in the case of an aircraft which is engaged on hire at the time of the accident, the owner thereof shall, as between himself and the hirer and in the absence of any agreement to the contrary, be responsible for compliance with this regulation.

(2) The notice shall be sent as soon as possible, and, if the accident occurs in or over the British Islands, within twenty-four hours after the occurrence of the accident unless the person whose duty it is to send it proves that it was not possible to send it within that time, and in any case shall state :—

- (i) the nationality and the registration marks of the aircraft :
- (ii) the name of the owner and hirer (if any) of the aircraft :
- (iii) the name of the pilot of the aircraft :
- (iv) the place where the accident took place :
- (v) the date and time when the accident took place :
- (vi) the nature of the accident : and
- (vii) whether death or personal injury was caused by the accident, and if so, to whom.

(3) In this regulation the expression “ serious structural damage ” in relation to an aircraft means—

- (i) the telescoping or breaking apart of the fuselage ; or
- (ii) the breaking of a main spar ; or
- (iii) the breaking of any part of the controls ; or
- (iv) damage by fire to any part of the aircraft.

3. Where an accident to which these regulations apply occurs in or over the British Islands, and involves any such serious structural damage to the aircraft as aforesaid—

- (a) The aircraft shall not, except under the authority of the Secretary of State, be removed or otherwise interfered with, until the expiration of three days after notice of the accident has been given in accordance with these regulations, and in any particular case in which the Secretary of State so directs, it shall not be removed or otherwise interfered with until the expiration of such longer period as may be so directed :

Provided that—

- (i) the aircraft or any parts thereof may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals involved, removing any mails carried by the aircraft, preventing destruction by fire or other cause, or preventing any danger or obstruction to the public ; and
- (ii) goods or passengers' baggage may be removed from the aircraft under the supervision of an officer of police, but, in the case of an aircraft which has come from a place outside the United Kingdom, shall not be removed from the vicinity of the aircraft except on clearance by or with the consent of an officer of Customs and Excise ;

- (b) The Secretary of State may authorise any person, so far as may be necessary for the purposes of any investigation under these regulations, to take measures for the preservation of the aircraft and to have access to, examine, remove, or otherwise deal with the aircraft :

Provided that if an aircraft is wrecked on the water, the aircraft or any parts or contents thereof may be removed to such extent as may be necessary for bringing it or them to a place of safety.

Preliminary Investigation.

4. (1) Where an accident to which these regulations apply occurs, a person generally or specially appointed by the Secretary of State for the purpose, (in these regulations referred to as an Inspector of Accidents), may, whether or not such accident is one notice whereof is required to be given under these regulations, hold a preliminary investigation of such accident.

(2) An investigation under this regulation shall be conducted in such manner that if a charge is made or is likely to be made against any person, that person shall have an opportunity of being present and of making any statement, or giving any evidence, and producing witnesses on his behalf.

5. For the purpose of his preliminary investigation an Inspector of Accidents shall have power :—

- (a) by summons under his hand to require the attendance of any person who is the owner, hirer, or one of the owners or hirers, of any aircraft concerned in the accident, or is in the employment of such owner or hirer, and whom he thinks fit to call before him and examine, and to require answers or returns to such inquiries as he thinks fit to make from any such person ;
- (b) to require any such person to make and sign a declaration of the truth of the statements made by him in his examination ;
- (c) to require the production of all books, papers and documents of any owner or hirer of any aircraft concerned in the accident which he considers material ;
- (d) to have access to and examine any aircraft concerned in the accident, and the place where the accident occurred.

6.—(1) Upon concluding his preliminary investigation the Inspector of Accidents shall make a report thereon to the Secretary of State, who may cause the whole or any part of such report to be made public in such manner as he thinks fit.

(2) A report under this regulation may include a recommendation for the cancellation, suspension or endorsement of any licence or certificate.

Formal Investigation.

7. Where it appears to the Secretary of State that it is expedient to hold a formal investigation of an accident to which these regulations apply, he may, whether or not a preliminary investigation

has taken place, by order direct a formal investigation to be held ; and with respect to any such formal investigation the following provisions shall have effect :—

- (1) The Secretary of State shall appoint a competent person, in these regulations referred to as " the Court," to hold the investigation, and may appoint one or more persons possessing legal, aeronautical, engineering, or other special knowledge to act as assessors, and may direct that the Court and the assessors shall receive such remuneration as the Secretary of State, with the approval of the Treasury, may determine ;
- (2) The Court shall hold the investigation in open court in such manner and under such conditions as the Court may think most effectual for ascertaining the causes and circumstances of the accident and enabling the Court to make the report hereinafter mentioned ;
- (3) (i) The Court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in the exercise of its ordinary jurisdiction, and all the powers of an inspector under the Railway Regulation Acts, 1840 to 1889, and without prejudice to those powers the Court may
 - (a) enter and inspect, or authorise any person to enter and inspect, any place or building the entry or inspection whereof appears to the Court requisite for the purposes of the investigation ;
 - (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, and documents which the Court may consider relevant ;
 - (c) administer an oath to any such witness, or require any witness to make and sign a declaration of the truth of the statements made by him in his examination ;
- (ii) The assessors shall have the same powers of entry and inspection as the Court ;
- (4) When a preliminary investigation has been held, the Inspector of Accidents on whose report the formal investigation was directed to be held shall superintend the management of the case on behalf of the Secretary of State, and shall render to the Court such assistance as is in his power ;
- (5) The investigation shall be conducted in such manner that, if a charge is made or likely to be made against any person, that person shall have an opportunity of being present and of making any statement or giving any evidence and producing witnesses on his behalf ;

- (6) Every person attending as a witness before the Court shall be allowed such expenses as would be allowed to a witness attending before a Court of Record, 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, who on request signed by the Court shall ascertain and certify the proper amount of the expenses: Provided that, in the case of the owner or hirer of any aircraft concerned in the accident and of any person in his employment, any such expenses may be disallowed if the Court, in its discretion, so directs;
- (7) The Court shall make a report to the Secretary of State stating its findings as to the causes of the accident and the circumstances thereof, and adding any observations and recommendations which the Court thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future, including a recommendation for the cancellation, suspension or endorsement of any licence or certificate;
- (8) The assessors (if any) shall either sign the report with or without reservations or state in writing their dissent therefrom and their reasons for such dissent, and such reservations or dissent and reasons (if any) shall be forwarded to the Secretary of State with the report. The Secretary of State may cause any such report and reservations or dissent and reasons (if any) to be made public, wholly or in part, in such a manner as he thinks fit;
- (9) The Court may order any costs and expenses incurred in and about the investigation (including any remuneration payable to any person appointed to hold the investigation or to act as assessor) to be paid by any person summoned before it, if it finds that the accident was due to the act or default or negligence of that person; and any such order shall, on the application of any person entitled to the benefit thereof, be enforced by a court of summary jurisdiction as if the costs and expenses were a penalty imposed by the Court; but subject to any such order such costs and expenses shall be deemed to be part of the expenses of the Secretary of State in the exercise of his powers under the Act.

General.

8.—(1) A person shall not obstruct or impede the Court or an Inspector of Accidents or an assessor or any person acting under the authority of the Secretary of State in the exercise of any powers or duties under these regulations.

(2) A person shall not without reasonable excuse (proof whereof shall lie on him) fail, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a Court or an Inspector of Accidents holding an investigation under these regulations.

9. If any person contravenes or fails to comply with these regulations or any provision thereof he is liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

10. (1) In these regulations, unless the context otherwise requires—

“ The Act ” means the Air Navigation Act, 1920, and includes any order or regulation made under the Act ;

“ Secretary of State ” includes, in relation to any purpose of these regulations, other than the appointment of an Inspector of Accidents, any person authorised by the Secretary of State for that purpose ;

References to the British Islands include references to the territorial waters adjacent thereto.

(2) The Interpretation Act, 1889 (52 & 53 Vict. c. 63), shall apply for the purpose of the interpretation of these regulations as it applies for the purpose of the interpretation of an Act of Parliament, and as if these regulations were an Act of Parliament.

11.—(1) Nothing in these regulations shall limit the powers of any authority under Sections 530 to 537 inclusive of the Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60), or any enactment amending those sections.

(2) Nothing in these regulations shall limit the power of the Secretary of State under the Act, or any Order made thereunder, of cancelling, suspending or endorsing any licence or certificate.

12. In the application of these regulations to Scotland :—

(a) “ Court of Summary Jurisdiction ” shall mean the sheriff and “ Master of the Supreme Court ” shall mean auditor of the sheriff court, and a reference to a witness attending before a Court of Record shall be construed as a reference to a witness attending an enquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895 (58 & 59 Vict. c. 36) ;

(b) Any order under paragraph (9) of Regulation 7 may be enforced in like manner as if the same were a decree of the sheriff’s small debt court, and for that purpose a copy of the order certified by the Court shall be equivalent to an extract of such decree.

13.—(1) In these regulations the expressions “ British Islands ” and “ United Kingdom ” shall not include any part of Ireland other than Northern Ireland.

(2) In the application of these regulations to Northern Ireland the expression "master of the Supreme Court" shall mean a taxing master of the Supreme Court of Judicature of Northern Ireland;

14. These regulations may be cited as the Air Navigation (Investigation of Accidents) Regulations, 1922, and shall come into operation on the twelfth day of July, 1922.

Frederick Guest,
One of His Majesty's Principal
Secretaries of State.

Air Ministry,
London, W.C.2.

28th June, 1922.

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