



Ministry  
of Defence

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Defence Business Services  
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Innsworth House  
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Gloucester  
GL3 1HW

DBS/SEC/FOI2018/02057/[REDACTED]

E-mail: DBSRES-Secretariat@mod.uk

[REDACTED]  
[REDACTED]  
7 March 2018

Dear [REDACTED],

Thank you for your e-mail to the Ministry of Defence of 2 February requesting the following information:

*"On July 9, 1943, two Spitfires collided: BM539, piloted by Squadron Leader Victor Ekins who baled out, and BM323, flown by Flight Lieutenant Pat Bell who was killed. He has a grave in Hawkinge Churchyard.*

*On the listing of licence applications for October 10, 2006, the one for BM539 (which was not a fatal crash) is shown as being refused but BM323 -- the fatal crash -- was approved: your reference AFPAA(CO)/14/2/11.*

*That does not make sense to me as I would have thought any refusal would be because of the possibility of human remains being present".*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence and I can confirm that all the information in scope of your request is held.

I can confirm that an enquiry about a licence to recover a crashed military aircraft for Spitfire BM539 was made but the applicant did not pursue the application. However, a licence application for Spitfire BM323 was taken forward and subsequently granted.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of

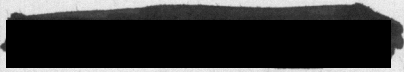
[REDACTED]

[REDACTED]

[REDACTED]

Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours Sincerely,

A solid black rectangular redaction box covering the signature area.

