
STATUTORY INSTRUMENTS

2018 No. 321

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

PART 1

General

Additional provisions – Inspectors’ powers

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

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

Changes to legislation:

There are currently no known outstanding effects for the The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018, Section 14.