
STATUTORY INSTRUMENTS

2000 No. 1345

The Civil Aviation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000

Citation, commencement, interpretation and application

2.—(1) In this Order, unless the context otherwise requires—

“accident” means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which—

- (a) a person suffers a fatal or serious injury as a result of—
- being in or upon the aircraft,
 - being in direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
 - direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew, or

- (b) the aircraft sustains damage or structural failure which—
- adversely affects the structural strength, performance or flight characteristics of the aircraft, and
 - would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories, or for damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or
- (c) the aircraft is missing or is completely inaccessible;

“aerodrome authority” means, in relation to any aerodrome, the person by whom the aerodrome is managed;

“the Annex” means Annex 13 to the Chicago Convention as amended on 23rd March 1994⁽¹⁾;

“the Bailiff” means the Bailiff of Jersey;

“Chief Inspector” means the Chief Inspector of Air Accidents for Jersey appointed under article 8 below;

“commander” in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator thereof, or failing such a person, the person who is for the time being the pilot in command of the aircraft;

“the Committee” means the Harbours and Airport Committee of the States of Jersey;

(1) The eighth edition of Annex 13 to the Chicago Convention dated July 1994 is published by the International Civil Aviation Organisation, Montreal, Canada.

“Contracting State” means any State which is party to the Chicago Convention, including the United Kingdom (whether on behalf of Jersey or otherwise);

“crew” includes every person employed or engaged in an aircraft in flight on the business of the aircraft;

“customs officer” means the Agent of the Impôts or any officer of the Impôts;

“the Directive” means Council Directive [94/56/EC](#) of 21st November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents⁽²⁾;

“fatal injury” means an injury which is sustained by a person in an accident and which results in his death within 30 days of the date of the accident;

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or would affect the safety of operation;

“Inspector” means a person appointed as an Inspector of Air Accidents for Jersey under article 8 below;

“investigating Inspector” means an Inspector carrying out an investigation pursuant to this Order;

“Jersey” means the Bailiwick of Jersey and the territorial sea adjacent thereto;

“owner” means, where an aircraft is registered, the registered owner;

“pilot in command” in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“police officer” means any person who is a member of the Honorary Police or a member of the States of Jersey Police Force;

“serious incident” means an incident involving circumstances indicating that an accident nearly occurred;

“serious injury” means an injury which is sustained by a person in an accident and which—

- (a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received;
- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose);
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
- (d) involves injury to any internal organ;
- (e) involves second or third degree burns, or any burns affecting more than five per cent of the body surface; or
- (f) involves verified exposure to infectious substances or harmful radiation;

and “seriously injured” shall be construed accordingly;

“causes”, “investigation”, “flight recorder”, “undertaking” and “safety recommendation” have the meanings given by Article 3 of the Directive; and

“established” has the same meaning as in the Directive.

(2) Any notice or other document required or authorised by any provision of this Order to be served on or given to any person may be served or given—

- (a) by delivering it to that person;
- (b) by leaving it at his usual or last-known residence or place of business whether in Jersey or elsewhere;

(2) OJNo. L. 319, 12.2.94, p. 14; a correction to Article 12, which incorrectly states that the implementation date is 21st November 1994 (the correct date being 21st November 1996), was published in OJ No. L. 191, 12.8.95, p. 39.

- (c) by sending it to him by post at that address; or
- (d) by sending it to him at that address by telex, by facsimile transmission or other similar means which produce a document containing a text of the communication, in which event the document shall be regarded as served when it is received.