
STATUTORY INSTRUMENTS

2005 No. 2693

The Civil Aviation (Investigation of Military Air Accidents at Civil Aerodromes) Regulations 2005

Interpretation

2.—(1) “accident” means an occurrence associated with the operation of a military 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:
 - (i) being in or upon the aircraft,
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
 - (iii) 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:
 - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft, and
 - (ii) 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.

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

“accredited representative” means a person designated by a State on the basis of his qualifications, for the purpose of participating in an investigation conducted by another State;

“the Annex” means Annex 13 to the Chicago Convention as amended⁽¹⁾;

“Chief Inspector” means the Chief Inspector of Air Accidents appointed under regulation 8 of the Civil Regulations;

“civil aerodrome” means an aerodrome used wholly or mainly for the purposes of civil aviation;

“Civil Regulations” means the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996⁽²⁾;

“commander” in relation to a military aircraft means the person who is for the time being in command of the aircraft;

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

(1) The ninth edition of Annex 13 to the Convention dated 1st July 2001 is published by the International Civil Aviation Organisation, Montreal, Canada.
(2) S.I.1996/2798.

“the Directive” means Council Directive 94/56/EC of 21st November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents⁽³⁾;

“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;

“flight recorder” means any type of recorder installed in the aircraft for the purposes of facilitating accident investigation;

“Inspector” means a person appointed as an Inspector of Air Accidents under regulation 8 of the Civil Regulations;

“investigation” means a process conducted for the purposes of accident prevention which includes the gathering and analysis of information, the drawing of conclusions including the determination of the cause or causes and, when appropriate, the making of safety recommendations;

“investigating Inspector” means an Inspector carrying out an investigation pursuant to these Regulations;

“operator” in relation to an aircraft means any person, body or undertaking operating or proposing to operate one or more aircraft;

“owner” means, in relation to an aircraft, the registered owner;

“police officer” means any person who is a member of a police force or of the Police Service of Northern Ireland (including for the avoidance of doubt, the Police Service of Northern Ireland Reserve) and any special constable;

“safety recommendation” means any proposal by an investigating Inspector made with the intention of preventing accidents;

“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 7 days from the date the injury was received;
- (b) results in the 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 5 per cent of the body surface; or
- (f) involves verified exposure to infectious substances or harmful radiation;

and “seriously injured” shall be construed accordingly;

“State of Design” means the State having jurisdiction over the organisation responsible for the type design of the aircraft;

“State of Manufacture” means the State having jurisdiction over the organisation responsible for the final assembly of the aircraft;

“State of the operator” means the State in which the operator’s principal place of business is located, or if there is no such place of business, the operator’s permanent residence;

“State of Registry” means the State on whose register the aircraft is entered; and

“undertaking” means any natural person, any legal person, whether profit making or not, or any official body whether having its own legal personality or not.

(3) OJNo. L319, 12.2.94, p.14; a correction to Article 12 which incorrectly states that the implementation date is 21st November 1994 (the correct date is 21st November 1996), has been published in OJ No. L191, 12.8.95, p.39.

- (2) Any notice or other document required or authorised by any provision of these Regulations 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 last-known residence or place of business, whether in the United Kingdom or elsewhere;
 - (c) by sending it to him by post at that address;
 - (d) by sending it to him at that address by telex, by facsimile transmission, by electronic communication, 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.
- (3) An aircraft shall be treated for the purpose of these Regulations as being a military aircraft if—
- (a) it is an aircraft in the ownership of any of Her Majesty’s naval, military or air forces, or
 - (b) not being such an aircraft in sub-paragraph (a), it is an aircraft in the ownership of any of the naval, military or air forces of any other State, or
 - (c) the Secretary of State for Defence certifies that by reason of the circumstances affecting the aircraft, it is to be treated for the purposes of these Regulations as being a military aircraft.
- (4) References in these Regulations to the Secretaries of State are to the Secretary of State for Transport and the Secretary of State for Defence acting jointly.