

# **Air Navigation (Investigation of Accidents and Incidents) (Amendment) Order 2010**

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**No. S 424**

## **AIR NAVIGATION ACT (CHAPTER 6)**

AIR NAVIGATION (INVESTIGATION OF ACCIDENTS AND INCIDENTS)  
(AMENDMENT) ORDER 2010

In exercise of the powers conferred by section 3(1) of the Air Navigation Act, the Minister for Transport hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Air Navigation (Investigation of Accidents and Incidents) (Amendment) Order 2010 and shall come into operation on 2nd August 2010.

**Amendment of paragraph 2**

2. Paragraph 2(1) of the Air Navigation (Investigation of Accidents and Incidents) Order (O 7) (referred to in this Order as the principal Order) is amended —

(a) by deleting the definition of “accident” and substituting the following definition:

“accident” means an occurrence associated with the operation of an aircraft (which in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all persons have disembarked, or which in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down) in which —

(a) a person is fatally or seriously injured as a result of —

(i) being in 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 where the injuries arise from natural causes, are self-inflicted or inflicted by any other person, or where the person injured is a stowaway hiding outside the areas normally

available to passengers and crew;

(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,

and guidance for the determination of which is set out in the First Schedule; but excludes —

(A) engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories) or to propellers, wings tips, antennas, probes, vanes, tyres, brakes, wheels, fairings, panels, landing gear doors, windcreens or the aircraft skin (such as small dents or puncture holes);

(B) minor damage to main rotor blades, tail rotor blades or landing gear; and

(C) minor damage resulting from hail or bird strike (including holes in the radome); or

(c) the aircraft is missing or completely inaccessible;”;

(b) by deleting the definition of “causes” and substituting the following definition:

“ “cause”, in relation to any accident or incident, means any action, omission, event, condition, or a combination thereof, which led to the accident or incident, the identification of which does not imply the assignment of fault or the determination of administrative, civil or criminal liability;”;

(c) by inserting, immediately after the words “determination of causes” in the

definition of “investigation”, the words “or contributing factors, or both,”; and

- (d) by deleting the definitions of “safety recommendation” and “serious incident” and substituting the following definitions:

““safety recommendation” means a proposal of the Chief Inspector, investigator-in-charge or the accident investigation authority of a State conducting an investigation, based on information derived from an investigation and made with the intention of preventing accidents or incidents, and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident;

“serious incident” means an incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which —

- (a) in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked; or
- (b) in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down,

examples of which are set out in the Second Schedule;”.

### **Amendment of paragraph 3**

3. Paragraph 3 of the principal Order is amended by deleting sub-paragraph (3) and substituting the following sub-paragraphs:

“(3) An investigation shall normally include —

- (a) the gathering, recording and analysis of all relevant information on the accident or incident;
- (b) if appropriate, the issuance of safety recommendations;
- (c) if possible, the determination of the causes or contributing factors, or both; and