
STATUTORY INSTRUMENTS

1998 No. 1503

CIVIL AVIATION

**The Civil Aviation (Investigation of Air
Accidents and Incidents) (Guernsey) Order 1998**

Made - - - - *24th June 1998*
Coming into force - - *24th August 1998*

Her Majesty, in exercise of the powers conferred on Her by sections 75 and 102 of, and paragraph 4 of Part III of Schedule 13 to, the Civil Aviation Act 1982(1), as that Act has effect in the Bailiwick of Guernsey by virtue of the Civil Aviation Act 1982 (Guernsey) Order 1992(2), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Civil Aviation (Investigation of Air Accidents and Incidents) (Guernsey) Order 1998 and shall come into force on 24th August 1998.

2. The provisions of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996(3) shall, subject to the modifications specified in the Schedule to this Order, have effect in the Bailiwick of Guernsey and shall form part of the law of the Bailiwick of Guernsey.

3.—(1) Subject to paragraphs (3) and (4) below, the Civil Aviation (Investigation of Accidents) (Guernsey) Order 1972(4) (hereinafter referred to as “the 1972 Order”) is hereby revoked.

(2) Subject to paragraph (4) below, any investigation commenced under the 1972 Order which has not, prior to the coming into force of this Order, been the subject of a report submitted to the Bailiff, shall continue as if it had been commenced under this Order.

(3) The 1972 Order shall continue to apply in relation to an investigation which has, prior to the coming into force of this Order, been the subject of a report submitted to the Bailiff.

(4) The 1972 Order shall continue to apply in relation to an investigation which has, prior to the coming into force of this Order, been the subject of a direction by the Royal Court under article 17(1) of the 1972 Order (public inquiries).

(1) 1982 c. 16; in section 75(5), the reference to a fine on the standard scale was substituted by virtue of section 46 of the Criminal Justice Act 1982 (c. 48).
(2) S.I. 1992/230 as amended by S.I. 1992/806.
(3) S.I. 1996/2798.
(4) S.I. 1972/962.

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N. H. Nicholls
Clerk of the Privy Council

SCHEDULE

Article 2

MODIFICATIONS TO THE CIVIL AVIATION (INVESTIGATION OF AIR ACCIDENTS
AND INCIDENTS) REGULATIONS 1996 AS THEY HAVE EFFECT IN GUERNSEY

1. In regulation 1, omit “and shall come into force on 21st November 1996”.
2. In regulation 2—
 - (1) In paragraph (1)—
 - (a) in the definition of “aerodrome authority”, for “, the person by whom the aerodrome is managed” substitute “in the Bailiwick, the Board”;
 - (b) after the definition of “the Annex” insert—
 - ““the Bailiff” means the Bailiff of Guernsey;
 - “the Bailiwick” means the Bailiwick of Guernsey and the territorial waters adjacent thereto;
 - “the Board” means the States of Guernsey Board of Administration;”;
 - (c) in the definitions of “Chief Inspector” and “Inspector”, after “regulation 8 below” insert “as it has effect in the United Kingdom”;
 - (d) after the definition of “fatal injury” insert—
 - ““Her Majesty’s Procureur” includes Her Majesty’s Comptroller;”;
 - (e) after the definition of “Investigating Inspector” insert—
 - ““officer of customs and excise” means an officer within the meaning of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, as amended;”(5);
 - (f) for the definition of “police officer” substitute—
 - ““police officer” means—
 - (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey, and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
 - (b) in relation to Alderney, a member of the above police force, a member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a special constable appointed by the Court of Alderney under section 15 of the Government of Alderney Law, 1987, as amended(6); and
 - (c) in relation to Sark, a member of the salaried police force of the Island of Guernsey, the Constable and the Vingtenier;”.
 - (2) In paragraph (2)(b), for “United Kingdom” substitute “Bailiwick”.
3. In regulation 3, after “incidents” insert “occurring in or over the Bailiwick”.
4. In regulation 5—
 - (1) In paragraph (1)—
 - (a) after “adjacent to an aerodrome” insert “in the Bailiwick”;

(5) The Law was amended by the European Communities (Bailiwick of Guernsey) Law, 1973 and by the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991.

(6) The Law was amended by the Magistrate’s Court (Criminal Appeals) Law, 1988; the Bills of Exchange (Amendment) (Bailiwick of Guernsey) Law, 1993; the Government of Alderney (Amendment) (No. 1) Law, 1995; and the Government of Alderney (Amendment) Law, 1996.

- (b) after “Chief Inspector”, where those words appear for the second time, insert “and to the Bailiff”; and
 - (c) omit the words “, in the case of an accident occurring in or over the United Kingdom,” and “for the area where the accident occurred”.
- (2) For paragraph (2) substitute—
- “(2) In this regulation the expression “relevant person” means the commander of the aircraft involved at the time of the accident or serious incident or, in the event that he is killed or incapacitated, the operator of the aircraft.”.
- (3) In paragraph (3), after “to the Chief Inspector” insert “and to the Bailiff”.
- (4) In paragraph (4)—
- (a) for paragraphs (a) and (b) substitute “in or over the Bailiwick,”;
 - (b) after “by the Chief Inspector” insert “or by the Bailiff”; and
 - (c) after “to the Chief Inspector” insert “or (as the case may be) to the Bailiff”.
- (5) After paragraph (4) insert—
- “(5) The Bailiff shall immediately send to the Board and to Her Majesty’s Procureur a copy of the notice referred to in paragraph (1); and the Chief Inspector or (as the case may be) the Bailiff shall immediately send to the Board and to Her Majesty’s Procureur a copy of any information sent to him under paragraph (4).”.
- 5.** In regulation 6, after “the Chief Inspector may” insert “, after consultation with the Bailiff,”.
- 6.** In regulation 7—
- (1) In paragraph (1)—
- (a) for “United Kingdom” substitute “Bailiwick”; and
 - (b) for “Secretary of State” substitute “Bailiff or Her Majesty’s Procureur”.
- (2) In paragraph (2)—
- (a) for the words preceding sub-paragraph (a) substitute—
- “Subject to the provisions of section 10(3) of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, as amended—”; and
- (b) in sub-paragraph (a)(v), for “constable” substitute “police officer”.
- (3) In paragraph (3)—
- (a) in sub-paragraph (a), after “Secretary of State” insert “, the Bailiff or Her Majesty’s Procureur”; and
 - (b) in sub-paragraph (b), for “constable” substitute “police officer”.
- 7.** In regulation 8—
- (1) Omit paragraphs (1) and (2).
- (2) For paragraph (3) substitute—
- “(3) The Chief Inspector shall carry out, or cause an Inspector to carry out, an investigation into accidents and serious incidents which occur in or over the Bailiwick.”.
- (3) In paragraph (4)—
- (a) before the words “carry out”, where they first appear, insert “with the Bailiff’s authority,”; and
 - (b) for sub-paragraphs (a) and (b) substitute “in or over the Bailiwick.”.
- (4) For paragraph (5) substitute—

“(5) The Bailiff shall inform the Board in writing of the fact of his authority having been sought under paragraph (4) above.”.

(5) Omit paragraphs (6) and (7).

(6) In paragraph (8), for “Secretary of State” substitute “Bailiff”.

8. In regulation 9—

(1) In paragraph (3), for “Secretary of State” substitute “Board”.

(2) Omit paragraph (4).

9. In regulation 11—

(1) Omit paragraph (2) (b).

(2) In paragraph (6), after “Secretary of State” insert “and to the Bailiff”.

10. In regulation 12—

(1) In paragraph (1), after “opinion” insert “or the Bailiff’s opinion”.

(2) In paragraph (4), after “Secretary of State” insert “and to the Bailiff”.

(3) In paragraph (5), after “Chief Inspector” insert “or the Bailiff”.

11. In regulation 13, omit “, other than an incident the investigation of which has been delegated to the United Kingdom by another member State,”.

12. In regulation 14—

(1) In paragraph (1), omit “including those not required to be published and” and “and copies thereof to be forwarded to the Commission”.

(2) In sub-paragraphs (b) and (c) of paragraph (2), for “Secretary of State”, wherever it appears, substitute “Bailiff”.

13. In regulation 17(1), for “Secretary of State” substitute “Bailiff”.

14. In regulation 18—

(1) In paragraphs (1) and (2), after “Secretary of State” insert “, the Bailiff or the Board”.

(2) In paragraph (3)—

(a) for the definition of “relevant court” substitute—

““relevant court” means the Royal Court;”;

(b) in the definition of “relevant record”—

(i) after “item” insert “relating to an accident or incident occurring in or over the Bailiwick”; and

(ii) after “Secretary of State” insert “, the Bailiff or the Board (as the case may be)”; and

(c) for the definition of “Secretary of State” substitute—

““Secretary of State” and “Board” include any of their respective officers.”

(3) In paragraph (4), for “United Kingdom” substitute “Bailiwick”.

15. Omit regulation 19.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the investigation of air accidents and incidents which occur in or over the Bailiwick of Guernsey, and does so by applying to the Bailiwick of Guernsey, with modifications, the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996 (S.I. [1996/2798](#)). Subject to the transitional provisions in article 3, it revokes the Civil Aviation (Investigation of Accidents) (Guernsey) Order 1972 (S.I. [1972/962](#)).