STATUTORY INSTRUMENTS

1972 No. 962

CIVIL AVIATION

The Civil Aviation (Investigation of Accidents) (Guernsey) Order 1972

Made - - -	*28th June* 1972
Laid before Parliament	*4th July* 1972
Coming into Operation	*1st August* 1972

At the Court at Buckingham Palace, the 28th day of June 1972

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 10 of the Civil Aviation Act 1949(a) as extended to the Channel Islands by the Civil Aviation Act (Channel Islands) Order 1953(b) (as amended(c)) and amended by section 23(4) of the Civil Aviation Act 1968(d) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and date of operation

1. This Order may be cited as the Civil Aviation (Investigation of Accidents) (Guernsey) Order 1972 and shall come into operation on 1st August 1972.

Revocation

2. The Order in Council dated 25th February 1926(e), (which sets out in Part II of the Schedule the Air Navigation (Investigation of Accidents) (Guernsey) Regulations 1926) is hereby revoked in so far as it applies to Guernsey:

Provided that, without prejudice to Article 3(1) of this Order, the revocation of the said Order in Council shall not affect any investigation commenced under those Regulations and any such investigation may be continued as if this Order had not been made.

Interpretation and application

3.—(1) The Interpretation Act 1889(f) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked, insofar as it applies to Guernsey, were Acts of Parliament.

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

"accident" includes any fortuitous or unexpected event by which the safety of an aircraft or any person is threatened;

(a) 1949 c. 67.
(b) S.I. 1953/393 (1953 I, p. 270).
(c) The amending instrument is not relevant to the subject matter of this Order.
(d) 1968 c. 61.
(e) *See* S.R. & O. 1926 p. 1405 (Rev. I, p. 1320).
(f) 1889 c. 63.

"the Bailiff" means the Bailiff of Guernsey;

"Inspector" means a person appointed as an Inspector of Accidents under this Order;

"the Chief Officer" means the Chief Officer of the Island Police Force;

"commander" in relation to an aircraft means the member of the 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;

"customs officer" means—

(*a*) in relation to Guernsey, Herm and Jethou, a States of Guernsey Revenue Officer;

(*b*) in relation to Alderney, a States of Guernsey Revenue Officer or a States of Alderney Revenue Officer;

(*c*) in relation to Sark, the Receiver of the Impot;

"the Full Court" means the Royal Court sitting as a Full Court;

"Guernsey" means the Bailiwick of Guernsey and the territorial waters adjacent thereto;

"Her Majesty's Procureur" includes Her Majesty's Comptroller;

"operator" in relation to an aircraft means the person for the time being having the management of that aircraft;

"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—

(*a*) in relation to Guernsey, Herm and Jethou, a member of the Island Police Force and within the limit of his jurisdiction, a member of the special constabulary of the said Island;

(*b*) in relation to Alderney, a member of the said Police Force and a member of any police force which may be established by the States of Alderney;

(*c*) in relation to Sark, the Constable, the Vingtenier, and a member of the said Police Force;

"the President" means the President of the States Board of Administration;

"the Royal Court" means the Royal Court sitting in private;

"the Secretary of State" means the Secretary of State for Trade and Industry; and

"substantial damage" includes any damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft and which would normally require the major repair or replacement of the affected component.

(3) For the purposes of this Order, and of section 26 of the Interpretation Act 1889 in its application thereto, any notice, summons or other document may be served—

(*a*) if directed to a person, by delivering it to him or by leaving it for him with some person at his last known or usual residence or by sending it by post in a registered letter or by recorded delivery addressed to him at such residence;

(*b*) if directed to a firm, by delivering it to any partner thereof or by leaving it for the firm with some person at the principal place of business of the firm or by sending it by post in a registered letter or by recorded delivery addressed to the firm at its principal or last known principal place of business;

(*c*) if directed to a corporation, by delivering it at or by sending it by post in a letter addressed to the corporation at its registered office if that office is in Guernsey, or, if there is no registered office in Guernsey, at any place in Guernsey where the corporation trades or conducts its business.

(4) The service of any notice, summons or other document may be proved by the oath or affidavit of the person by whom it was served.

4. This Order relates only to civil aviation and shall apply to accidents arising out of or in the course of air navigation which occur to civil aircraft in or over Guernsey.

Purpose of accident investigation

5. The main purpose of investigating accidents under this Order shall be to determine the circumstances and causes of the accident with a view to avoiding accidents in the future, rather than to ascribe blame to any person.

Duty to furnish information relating to accidents

6. An accident shall be notified in accordance with the provisions of Article 7 if, between the time when any person boards an aircraft with the intention of flight and such time as all persons have disembarked therefrom—

(*a*) any person suffers death or serious injury while in or upon the aircraft or by direct contact with the aircraft or anything attached thereto; or

(*b*) the aircraft receives substantial damage.

7.—(1) Where an accident occurs of which notification is required to be given under Article 6, the commander of the aircraft involved at the time of the accident, or if he be killed or incapacitated, then the operator of the aircraft shall forthwith give notice thereof to the Bailiff by the quickest means of communication available and shall also notify forthwith, in the case of Guernsey, Herm and Jethou the Chief Officer, and in the case of Alderney and Sark, a police officer, of the accident and of the place where it occurred.

(2) The notice to the Bailiff referred to in paragraph (1) of this Article shall commence with the identifying abbreviation ACCID, and shall state as far as possible—

(*a*) the type, model and the nationality and registration marks of the aircraft;

(*b*) the name of the owner, operator and hirer, if any, of the aircraft;

(*c*) the name of the commander of the aircraft;

(*d*) the date and Greenwich mean time of the accident;

(*e*) the last point of departure and the next point of intended landing of the aircraft;

(*f*) the position of the aircraft with reference to some easily defined geographical point;

(*g*) (i) the number of persons on board the aircraft at the time of the accident,

(ii) the number of those persons killed as a result of the accident,

(iii) the number of those persons seriously injured as a result of the accident,

(iv) the number of persons killed or seriously injured elsewhere than on the aircraft;

(*h*) the nature of the accident and brief particulars of damage to the aircraft as far as it is known.

(3) Where an accident to which this Order applies occurs, the owner, operator, commander or hirer of the aircraft shall, if so required by notice in writing from the Bailiff, send to the Bailiff, within such time as may be specified in the notice, such information as is in his possession or control with respect to the accident in such form as the Bailiff may require.

(4) The Bailiff shall immediately send to the Secretary of State, to the President and to Her Majesty's Procureur a copy of the notice referred to in paragraph (1) of this Article.

Removal of damaged aircraft

8.—(1) Where an accident occurs, of which notification is required to be given under Article 6, no person other than an authorised person shall have access to the aircraft involved in the accident and the aircraft shall not, except under the authority of the Bailiff, be removed or otherwise interfered with:

Provided that—

(i) the aircraft may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals, removing any mails carried by the aircraft, preventing destruction by fire or other cause, or preventing any danger or obstruction to the public or to air navigation or to other transport;

(ii) other property may be removed from the aircraft under the supervision of a police officer but, if the aircraft has come from a place outside Guernsey, shall not be removed from the vicinity except on clearance by, or with the consent of, a customs officer;

(iii) if an aircraft is wrecked on the water, the aircraft or any of its contents may be removed to such extent as may be necessary for bringing it or them to a place of safety.

(2) In this Article the expression "authorised person" means any person authorised by the Bailiff either generally or specially to have access to any aircraft involved in an accident and includes any police officer or customs officer.

Inspectors of accidents

9.—(1) Where an accident occurs whether or not such an accident is one of which notification is required to be given under Article 6 the Bailiff may request the Secretary of State to appoint a person (hereinafter referred to as "an Inspector") to hold an investigation of such accident after being authorised in accordance with the provisions of the next succeeding paragraph snd shall inform the President, in writing, of the fact of his having requested the Secretary of State as aforesaid.

(2) An Inspector shall upon his arrival in Guernsey present to the Bailiff the document evidencing his appointment by the Secretary of State and the Bailiff shall thereupon authorise him in writing to hold an investigation of such accident (hereinafter referred to as "an Inspector's investigation").

(3) Without prejudice to the power of an Inspector to seek such advice or assistance as he may deem necessary in making an investigation, the Bailiff may at the request of the Inspector appoint persons to assist him in a particular investigation and such persons shall for the purpose of so doing have such of the powers of an Inspector under this Order as may be specified in their appointment.

Powers of Inspectors

10. For the purpose of an Inspector's investigation, an Inspector shall have power—

(*a*) by summons under his hand to call before him and examine all such persons as he thinks fit, to require such persons to answer any question or furnish any information or produce any books, papers, documents and articles which the Inspector may consider relevant, and to retain any such books, papers, documents and articles until the completion of the investigation or any inquiry held pursuant to Article 17 of this Order;

(*b*) to take statements from all such persons as he thinks fit and to require any such person to make and sign a declaration of the truth of the statement made by him;

(*c*) to have access to and examine any aircraft involved in the accident and the place where the accident occurred, and for that purpose to require any such aircraft or any part or equipment thereof to be preserved unaltered pending examination;

(*d*) to examine, remove, test, take measures for the preservation of, or otherwise deal with the aircraft or any part thereof or anything contained therein;

(*e*) to enter and inspect any place or building the entry or inspection of which appears to the Inspector to be requisite for the purposes of the investigation or of any inquiry held under this Order;

(*f*) to take measures for the preservation of evidence.

Inspector's investigation

11.—(1) Public notice that an Inspector's investigation is taking place shall be given in such manner as the Bailiff may think fit and shall invite any persons who desire to make representations concerning the circumstances or causes of the accident to do so in writing within a time to be specified in the notice.

(2) An Inspector's investigation shall be held in private.

(3) Where it appears to an Inspector that in order to resolve any conflict of evidence or that for any other reason it is expedient so to do, he may permit any person to appear before him and to call evidence and examine witnesses.

(4) Her Majesty's Procureur may intervene at any stage of an Inspector's investigation, in order to make representations or to examine witnesses, if it appears to him expedient to do so in the public interest.

(5) Every person summoned by the Inspector as a witness in accordance with this Article shall be allowed such expenses as Her Majesty's Procureur may, from time to time, determine.

(6) Subject to the provisions of Article 12, upon completion of an Inspector's investigation, the Inspector shall make a report in writing to the Bailiff who shall as soon as may be lay it before the Royal Court and send a copy thereof to the Secretary of State. The report shall state the circumstances of the accident and the conclusions as to the cause of the accident, together with any observations and recommendations which the person making the report thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in the future.

Notice and representations

12.—(1) No report shall be made to the Bailiff under Article 11(6) of this Order in respect of an accident until the Inspector has—

(*a*) served a notice under this Article upon the operator and commander of the aircraft involved in that accident and on any other person, including the President and the Secretary of State, whose reputation is, in the Inspector's opinion, likely to be adversely affected by the report, and

(*b*) considered any representations which may be made to him in accordance with paragraph (3) of this Article by or on behalf of the person served with such notice.

(2) The notice referred to in paragraph (1) of this Article shall include particulars of those proposed findings and conclusions as to the circumstances and causes of the accident which may affect the person on whom the notice is served.

(3) Any representations made pursuant to paragraph (1) of this Article shall be in writing and shall be served on the Inspector within 28 days of service of the notice referred to in that paragraph.

(4) Any person who has been served with a notice pursuant to paragraph (1) of this Article shall be served with a copy of the report made to the Bailiff.

Review Board

13.—(1) Any person, other than the Secretary of State and the President, who has made representations pursuant to Article 12(1) of this Order may, at any time before the expiration of the period of 21 days from the day on which he has been served with a copy of the report to the Bailiff, serve on the Bailiff written notice (hereinafter called "the notice of review") that he wishes those findings and conclusions in the report from which it appears that any degree of blame for the accident may be attributed to him, or to any deceased person whose executor, administrator or other personal representative he is, to be reviewed by a Review Board to be appointed for the purpose by the Bailiff.

(2) The Review Board shall consist of a person to be appointed for the purpose by the Bailiff sitting with two Assessors appointed by the Bailiff and possessing aeronautical, engineering or other special skills or knowledge.

(3) The notice of review shall state concisely the grounds on which the findings and conclusions in the report are challenged. A copy of the notice of review shall, at the same time as it is served on the Bailiff, be served on Her Majesty's Procureur and the person requesting the review shall inform Her Majesty's Procureur whether or not he proposes to be legally represented at the hearing of the review and of the name and address of the Advocate, if any, acting for him, or of any other person who will be representing him at the review.

(4) A copy of the notice of review shall also be served by the person requesting the review on each of the persons on whom the Inspector has served a notice under Article 12 of this Order; and for this purpose the person requesting the review may require the Inspector to furnish him with the names and addresses of those persons.

(5) In a case where the President or the Secretary of State having made representations pursuant to Article 12(1) of this Order wish those findings and conclusions in the report from which it appears that any degree of blame for the accident may be attributed to the President or the Secretary of State to be reviewed by a Review Board appointed under this Article, the President or the Secretary of State shall, before the expiration of the period of 14 days from the day of receipt by the Bailiff of the Inspector's report, serve a notice of review on Her Majesty's Procureur. The President or the Secretary of State shall serve a copy of the notice on each of the persons on whom the Inspector has served a notice under Article 12 of this Order.

14.—(1) Where notice of review has been served under Article 13 of this Order, the Bailiff shall forthwith entrust the review to the appointed Review Board.

(2) The Bailiff shall serve on the person requesting the review and all persons on whom the Inspector has served a notice under Article 12 of this Order, not less than 21 days' notice of the date, time and place of the hearing of the review (hereinafter called "the notice of hearing") and shall cause not less than 7 days' public notice thereof to be given in such manner as the Bailiff may think fit.

(3) The hearing shall be held in public unless the Review Board determines, in relation to the whole or part of the review, that it is to be in private in the interest of justice or in the public interest.

(4) The Review Board shall be assisted by Her Majesty's Procureur or by an Advocate instructed by him, who shall present any evidence required by the Review Board and may examine any witnesses giving evidence at the review.

(5) The person requesting the review shall be heard by the Review Board and shall have the right to produce witnesses and examine any other witnesses giving evidence at the review.

(6) Before the date fixed for the hearing of the review the Review Board shall hold a preliminary meeting at which any directions may be given or any preliminary or interlocutory order as to the procedure may be made. Notice of the date, time and place of the preliminary meeting shall be given by Her Majesty's Procureur to all persons on whom a notice of hearing has been served and any person intending to make any application to the Review Board at the meeting shall give notice thereof to Her Majesty's Procureur.

(7) Any person, including the President or the Secretary of State, who in the opinion of the Review Board may be affected by the review may be given leave to appear and to produce witnesses and examine any other witnesses giving evidence at the review. Any application for such leave may be made to the Review Board at the preliminary meeting.

(8) In any proceedings of the Review Board the person requesting the review and any other person appearing pursuant to leave granted under paragraph (7) of this Article may appear in person or be represented by any other person whom he may have authorised to represent him.

(9) In addition to all the powers of an Inspector under this Order the Review Board may administer the oath to any witness, or require any witness to make and sign a declaration of the truth of the statements made by him in his examination.

(10) Upon completion of the review the Review Board shall make a report in writing to the Bailiff, who shall send a copy thereof to the Secretary of State, containing a summary of the proceedings at the hearing and either confirming or rejecting in whole or in part those findings and conclusions of the Inspector which were the subject of the review, together with its reasons therefor, and the Bailiff shall serve a copy of the report on all persons who appeared or were represented before the Review Board.

(11) The Review Board may, if it thinks fit, order any person who appears or is represented as mentioned in paragraph (8) above to pay in respect of the costs of the Review Board such sums as may be specified in the order, or the taxed amount of those costs or such part thereof as may be specified, and, without prejudice to the generality of the foregoing, the Review Board shall, in determining whether to make an order as to costs against any person, have regard to whether or not that person took advantage of such opportunities as were open to him to make representations under Article 12 of this Order.

Publication of reports

15. The Secretary of State shall, after consultation with the Bailiff, unless in their opinion there are good reasons to the contrary, cause the Inspector's report and, where a Review Board has been held, the report of the Review Board, to be made public wholly or in part in such manner as they think fit:

Provided that—

(i) in any case where notice has been given under Article 12(1) of this Order, the Inspector's report shall not be published before the expiry of the time for service of a notice of review under Article 13(1) of this Order;

(ii) in any case where a Review Board is held, the Inspector's report shall not be published until completion of the review.

Reopening of investigation or review

16.—(1) In the case of any Inspector's investigation which has not been the subject of a review, the Inspector may cause the investigation to be reopened, and in the case of a review the Bailiff may direct the review to be reheard, in both cases either generally or as to any part thereof, and the Inspector or the Bailiff, as the case may be, shall do so—

(*a*) if new and important evidence has been discovered, or

(*b*) if for any reason there is in his or their opinion ground for suspecting that a miscarriage of justice has occurred.

(2) The Bailiff may order that the review shall be reheard either by the Review Board by whom it was heard in the first instance or by some other Review Board appointed by him to hold the rehearing.

(3) Any investigation reopened or review reheard shall be subject to and conducted in accordance with the provisions of this Order relating to an Inspector's investigation or the review thereof as the case may be.

Public Inquiries

17.—(1) Where it appears to the Royal Court that it is expedient in the public interest to hold a Public Inquiry into the circumstances and causes of or into any particular matter relating to an accident to which this Order applies, it may direct that a Public Inquiry be held by a commissioner appointed by the Bailiff. In any such case any Inspector's investigation relating to the accident or to the particular matter, as the case may be, shall be discontinued, but the Inspector shall render such assistance to the Public Inquiry as is in his power.

(2) The Commissioner (hereinafter referred to as "the Court") shall be a Barrister or an Advocate of the Royal Court, in either case being of not less than ten years' standing and shall be assisted by not less than two Assessors possessing aeronautical, engineering or other special skill or knowledge. The Assessors shall be appointed by the Bailiff.

(3) Where the Royal Court has directed a Public Inquiry to be held, the Bailiff shall remit the case to Her Majesty's Procureur and thereafter the preparation and presentation of the case shall be conducted by or under the direction of Her Majesty's Procureur.

(4) When a Public Inquiry has been ordered, Her Majesty's Procureur may cause a notice, to be called "a notice of inquiry", to be served upon the owner, operator, hirer and commander of any aircraft involved in the accident, as well as upon any person who, in his opinion, ought to be served with such notice. The notice shall contain a statement of the questions which on the information then in the possession of Her Majesty's Procureur he intends to raise on the hearing of the inquiry and he may by a subsequent notice amend, add to or omit any of the questions specified in the notice of inquiry.

(5) Her Majesty's Procureur, the owner, the operator, the hirer, the commander and any other person upon whom a notice of inquiry has been served, shall be deemed to be parties to the proceedings.

(6) Any other person, including the President or the Secretary of State, may, by leave of the Court, appear and any person who so appears shall thereupon become party to the proceedings.

(7) At any time before the date appointed for holding the inquiry, the Court may hold a preliminary meeting at which any directions may be given or any preliminary or interlocutory order as to procedure may be made. Any person making an application to the Court at a preliminary meeting shall give notice thereof to Her Majesty's Procureur.

(8) (i) The Court shall have, for the purposes of the inquiry, all the powers of the Full Court when acting as a Court in the exercise of its ordinary jurisdiction and without prejudice to those powers the Court may—

(*a*) enter and inspect, or authorise any person to enter and inspect, any place or building entry or inspection whereof appears to the Court requisite for the purposes of the inquiry;

(*b*) by summons require the attendance as witnesses of all such persons as the Court thinks fit to call and examine, and require such persons to answer any questions or furnish any information or produce any books, papers, documents and articles which the Court may consider relevant;

(*c*) administer the oath to any such witness, or require any witness to make and sign a declaration of the truth of the statements made by him in his examination.

(ii) The Assessors shall have the same power of entry and inspection as the Court.

(9) Affidavits and statutory declarations may, by permission of the Court and saving all just exceptions, be used as evidence at the hearing.

(10) At the time and place appointed for holding the inquiry the Court may proceed with the inquiry whether the parties, upon whom a notice of inquiry has been served, or any of them, are present or not.

(11) The Court shall hold the inquiry in open Court save to the extent to which the Court is of opinion that in the interest of justice or in the public interest any part of the evidence, or any argument relating thereto, should be heard in camera.

(12) The proceedings at the inquiry shall commence with the production and examination of witnesses by or on behalf of Her Majesty's Procureur. These witnesses, after being examined by or on behalf of Her Majesty's Procureur, may be cross-examined by the parties in such order as the Court may direct, and may then be re-examined by or on behalf of Her Majesty's Procureur. Questions asked and documents tendered as evidence in the course of the examination of these witnesses shall not be open to objection merely on the ground that they do or may raise questions which are not contained in or which vary from the questions specified in the notice of inquiry or subsequent notices referred to in paragraph (4) of this Article.

(13) When the examination of the witnesses produced by or on behalf of Her Majesty's Procureur has been concluded, Her Majesty's Procureur shall state the questions in reference to the accident and the conduct of the persons connected with the accident upon which the opinion of the Court is desired. In framing the questions for the opinion of the Court, Her Majesty's Procureur shall make such modifications in, additions to or omissions from the questions in the notice of inquiry or subsequent notices referred to in paragraph (4) of this Article as, having regard to the evidence which has been given, Her Majesty's Procureur or the Court may think fit.

(14) After the questions for the opinion of the Court have been stated, the Court shall proceed to hear the parties to the proceedings, and determine the questions so stated. Each party to the proceedings shall be entitled to address the Court and produce witnesses or recall any of the witnesses who have already been examined for further examination and generally adduce evidence. The parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the Court shall direct. Further witnesses may also be produced and examined by or on behalf of Her Majesty's Procureur and may also be cross-examined by the parties and re-examined by or on behalf of Her Majesty's Procureur.

(15) When the whole of the evidence in relation to the questions for the opinion of the Court has been concluded any of the parties who desires so to do may address the Court upon the evidence and the Court may be addressed in reply upon the whole case by or on behalf of Her Majesty's Procureur.

(16) The Court may adjourn the inquiry from time to time and from place to place, and where an adjournment is asked for by any party to the inquiry the Court may impose such terms as to payment of costs or otherwise as it may think just as a condition of granting the adjournment.

(17) The Court shall make a report which shall be sent to the Bailiff who shall as soon as may be lay it before the Royal Court and send a copy thereof to the Secretary of State. The report shall state fully the circumstances of the case and the opinion of the Court touching the causes of the accident or on the

particular matter referred to the Court and adding any observations and recommendations which the Court thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future.

(18) Each Assessor shall either sign the report with or without reservations, or state in writing his dissent therefrom and his reasons for such dissent and such reservations or dissent and reasons (if any) shall be sent to the Bailiff with the report who shall as soon as may be lay them before the Royal Court and send a copy thereof to the Secretary of State. The Secretary of State, after consultation with the Bailiff, shall, unless there are good reasons to the contrary, cause any such report and reservations or dissent and reasons (if any) to be made public wholly or in part in such manner as he thinks fit.

(19) Every person attending as a witness before the Court shall be allowed such expenses as would be allowed to a witness attending before the Full Court in a civil action, within the scale and subject to the provisions laid down for the time being according to law, provided that in the case of any party to the proceedings or of any person in the employment of such a party, any expenses may be disallowed if the Court in its discretion so directs.

(20) Every person attending as a witness before the Court, in addition to any expenses allowed under the provisions of the last preceding sub-paragraph shall be allowed such further expenses as may be certified by Her Majesty's Procureur.

Rehearing of Public Inquiries

18.—(1) The Royal Court may, in any case where a Public Inquiry has been held, direct a rehearing of the inquiry either generally or as to any part thereof and shall do so—

(*a*) if new and important evidence has been discovered; or

(*b*) if for any other reason there is, in its opinion, ground for suspecting that a miscarriage of justice has occurred.

(2) If the Royal Court directs any Public Inquiry to be reheard, the Bailiff may order that it shall be reheard either by the Court by whom the Public Inquiry was heard in the first instance or by some other person appointed by him to hold the rehearing.

(3) Any rehearing shall be subject to and conducted in accordance with the provisions of this Order relating to the holding of Public Inquiries.

General

19.—(1) Where an accident has occurred to any aircraft registered in any country or territory other than the United Kingdom, the Bailiff may authorise an investigator appointed by the duly competent authority of that country or territory to carry out an investigation, and in that event the Bailiff shall, so far as he is able, facilitate inquiries by the investigator so appointed.

(2) In any Inspector's investigation or Public Inquiry an accredited repretative of the country or territory in which the aircraft is registered, or of any country or territory in which the aircraft was manufactured or which has, on request, furnished any information in connection with the accident, may take part in the investigation or in the inquiry, as the case may be, that is to say he shall be permitted to visit the scene of the accident, examine the wreckage,

question witnesses, receive copies of all pertinent documents (saving all just exceptions), have access to all relevant evidence and make submissions and he may be accompanied by such technical or other advisers as may be considered necessary by the authorities of the country or territory by which he is appointed.

(3) The Inspector, in the case of the period of 28 days prescribed in Article 12(3) of this Order, and the Bailiff in the case of the period of 21 days prescribed in Article 13(1) thereof, shall have power to extend the said period, and this power shall be exercisable notwithstanding that the period so prescribed has expired.

20.—(1) A person shall not obstruct or impede the Court, or the Review Board or an Inspector, or an Assessor or any person acting under the authority of the Bailiff in the exercise of any powers or duties under this Order.

(2) A person shall not, without reasonable excuse (proof whereof shall lie on him) fail, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the Court holding a Public Inquiry or a Review Board or an Inspector holding an Inspector's investigation under this Order.

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order in Council makes provision for the investigation of accidents to civil aircraft in or over the Bailiwick of Guernsey.

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