

British Guiana.

REGULATIONS PROVIDING FOR THE INVESTIGATION OF ACCIDENTS ARISING OUT OF OR IN THE COURSE OF AIR NAVIGATION AND OCCURRING IN AND OVER THE COLONY OR THE TERRITORIAL WATERS ADJACENT THERETO, OR OCCURRING ELSEWHERE TO AIRCRAFT REGISTERED IN THE COLONY.

1. These regulations may be cited as the Air Navigation (Investigation of Accidents) Regulations, 1938. Short title.

2.—(1) In these regulations, unless the context otherwise requires— Definitions and interpretation of terms.

“ Governor ” includes, in relation to any purpose of these regulations, other than the appointment of an Inspector of Accidents, any person authorised by the Governor for that purpose ;

“ Colony ” includes the territorial waters adjacent thereto.

(2) The Interpretation Ordinance shall apply for the purpose of the interpretation of these regulations as it applies for the purpose of the interpretation of an Ordinance, and as if these regulations were an Ordinance. Cap. 5.

3. These regulations shall apply to accidents arising out of or in the course of air navigation which occur in or over the Colony to aircraft or which occur elsewhere to aircraft registered in the colony Application of Regulations.

but they shall not apply to aircraft belonging to or exclusively employed in the service of His Majesty.

Notification
of accidents.

4.—(1) Where an accident to which these regulations apply occurs, and involves death or personal injury to any person, whether carried in the aircraft or not, or such serious structural damage to the aircraft as is hereinafter mentioned, or is believed on reasonable grounds to have been caused or contributed to by the failure in the air of any part of the aircraft, the pilot, or, if the pilot is incapacitated by injury, the owner or hirer of the aircraft—

- (i) if the accident occurs in or over the Colony shall
 - (a) send notice thereof by telegram to the Colonial Secretary ; and
 - (b) notify the Police ; and
- (ii) if the accident has occurred elsewhere than in or over the Colony shall send notice thereof in writing to the Colonial Secretary :

Provided that in the case of an aircraft which is engaged on hire at the time of the accident, the owner thereof shall, as between himself and the hirer and in the absence of any agreement to the contrary, be responsible for compliance with this regulation.

(2) The notice shall be sent as soon as possible, and, if the accident occurs in or over the Colony, within twenty-four hours after the occurrence of the accident, unless the person whose duty it is to send it proves that it was not possible to send it within that time, and in any case shall state :—

- (i) the nationality and the registration marks of the aircraft ;
- (ii) the name of the owner and hirer (if any) of the aircraft ;
- (iii) the name of the pilot of the aircraft ;
- (iv) the place where the accident took place ;
- (v) the date and time when the accident took place ;
- (vi) the nature of the accident ; and
- (vii) whether death or personal injury was caused by the accident and if so, to whom.

(3) In this regulation the expression “ serious structural damage ” in relation to an aircraft means :—

- (i) the telescoping or breaking apart of the fuselage ; or
- (ii) the breaking of a main spar ; or
- (iii) the breaking of any part of the controls ; or
- (iv) damage by fire to any part of the aircraft.

(4) The provisions of this regulation shall not apply to an aircraft which, at the time of the accident is neither—

- (a) carrying passengers or goods for hire or reward, nor

(b) being used for the purposes of any trade or business or for purposes of gain, nor

(c) carrying any person for the purpose of the instruction of that person in flying, being instruction for which payment is made,

unless the accident involves death or serious personal injury to some person, whether carried in the aircraft or not.

(5) In relation to the carrying of a person in an aircraft for the purpose of the instruction of that person in flying, payment shall be deemed, for the purpose of this regulation, to be made for the instruction if any sum is paid or payable in respect of the particular flight either to the instructor himself or to any person by whom the instructor is employed, or to whom he gives his services, as an instructor, or if the instructor is employed for reward to instruct persons in flying aircraft.

5.—(1) Where an accident to which these regulations apply occurs in or over the colony, and involves any such serious structural damage to the aircraft as aforesaid— Wreckage
to be left
in situ.

(a) The aircraft shall not, except under the authority of the Governor, be removed or otherwise interfered with, until the expiration of three days after notice of the accident has been given in accordance with these regulations, and in any particular case in which the Governor so directs, it shall not be removed or otherwise interfered with until the expiration of such longer period as may be so directed :

Provided that—

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

(ii) goods or passengers' baggage may be removed from the aircraft under the supervision of an officer of police, but, in the case of an aircraft which has come from a place outside the Colony, shall not be removed from the vicinity of the aircraft except on clearance by or with the consent of an officer of Customs ;

(b) The Governor may authorise any person, so far as may be necessary for the purposes of any investigation under these regulations, to take measures for the preservation of the aircraft and to have access to, examine, remove, or otherwise deal with the aircraft :

Provided that if an aircraft is wrecked on the water, the aircraft or any parts or contents thereof may be removed to

such extent as may be necessary for bringing it or them to a place of safety.

(2) Nothing in this regulation shall be taken to restrict the removal of, or interference with, an aircraft to which there has occurred any accident other than an accident of which notice is required to be given as aforesaid by the pilot, owner or hirer of the aircraft under regulation 4 of these regulations.

Inspector's
investigation.

6.—(1) Where an accident to which these regulations apply occurs, a person generally or specially appointed by the Governor for the purpose (in these regulations referred to as an Inspector of Accidents), may, whether or not such accident is one notice whereof is required to be given under these regulations, hold an investigation of such accident.

(2) An investigation under this regulation shall be conducted in such manner that if a charge is made or is likely to be made against any person, that person shall have an opportunity of being present, and of making any statement, or giving any evidence, and producing witnesses on his behalf.

Powers of
Inspector.

7. For the purpose of his investigation an Inspector of Accidents shall have power—

(a) by summons under his hand to require the attendance of any person who is the owner, hirer, or one of the owners or hirers, of any aircraft concerned in the accident or is in the employment of such owner or hirer, and whom he thinks fit to call before him and examine, and to require answers or returns to such inquiries as he thinks fit to make from any such person ;

(b) to require any such person to make and sign a declaration of the truth of the statements made by him in his examination ;

(c) to require the production of all books, papers and documents of any owner or hirer of any aircraft concerned in the accident which he considers material ;

(d) to have access to and examine any aircraft concerned in the accident, and the place where the accident occurred.

Inspector to
report to
Governor.

8.—(1) Upon concluding his investigation the Inspector of Accidents shall make a report thereon to the Governor, who may cause the whole or any part of such report to be made public in such manner as he thinks fit.

(2) A report under this regulation may include a recommendation for the cancellation, suspension or endorsement of any licence or certificate or any validation thereof.

9.—(1) A person shall not obstruct or impede an Inspector of Accidents or any person acting under the authority of the Governor the exercise of any powers or duties under these regulations. Obstruction
of Inspector

(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 an Inspector of Accidents holding an investigation under these regulations.

10. If any person contravenes or fails to comply with these regulations or any provision thereof he is liable on summary conviction by a Magistrate to a fine not exceeding two hundred and forty dollars or to imprisonment with or without hard labour for a term not exceeding three months. Penalty.

11.—(1) Nothing in these regulations shall limit the powers of any authority under the Wrecks Removal Ordinance, or any enactment amending the same. Saving
clause.
Cap. 125.

(2) Nothing in these regulations shall limit the power of the Governor under the Air Navigation (Colonies, Protectorates and Mandated Territories) Order, 1927, or any amendment thereof, of cancelling, suspending or endorsing any licence or certificate or any validation thereof.

Made by the Governor under the authority of paragraph 9 of the First Schedule to The Colonial Air Navigation (Application of Acts) Order, 1937, this 15th day of March, 1938.

By Command,

W. BAIN GRAY,
Colonial Secretary (Acting).

(M.P. 9/10).