

Accident and Serious Incident Reporting

Under Regulation (EU) 996/2010, Regulation (EU) 376/2014 and The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018, it is a legal requirement that when an accident or serious incident occurs in or over the UK or occurs elsewhere to an aircraft registered in the UK, the commander of the aircraft involved at the time of the accident or serious incident (or if killed or incapacitated, the operator of the aircraft) must notify the AAIB by the quickest means of communications available.¹

- It is NOT sufficient to submit an ASR or MOR, only notifying the AAIB satisfies the legal duty to report.
- The 2018 UK regulation also includes a legal duty to report an accident to a police officer or constable (in Scotland) in the area where the accident occurred.

All 3 pieces of legislation use common definitions which can be found in (EU) 996/2010 and are outlined below.

ACCIDENT

'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 such persons have disembarked...in which:

- **a person is fatally or seriously injured as a result of:**
 - being in the aircraft, or,
 - direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or,
 - 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*
- **the aircraft sustains damage or structural failure** which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component *(except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes) or minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike, (including holes in the radome)); or*
- **the aircraft is missing or is completely inaccessible;**

INJURIES

'**fatal injury**' means an injury which is sustained by a person in an accident and which results in his or her death within 30 days of the date of the accident;

'**serious injury**' means an injury which is sustained by a person in an accident and which involves one of the following:

- hospitalisation for more than 48 hours, commencing within 7 days from the date the injury was received;
- a fracture of any bone (except simple fractures of fingers, toes, or nose);
- lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
- injury to any internal organ;
- second or third degree burns, or any burns affecting more than 5 % of the body surface;
- verified exposure to infectious substances or harmful radiation.

¹(EU) 996/2010 Article 9: "Any person involved who has knowledge of the occurrence of an accident or serious incident shall notify without delay the competent safety investigation authority of the State of Occurrence thereof."

SERIOUS INCIDENT

'Serious incident' means an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft...

Examples of serious incidents

The incidents listed are typical examples of those likely to be regarded as serious. The list is not exhaustive but should be considered as guidance on the definition of 'serious incident':

- a near collision requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate,
- controlled flight into terrain only marginally avoided,
- aborted take-offs on a closed or engaged runway, on a taxiway, excluding authorised operations by helicopters, or from an unassigned runway,
- take-offs from a closed or engaged runway, from a taxiway, excluding authorised operations by helicopters, or from an unassigned runway,
- landings or attempted landings on a closed or engaged runway, on a taxiway, excluding authorised operations by helicopters, or from an unassigned runway,
- gross failures to achieve predicted performance during take-off or initial climb (Note: this includes use of incorrect performance calculations),
- fires and smoke in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents,
- events requiring the emergency use of oxygen by the flight crew,
- aircraft structural failure or engine disintegration, including uncontained turbine engine failures, not classified as an accident,
- multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft,
- flight crew incapacitation in flight,
- fuel quantity requiring the declaration of an emergency by the pilot,
- Category A runway incursions (see ICAO Doc 9870),
- take-off or landing incidents. Incidents such as undershooting, overrunning or running off the side of runways,
- system failures, weather phenomena, operation outside the approved flight envelope or other occurrences which could have caused difficulties controlling the aircraft,
- failure of more than one system in a redundancy system mandatory for flight guidance and navigation.

PRESERVATION OF EVIDENCE

In the event of an accident or incident, operators should take all necessary steps to preserve critical information and documents relating to the aircraft and crew. In particular, procedures should be established for the immediate protection of CVR and FDR data (normally involving electrical isolation of recorders) to prevent data being overwritten or otherwise lost, and these procedures should be readily available to flight crew, maintenance and third parties across the operation.

Further information on reporting, preservation of evidence and the subsequent investigatory process can be found in the AAIB's "Aircraft Accidents and Serious Incidents: Guidance for Airline Operators", available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/375880/Guidance_for_Airline_Operators.pdf

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