

Serial Number 1951/49

**AIR NAVIGATION REGULATIONS 1933, AMENDMENT NO. 19**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 20th day of  
March, 1951

Present :

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Civil Aviation Act, 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Air Navigation Regulations 1933, Amendment No. 19, and shall be read together with and deemed part of the Air Navigation Regulations 1933\* (hereinafter referred to as the principal regulations).

2. These regulations shall come into force on the day after the date of their notification in the *Gazette*.

3. Regulation 35 of the principal regulations is hereby amended by adding the words "The term 'accident', when used in relation to an aircraft, means an occurrence associated with the starting, warming up, or operation of an aircraft which results in injury to any person or in damage either to or caused by the aircraft".

4. The principal regulations are hereby amended by revoking regulations 36 and 37, and substituting the following regulations :—

*" Notification of Accidents "*

" 36. (1) Where an accident occurs—

" (a) To a New Zealand aircraft ; or

" (b) To any other aircraft in New Zealand territory,—

the pilot, the hirer (if any), and the owner shall each be responsible for ensuring that a notification of the accident is furnished by urgent telegram immediately after the accident, and by a written report

\**Gazette*, 1933, Vol. II, page 1473.

Amendment No. 1 : *Gazette*, 1934, Vol. III, page 3217.

Amendment No. 2 : *Gazette*, 1935, Vol. I, page 1131.

Amendment No. 3 : *Gazette*, 1935, Vol. III, page 3777.

Amendment No. 4 : *Gazette*, 1936, Vol. II, page 1492.

Amendment No. 5 : Revoked by Serial number 1950/217.

Amendment No. 6 : Statutory Regulations 1938, Serial number 1938/9, page 20.

Amendment No. 7 : Revoked by Serial number 1950/217.

Amendment No. 8 : Statutory Regulations 1940, Serial number 1940/199, page 677.

Amendment No. 9 : Statutory Regulations 1940, Serial number 1940/274, page 959.

Amendment No. 10 : Statutory Regulations 1941, Serial number 1941/257, page 822.

Amendment No. 11 : Statutory Regulations 1943, Serial number 1943/185, page 402.

Amendment No. 12 : Statutory Regulations 1946, Serial number 1946/96, page 224.

Amendment No. 13 : Revoked by Serial number 1950/217.

Amendment No. 14 : Statutory Regulations 1949, Serial number 1949/127, page 538.

Amendment No. 15 : Statutory Regulations 1950, Serial number 1950/27, page 101.

Amendment No. 16 : Statutory Regulations 1950, Serial number 1950/116, page 393.

Amendment No. 17 : Statutory Regulations 1950, Serial number 1950/164, page 772.

Amendment No. 18 : Statutory Regulations 1950, Serial number 1950/217, page 989.

as soon as practicable thereafter, to the Air Department, Wellington, and if the accident has caused injury to any person or damage to third party property, that the local police are immediately notified.

“(2) The written report referred to in clause (1) of this regulation shall contain the following particulars :—

“(a) The type, nationality, and registration marks of the aircraft ;

“(b) The name of the owner and hirer (if any) of the aircraft ;

“(c) The name of the pilot in command of the aircraft ;

“(d) The date and time when the accident occurred ;

“(e) The last point of departure and the point of intended landing of the aircraft and the nature of the flight ;

“(f) The position of the accident with reference to some easily defined geographical point ;

“(g) The number of persons killed (if any) and the number injured, and, where possible, the names of any such persons ;

“(h) The nature and cause of the accident as far as is known ; and

“(i) The nature and extent of the damage to the aircraft.

“(3) If all the particulars specified in clause (2) of this regulation are not immediately available, the report shall so state, and a supplementary report containing the particulars not included in the first report shall be furnished at the earliest possible date.

#### *“ Custody, Protection, and Removal of Aircraft*

“37. (1) When an accident occurs to an aircraft in New Zealand territory, the aircraft shall be deemed to be in the custody of the Minister and it shall not be removed or otherwise interfered with except under the authority of the Minister or as provided by clauses (2) and (3) of this regulation.

“(2) Nothing in clause (1) of this regulation shall be construed to prevent any action necessary for—

“(a) The extrication of persons, animals, and mails from the wreckage of the aircraft ;

“(b) The protection of the wreckage from destruction by fire or other cause ;

“(c) The prevention of danger, or removal of obstruction, to air traffic, to other transport, or to the public ;

“(d) The removal of the aircraft and its contents to a place of safety when the aircraft is wrecked on water ; or

“(e) The removal of goods or baggage under the supervision of a police officer or other persons specially authorized by the Minister, but, in the case of an aircraft which has come from outside New Zealand territory, the goods or baggage shall not be removed from the vicinity of the aircraft except on a clearance by or with the consent of an officer of Customs.

“(3) The Minister may authorize any person, so far as is necessary for the purpose of any inquiry 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.

“(4) When an accident occurs, it shall be the responsibility of the owner to ensure that the aircraft and its contents are adequately protected against interference by unauthorized persons.

“(5) When the retention of an aircraft, or any parts or the contents thereof, is no longer necessary for the purpose of an inquiry under these regulations, the aircraft, parts, or contents, as the case may be, shall be released from the custody of the Minister to the owner of the aircraft, or, in the case of an aircraft other than a New Zealand aircraft, to the person or persons duly designated by the State of registry.”

5. Paragraph 15 of Section II of Schedule II of the principal Regulations, as set out in regulation 4 (a) of the Air Navigation Regulations 1933, Amendment No. 17, is hereby amended as follows:—

(a) By revoking clauses (vi) and (vii) of subparagraph (b):

(b) By omitting from subparagraph (d) the words “Except as may otherwise be prescribed”, and substituting the words “Unless expressly exempted by the Director”.

T. J. SHERRARD,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations replace the present regulations relating to the notification of aircraft accidents. An urgent telegram, followed by a written report containing certain specified details, must be sent to the Air Department.

Provision is made for an aircraft to which an accident has happened to remain in the custody of the Minister pending an inquiry.

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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette*: 21st day of March, 1951.  
These regulations are administered in the Air Department.