

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 shall:—

- (i) If the accident occurs in or over New Zealand—
 - (a) Send notice thereof by telegram to the Controller of Civil Aviation, Defence, Wellington; and
 - (b) Notify the Magistrate and the local police.
 - (ii) If the accident has occurred elsewhere than in or over New Zealand, shall send notice thereof in writing to the Controller of Civil Aviation, Defence, Wellington.
 - (iii) 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 written 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 New Zealand 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 aircraft means:—

- (i) The telescoping or breaking apart from 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.

37. Where an accident to which these regulations apply occurs in or over New Zealand and involves any such serious structural damage to the aircraft as aforesaid:—

- (a) The aircraft shall not, except under the authority of the Controller of Civil Aviation, be removed from its place or otherwise interfered with; 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; or for some other urgent reason approved of by the Magistrate or the senior officer of police in the district;
 - (ii) Goods, mails, or passengers' baggage may be removed from the aircraft under the supervision of the pilot or an officer of police, but, in the case of an aircraft which has come from a place outside New Zealand, 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 Controller of Civil Aviation may authorize any person, so far as may be necessary for the purposes of 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.

Preliminary Investigation.

38. Where an accident occurs or is suspected to have occurred to which these regulations apply a person generally or specially appointed by the Minister for the purpose (in these regulations referred to as an Inspector of Accidents) may, whether or not such accident is one whereof notice is required to be given under these regulations, make inquiries as to the cause of the accident and report thereon to the Minister. All persons are required to assist an Inspector of Accidents, and he shall have access to and authority to examine any aircraft concerned in the accident and the place where the accident occurred.

39. (a) The Minister may, without any inquiry or report having been made by an Inspector of Accidents, appoint a Board of inquiry for the purpose of investigating and reporting on an accident or a suspected accident.

(b) A Board of inquiry so appointed shall have power to inspect or authorize any person to inspect any aircraft concerned in the accident, and to enter and inspect, or authorize any person to enter and inspect, any place or building the entry and inspection whereof appears to the Board to be necessary for the purpose of the investigation.

(c) For the purposes of such inquiry the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable, apply as if the Board of inquiry were a Commission of inquiry appointed under that Act.

40. Every person attending as a witness before a Board of inquiry may be paid out of moneys specifically appropriated by Parliament for the purposes of the Act allowances in accordance with the scale applicable to witnesses in criminal cases in a Magistrate's Court: Provided that in the case of an owner or hirer of an aircraft concerned in the accident and of any person in his employment, such allowances may be disallowed if the Board, in its discretion, so directs.

41. (1) The Board may order any costs and expenses in and about the inquiry (including allowances to witnesses at the scale rates, the remuneration to any member of the Board, the remuneration and expenses of the Inspector of Accidents, and the cost of service of process) to be paid by any person summoned before it to the Minister if it finds that the accident was due to the default or negligence of that person.