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**FORMAL AGREEMENT**

between

**THE MINISTRY OF DEFENCE**

as represented by

**THE DEFENCE ACCIDENT INVESTIGATION BRANCH**

and

**THE DEPARTMENT for TRANSPORT**

as represented by

**THE AIR ACCIDENTS INVESTIGATION BRANCH**

concerning

**INVESTIGATIONS AND POST AIR ACCIDENT SUPPORT**

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## 1. INTRODUCTION

1.1 This Formal Agreement between the Ministry of Defence (MoD), as represented by the Defence Accident Investigation Branch (DAIB), and the Department for Transport (DfT), as represented by the Air Accidents Investigation Branch (AAIB), hereinafter referred to as the Participants, documents the investigation protocol for accidents involving military aircraft and the post-accident support which each Participant will make available to the other in the event of an air accident.

This document outlines the assistance to be provided by MoD to the AAIB from aircraft recovery teams, survivability specialists, and pathologists, and the assistance to be provided by the AAIB to the MoD in the event of a military air accident. Whilst additional support may be arranged under the provisions of Military Aid to Civil Authorities, they fall outside the scope of this Agreement.

1.2 The provision of support by the Participants is subject to the proviso that the needs of each Participant's Primary Tasks, as defined below, will at all times take priority over support provided under this Agreement.

1.3 Due to the nature of the air accidents and their investigations, the Participants agree that timeliness is paramount in the response to a request for support.

## 2. DEFINITIONS

2.1 **Primary Tasks.** The Primary Tasks of the Participants, in the context of this Agreement, are defined as follows:

a. **MoD.** The Primary Task of the MoD assets contained in this agreement is to investigate accidents and incidents involving military registered aircraft. This includes the provision of post-crash management support for military aircraft and civil-registered aircraft owned and/or operated under military regulations.

b. **AAIB.** The Primary Task of the AAIB is to investigate accidents and incidents involving civil registered aircraft. This includes the provision of post-crash management support for these events.

## 3. SUPPORT PROVIDED TO THE AAIB BY THE MoD

3.1 On request, the MoD will provide the AAIB with the assistance detailed below.

3.2 **Aircraft Recovery.** On request, the Joint Aircraft Recovery & Transport Squadron (JARTS) will deploy an Aircraft Recovery Officer (ARO) to the accident sites of civil-registered

aircraft. The ARO will be responsible for the Health & Safety management of MoD personnel and those contractors engaged by the MoD. The AAIB will remain responsible for the Health & Safety management of its own personnel and will have responsibility for the overall safety management of the site when under AAIB control. In addition, and if requested, the ARO may call teams forward to the crash site to:

- a. Survey the site.
- b. Recover and transport the wreckage.
- c. Clear the site.
- d. Provide communications on site.

3.2.1 On request, the Chief Salvage and Mooring Officer (CSALMO) can deploy a team to assist in the location and recovery of all aircraft and aerial platforms from the sea or inland waterways. This capability is subject to a separate Memorandum of Arrangement between the Salvage and Marine Operations Project Team and the AAIB.

3.3 **Occupational Safety and Environmental Health.** On request, either the Royal Air Force Centre of Aviation Medicine (RAF CAM) or the Institute of Naval Medicine (INM) will provide Occupational Safety and Environmental Health advice to the AAIB.

3.4 **Pathology and Medicine.** In the event of a fatal accident and if requested by the AAIB, RAF CAM or the Defence Medical Services Regulator (DMSR) may be able to support the AAIB in the investigation of the medical and pathological aspects of the accident. An RAF CAM or DMSR Aviation Medicine Specialist may review the reports from pathologists and/or clinicians and may also be available to provide aviation medicine advice to the AAIB, if requested, in respect of non-fatal accidents.

3.5 **Survivability.** On request, RAF CAM will provide support to enable the investigation of, and reports on, the medical and technical aspects of survivability from aircrew assisted escape systems.

3.6 **Human Factors.** On request, RAF CAM will provide support to AAIB in the investigation of, and reports on, the human factors aspects of an accident.

3.7 **Other Specialist Support.** The specialist accident investigators of the DAIB have experience and data which may be of use to the AAIB in its investigations, such as information on ex-military aircraft, assisted aircraft escape systems and complex rotary-wing aircraft. Any request for assistance will be sought directly through DAIB SO1 Air.

3.8 **Cessation of Support.** Under this agreement, support to the AAIB at the accident site will cease when the AAIB relinquishes responsibility for an accident site. In the event that

agencies other than the AAIB request a continued MoD presence at a site (e.g. to remove wreckage following a large-aircraft accident), any such arrangement is not covered under this Agreement.

**3.9 Training & Liaison.** DAIB will provide two representatives (reps) as points of contact for the AAIB reps. The DAIB reps will ensure a minimum of monthly contact. The DAIB reps will offer military deployment debriefs when appropriate. The DAIB reps will invite the AAIB to any relevant presentation, investigation/analysis event which might be beneficial to the AAIB. DAIB will attempt, where possible, to facilitate training opportunities for AAIB Inspectors on military aircraft types.

#### **4. SUPPORT PROVIDED TO THE MoD BY THE AAIB**

**4.1** On request from Head DAIB, or delegated representative (normally the SO1 Air), the AAIB will provide independent advice in the form of an AAIB advisor. This advisor will assist the DAIB team in support of the Service Inquiry (SI). The advisor's role may include, but is not limited to:

- a. Deploy 'on-site' to assist with assessments of wreckage and the accident site.
- b. Remain engaged with the investigation, providing investigative expertise and advice to the DAIB and SI panel, as requested.

**4.2 Reports.** The AAIB advisor will not be required to sign the SI report; however, under certain circumstances, advice and/or opinion given may need to be documented as evidence.

**4.3 Administrative Support.** AAIB personnel deployed to the accident site may require administrative support. The provision of such support is the responsibility of the DAIB. As the carriage of AAIB personnel by military means is in the interests of the MoD, MoD indemnity will not be required.

**4.4 Training.** DAIB investigators may be allowed to act as observers of civil aircraft accident investigations at the discretion of the AAIB Duty Coordinator. DAIB investigators must undergo a briefing prior to being allocated observer status. The guidance notes for DAIB observers are contained within the AAIB Ops manual.

**4.5 Liaison.** AAIB will provide two reps who will provide points of contact for the DAIB reps. The reps will ensure a minimum of monthly contact.

**4.6 Debriefs.** The AAIB will invite DAIB to attend deployment debriefs at Farnborough House when appropriate. The AAIB will invite the DAIB to any relevant presentation, investigation/analysis event which might be beneficial to the DAIB. Attendance will be in

person, pre-notified and only by those who have completed the appropriate confidentiality briefing, which includes awareness of the need for protection of sensitive safety and personal information under regulations.

#### **4.7 Recorded data**

On request the AAIB will provide support to the DAIB for the download and extraction of data from data recorders and other sources of recorded data. This will be limited to those for which the AAIB has the capability and equipment to carry out the download. This is for the purposes of accident investigation and not for purposes that may result in the apportionment of blame or liability.

### **5. HEALTH & SAFETY**

5.1 The AAIB and MoD will ensure that their investigation and response teams are provided with appropriate health and safety training and equipment to meet the range of risks associated with their activities; they will not be responsible for providing health and safety training or equipment for the other party. Advice and local training may be provided by on-site safety personnel from the AAIB or MoD to meet specific hazards associated with sites under their control.

### **6. PARALLEL INVESTIGATIONS**

6.1 Figure 1 details the agreed lead responsibility for the investigation of MoD and civilian accident investigations. Joint Service Publication (JSP) 832 & MAA Regulatory Article 1420 specify the procedures to be followed for MoD aircraft accident investigations. The AAIB Operations Manual specifies the procedures to be followed for civil aircraft accident investigations.

6.2 **Investigation of Military Air Accidents at Civil Aerodromes.** Under SI statute, a SI Panel is able to compel civilian witnesses to attend for interview. In the context of a military registered aircraft accident at a civil airfield, therefore, and unless it is considered necessary for civilian practice to be investigated, the AAIB would not normally conduct its own investigation. The AAIB would support a MoD investigation when asked under the terms of this Formal Agreement.

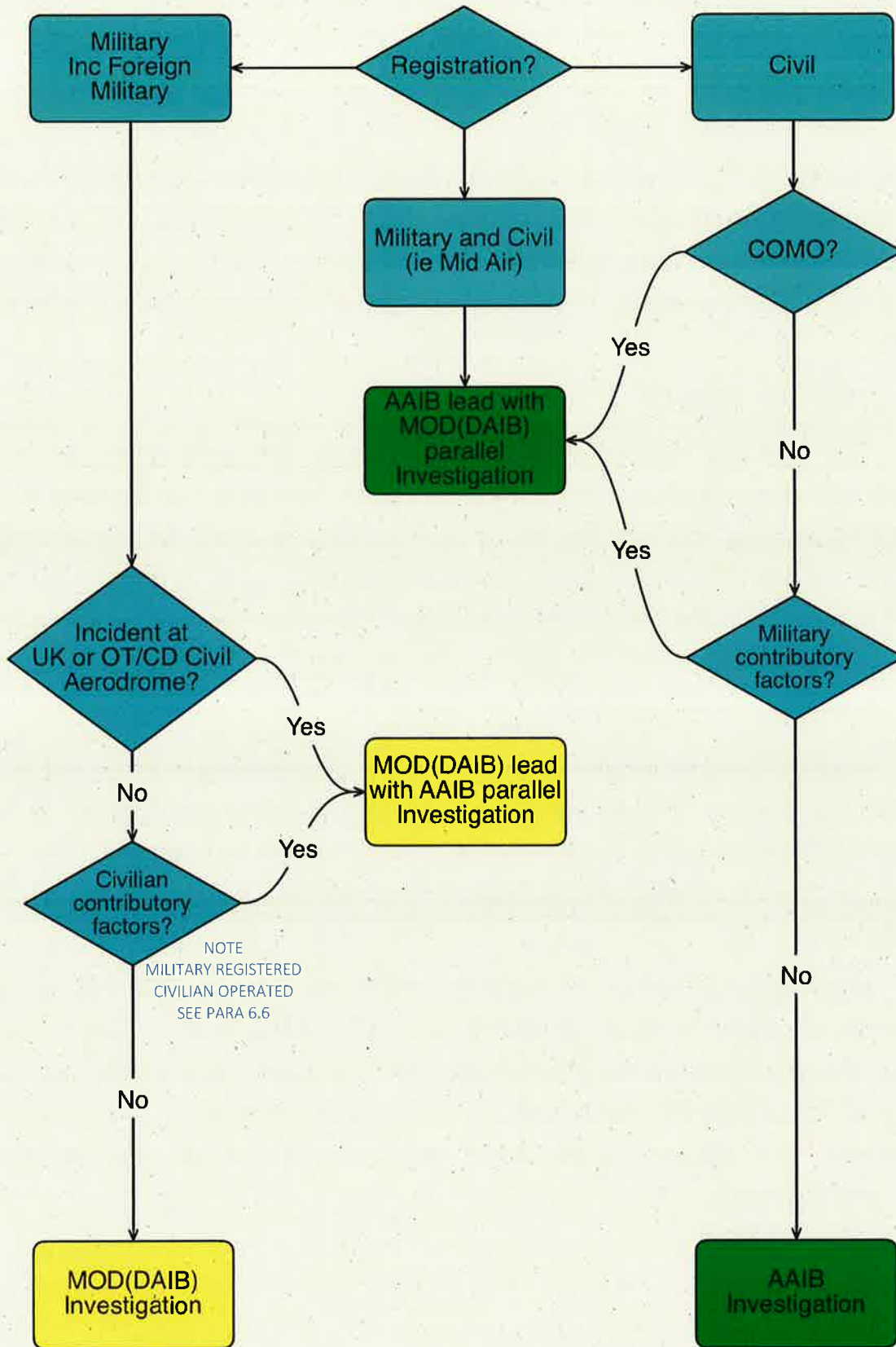


Table 1 – Civil/Military Accidents – Responsibility Flowchart

**6.3 Investigation of Civil Air Accidents at Military Airfields.** In the event of an accident or serious incident involving a civilian-registered aircraft at a military airfield, or where there is military involvement, the AAIB would carry out an investigation under the terms of the current Civil Aviation (Investigation of Air Accidents and Incidents) Regulations. Head DAIB will appoint a DAIB investigator to assist the AAIB as follows:

- a. in arranging access for the AAIB inspector to Service installations, Service witnesses and evidence contained on Service installations.
- b. in informing the Service of any special development or Flight Safety hazard revealed by the investigation on direction from the AAIB.
- c. to brief Service witnesses on the civil procedure for taking evidence and on the terms of the Civil Aviation Regulations.
- d. by being available for consultation during the formulation of the AAIB draft report.

**6.4 Investigation of Accidents Involving Civil Registered, Military Operated Aircraft, or Involving Military & Civilian Aircraft.**

6.4.1 In the case of an accident or serious incident involving both military and civilian aircraft, or a civil-registered but military-operated aircraft, both the AAIB and the MoD have a requirement to conduct an investigation. Both are no-blame investigations and are independent of each other.

6.4.2 To that end, the AAIB and the SI will allocate an 'advisor' to each other's investigation who will act as the conduit through which any factual and/or safety-critical information can be passed. Witness statements should be taken separately by the AAIB and the SI Panel. Where a civil-registered aircraft is involved, AAIB will exercise initial control over the accident site and coordinate DAIB investigators' access to the wreckage.

6.4.3 In the case of a civil registered, military operated aircraft accident. The AAIB lead the investigation under civil regulations. Non-DAIB MoD personnel should not have uncontrolled access to the accident site, unless engaged in actions necessary to preserve life and/or ensure the safety of personnel and public. To ensure continuity of evidence, personnel will only have access to the accident site on the authority of the AAIB. The AAIB will coordinate DAIB investigators' access to the wreckage.

6.4.4 In all cases, the AAIB and DAIB Duty Coordinators should discuss access issues as soon as possible after the accident, and establish contact with MoD support agencies to reiterate the procedures to be followed during the investigation.

6.4.5 To avoid the possibility of prejudicing the outcome of an ongoing investigation, the publication of investigative findings should always be co-ordinated, and concurrent publication considered.

**6.5 Investigation of Aircraft Accidents involving Civil Registered Aircraft Operating on Military Contracts.** If a civil registered aircraft operating on a military contract is involved in an accident or serious incident the AAIB will investigate under their current regulations. Where necessary, a parallel SI may also be convened, whether under statute or as a matter of policy.

**6.6 Investigation of Aircraft Accidents involving Military Registered Aircraft Operated by Civilians on Civil Contracts.** There are scenarios where ex-military air systems remain on the Military Register but are operated by civilians under civilian contract arrangements. Operations must comply with Military Aviation Authority Regulatory Publications and therefore if a military registered aircraft operating on a civil contract is involved in an accident or serious incident the DAIB will investigate under their current regulations. Where necessary, a parallel AAIB investigation may also be undertaken.

**6.7 Lessons for civil aviation.** Notwithstanding the above, and in accordance with Regulation 10 of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations, the AAIB may investigate any air accident or incident that occurs in or over the United Kingdom involving any aircraft, including aircraft engaged in military activities, where the Chief Inspector expects to draw safety lessons for civil aviation from the safety investigation.

## **7. NOTIFICATION AND CALL-OUT PROCEDURES**

7.1 When the AAIB becomes aware of an air accident with military involvement the AAIB Duty Coordinator will notify the DAIB Duty Coordinator. Similarly, when the DAIB is notified of a military air accident with civilian involvement the DAIB Duty Coordinator will notify the AAIB. The DAIB Duty Coordinator should be contacted on the dedicated telephone number.

7.2 For parallel investigations there will be coordination and agreement by both the AAIB and DAIB to ensure that each is aware of their investigation requirements and to clarify the lead authority according to the flow chart in table 1. In the event of a deployment of resources by either organisation to an accident that requires parallel investigations, the respective AAIB and DAIB IIC/Duty Coordinators will liaise on various aspects including access to the accident site, wreckage examination and recovery, witness interviews, victim/family liaison, liaison with emergency services and judicial authorities, and reporting. This is in order to avoid any confusion and ensure full compliance with the respective regulations that may apply, whilst also enabling maximum co-operation and mutual support



7.3 AAIB support to MoD investigations will be requested by the DAIB Duty Coordinator through the AAIB Duty Coordinator. MoD support to civil investigations will be requested by the AAIB Duty Coordinator direct to the relevant organisation. AAIB use of MoD resources will be notified to DAIB SO1 Air on the next working day.

## 8. LIABILITY

8.1 Each Participant will deal with claims from and against its respective employees, servants, agents and third parties on the basis of its legal liabilities. Each Participant will bear its own costs in dealing with all claims.

## 9. FINANCIAL ARRANGEMENTS

9.1 Each Participant will provide its own staff, and meet associated travel and subsistence costs, without charge to the other. Site clearance to satisfy Health & Safety and environmental requirements on civil aircraft accident sites is normally the responsibility of the aircraft insurers.

## 10. DURATION AND TERMINATION

10.1 This Agreement will remain in effect unless terminated in accordance with the following procedures:

a. The Participants may, with mutual written consent, jointly terminate this Agreement at any time.

b. Either Participant may withdraw from this Agreement by providing 90 days notice in writing to the other Participant.

## 11. AMENDMENT

11.1 This Agreement may be amended with the mutual written consent of the Participants.

Signed in 2 original texts.

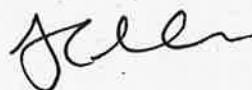


**Gp Capt Neil Bishop RAF**

Head

Defence Accident Investigation Branch

**Dated 7 Dec 2022**



**Mr J C M Orr**

Chief Inspector of Air Accidents

Air Accidents Investigation Branch

