

IN THE SHERIFFDOM OF GLASGOW AND STRATHKELVIN
AT GLASGOW

Under the Inquiries into Fatal Accidents and Sudden Deaths etc.
(Scotland) Act 2016

WRITTEN SUBMISSIONS

on behalf of

THE CIVIL AVIATION AUTHORITY

**in the Inquiry into the deaths of Gary Louis Arthur and Others
GLW-B1473-18**

1. The Civil Aviation Authority (“CAA”) takes no issue with the written submissions lodged on behalf of the Crown, except in one respect.
2. In paragraph 7.1.1 of the Crown Submissions, it is stated that “the extent to which the AAIB Safety Recommendations have been adopted and implemented is adequately summarised in CP1423.” Insofar as Safety Recommendations were directed to the CAA, it is submitted that the Inquiry should have regard to the Notice to Admit lodged on behalf of the CAA, which passed without objection, and is therefore before the Inquiry for consideration (*per* R.4.12(6)).
3. The CAA Notice to Admit properly summarises the extent to which the AAIB Safety Recommendations – insofar as directed to the CAA – have been adopted and implemented. (It is submitted that no evidence of the sort described in R.4.12(7) has been presented to the Inquiry).

4. However, and in any event, it is submitted that the Safety Recommendations referred to do directly relate to the agreed consolidated list of issues for the Inquiry, and cannot inform any findings which the Inquiry may make in relation to the issues. Whereas the presence of a flight data recorder, for example, would have better informed investigators, and the Inquiry, as to many of the issues – and the cause of the accident more generally – it is axiomatic that the absence of a data recorder was not causative of the accident. Similarly, in relation maintenance of power to the RADALT / steerable landing light, it cannot be said that the absence of such features on G-SPAO would have avoided the accident (reference is made to the Crown Submissions at paragraph 5.6.1).

5. Beyond which, no further submissions are made on behalf of the CAA.

IN RESPECT WHEREOF

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26 July 2019