

CAA SUCCESSFUL PROSECUTIONS: 1 APRIL 2013 TO 31 MARCH 2014



Defendant	Brief Description	Hearing date	Court	Sentence
HENRY MARRIOTT	<p>On 30 September 2012, an intermittent primary radar return was observed indicating an aircraft within the Stansted Control Zone. The aircraft was not transponding. All aircraft departures from Stansted were halted. Horizontal separation between the unknown aircraft and inbound Ryanair flight was 0.2nm. The runway lights at Stansted were turned up to alert the pilot to his position. The pilot of a helicopter that was airborne saw a small fixed wing aircraft at about 800ft and he was able to report the registration: G-BOOC. The same primary radar return was then observed within the Luton Control Zone and all departures from Luton Airport had to be stopped. A check on the pilot's licence revealed that it had expired in October 2011.</p> <p>Henry Marriott pleaded guilty to:</p> <ol style="list-style-type: none"> 1. Flying without a valid licence (Article 50 of the Air Navigation Order 2009); 2. Flying within Stansted class D controlled airspace without permission (Rule 29 Rules of the Air Regulations 2007); 3. Flying within Luton class D controlled airspace without permission (Rule 29 Rules of the Air Regulations 2007). 	16/04/2013	Chelmsford Magistrates' Court	<ol style="list-style-type: none"> 1. No separate penalty 2. Fine £1,700 3. Fine £1,700
EDWARD MURRAY	<p>On the 15th of October 2012, aircraft registration M-BETS had an accident and sustained damage to the leading edge of the right wing. The pilot, Edward Murray, telephoned a licensed engineer who maintained the aircraft, and described the damage as 'a slight dent'. The following day, the engineer saw a photograph of the damage, telephoned the pilot immediately and told him that M-BETS needed to be examined by an engineer. When the aircraft arrived for planned maintenance, maintenance company staff concluded that the damage significantly distorted the profile of the wing and could seriously affect the handling of the aircraft. The de-icing boot was damaged. They told Mr Murray, that M-BETS was not airworthy and should not be flown. Later the same day, Mr Murray told staff that M-BETS would be leaving and he was told again that the aircraft was not airworthy. Mr Murray flew M-BETS away. The Isle of Man Civil Aviation Administration ('IMCAA') was informed and served a 'Direction not to fly unairworthy aircraft' upon the registered owner, operator, and Edward Murray. Records showed that the aircraft had made 11 flights from the date of the accident until the grounding, including a return flight to Spain.</p> <p>Edward Murray pleaded guilty to:</p> <ol style="list-style-type: none"> 1. Flying without a valid Certificate of Airworthiness (Article 16 of the Air Navigation Order 2009). 	29/07/2013	Guildford Magistrates' Court	Fine £3,000

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DEREK McGARRITY	<p>Helicopter registration J6-AAN was on the St Lucia Register of aircraft and operated in the Caribbean. In February 2012, the owner requested the Eastern Caribbean Civil Aviation Authority (ECCAA) issue an Export Certificate of Airworthiness as J6-AAN had been sold and was to be shipped overseas. An Export C of A was issued. Later, the ECCAA found that J6-AAN was advertised for sale. Photographs showed that the aircraft had been re-assembled. Only the holder of a St Lucia Aircraft Engineer Licence is permitted to release the aircraft to service after re-assembly and the aircraft could only be flown by the holder of a St Lucia Pilot's Licence. On 19 May 2012, two UK Civil Aviation Authority Investigation Officers ('IOs') attended a motor sport event at Port Rush, Northern Ireland. They saw J6-AAN land in a field adjacent to the helipad. Two passengers left the aircraft and it took-off. The passengers were spoken to and said that the aircraft was being flown by Derek McGarrity. The aircraft returned later and four people left the aircraft, one of whom identified himself as Derek McGarrity, the owner of the aircraft. Mr McGarrity produced a UK Private Pilot's Licence and a FAA Airmen Certificate. Neither licence contained a rating for a Eurocopter AS350 helicopter.</p> <p>Derek McGarrity pleaded guilty to:</p> <ol style="list-style-type: none"> 1. Acting as flight crew without holding an appropriate licence (Article 61(1), Air Navigation Order 2009) 2. Operating an aircraft when there was no certificate of airworthiness in force (Article 16(1), Air Navigation Order 2009) 	20/08/2013	Belfast Magistrates' Court	<ol style="list-style-type: none"> 1. Fine £400 2. Fine £400
MARK PENARSKI	<p>On 15 January 2013, in Preston, two members of the public saw an aircraft circling the city at a low height towing a banner. The aircraft was sufficiently low for one of the witnesses to see the registration. The centre of Preston comprises a high number of commercial and retail premises, office blocks, retail parks and residential premises. Analysis of radar data showed that the aircraft had departed Blackpool airport at 15.14 hours. At 15:28 the aircraft was in the vicinity of the Guild Centre, the highest obstacle in the city centre, at an altitude of 700 feet. The data showed that the aircraft orbited the area between 700-800 feet amsl until 16:09. At its lowest point, the aircraft was at 500 feet.</p> <p>Mark Penarski pleaded guilty to:</p> <ol style="list-style-type: none"> 1. Flying over a congested area below 1,000 feet (Rule 5(3)(c) of the Rules of the Air Regulations 2007). 	21/08/2013	Preston Magistrates' Court	Fine £500

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ASHLEY WRIGHT	<p>On Wednesday 8 May 2013, helicopter registration G-OPMP took-off from a lawn at a harbourside hotel in Padstow. It appeared to witnesses that the helicopter was struggling to gain height. It flew over the car park and harbour at a very low height and headed out over the water. The area was busy with people, cars and boats. Members of the public feared it was going to crash. A check on the pilot's licence showed that he did not have a valid rating to fly this helicopter type.</p> <p>Ashley Wright pleaded guilty to:</p> <ol style="list-style-type: none"> 1. Flying below such a height as would enable an emergency landing without causing danger to persons or property on the surface in the event of a power unit failure (Rule 5(3)(a) of the Rules of the Air Regulations 2007); 2. Flying without an appropriate licence (Article 50(1) of the Air Navigation Order 2009). 	29/11/2013	Truro Magistrates' Court	<ol style="list-style-type: none"> 1. Fine £250 2. Fine £250
ERIC RICHARDSON	<p>Eric Richardson was the owner of G-OPMP and was a passenger on board when it flew low over Padstow in May 2013. Only he was insured to fly the aircraft.</p> <p>Eric Richardson pleaded guilty to:</p> <ol style="list-style-type: none"> 1. Operating an aircraft without insurance (Regulation 4, Civil Aviation (Insurance) Regulations 2005) 	29/11/2013	Truro Magistrates' Court	Fine £3,340
ROBERT ALLEN	<p>On the 4th of June 2013, a number of residents in South Woodham Ferrers, saw an aircraft circling and turning over head at a height they described as very low. They were able to note the registration with the naked eye. On at least two occasions the engine was heard to cut-out, which led residents to conclude that the aircraft was going to crash and they called 999. Analysis of radar data showed that the aircraft was over South Woodham Ferrers at altitudes between 600-900 feet.</p> <p>Robert Allen pleaded guilty to:</p> <ol style="list-style-type: none"> 1. Flying over a congested area below 1,000 feet Rule (Rule 5(3)(c) of the Rules of the Air Regulations 2007). 	17/12/2013	Chelmsford Magistrates' Court	Fine £110

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<p>BURWOOD AVIATION SUPPLIES LIMITED</p>	<p>On 12 of April 2013, a mail company collected a consignment from Burwood Aviation Supplies Limited, for delivery to a company in Kansas City, USA. The item being shipped was recorded on as 'Oxygen Mask Container'. There was nothing about the exterior of the box which indicated that the interior contained an item of dangerous goods. The consignment was loaded onto a cargo flight from Stansted to Memphis. In Memphis, the consignment was loaded onto another cargo flight to Kansas City, where it was delivered to the customer and discovered to be a Chemical Oxygen Generator. The customer reported receipt of undeclared dangerous goods to the United States Federal Aviation Administration ('FAA') who, in turn, informed the UK CAA's Dangerous Goods Office. The consignment did not comply with the Technical Instructions for the Safe Transport of Dangerous Goods by Air in that it did not have a means of preventing the unintentional actuation, the box was not marked with the proper shipping name or UN number 3356, it did not have a hazard label for oxidizing substance or a cargo aircraft only label. There was no Dangerous Goods Transport document to notify the aircraft operator and the crew the nature of the hazard that was being carried on the aircraft.</p> <p>Burwood Aviation Supplies Limited pleaded guilty to:</p> <ol style="list-style-type: none"> 1. Causing dangerous goods to be taken on board an aircraft (Reg 5(1), Air Navigation (Dangerous Goods) Regulations 2002) 	<p>21/01/2014</p>	<p>Chelmsford Crown Court</p>	<p>Fine £5,000</p>
<p>CHRISTOPHER KILEY</p>	<p>On Friday 19 July 2013, an unknown aircraft appeared on radar having entered class A airspace in the vicinity of Heathrow Airport. Using radar interrogation, the Air Traffic Control Officer identified the registration of the aircraft as G-OHJV. Two inbound passenger flights were of concern to the ATCO, given the track of the unknown aircraft. He instructed one not to descend and broke-off the other. A third aircraft was then broken-off from its approach.</p> <p>Christopher Kiley pleaded guilty to:</p> <ol style="list-style-type: none"> 1. Flying within class A airspace without permission (Rule 18, Rules of the Air Regulations 2007) 	<p>28/01/2014</p>	<p>Uxbridge Magistrates' Court</p>	<p>Fine £1,500</p>

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LE WEST & CO	<p>On 8th May 2013, an x-ray operator at Stansted identified that a consignment contained lithium batteries. The shipper was LE West and Co. The consignment was to be delivered to an address in Lisbon, Portugal. If this consignment had not been picked up at x-ray as containing dangerous goods it would have been placed on an air cargo aircraft. A CAA Dangerous Goods Inspector found that the consignment did not comply with the Technical Instructions for the Safe Transport of Dangerous Goods by Air in that the batteries were not properly packed, the box had not been tested or approved and did not display the UN number or the shipping name. There was no hazard label on the box. There was no Dangerous Goods Transport Document to notify the aircraft operator and the crew the nature of the hazard that was to be carried on the aircraft. LE West and Co had been warned by the CAA about sending undeclared dangerous goods.</p> <p>LE West & Co pleaded guilty to:</p> <ol style="list-style-type: none"> 1. Causing dangerous goods to be delivered for carriage in an aircraft (Reg 5(1) Air Navigation (Dangerous Goods) Regulations 2002). 	11/03/2014	Chelmsford Magistrates' Court	Fine £3,000
ANTHONY BARTON	<p>At 2.37am on 22 May 2013, an x-ray operative at Royal Mail's East Midlands Airport depot found a parcel which appeared to contain a grenade. He reported the matter to his supervisor and the police were called. A police officer opened the parcel and the contents were found to be a smoke grenade. The addressee was in the Isle of Man. If the parcel had not been detected, it would have been placed on a Royal Mail cargo-only flight to the Isle of Man. A Civil Aviation Authority Dangerous Goods Inspector examined the parcel. The outer packaging of the parcel was a polythene courier bag. Inside was a sports bag, which contained the smoke grenade. The smoke grenade had the proper shipping name 'Articles, pyrotechnic for technical purposes'; it was prohibited from being carried in mail. In any event, the package was not marked or labelled as required and the packaging did not meet the required specification. The grenade handle was sellotaped to the body of the grenade. There was no Dangerous Goods Transport Document with the package. The grenade was transported to Chemring Defence UK Limited and safely activated. It was found to be functional smoke grenade and produced smoke for approximately 5 minutes</p> <p>Anthony Barton pleaded guilty to:</p> <ol style="list-style-type: none"> 1. Causing dangerous goods to be delivered for carriage in an aircraft (Reg 5(1), Air Navigation (Dangerous Goods) Regulations 2002). 	24/03/2014	Watford Magistrates' Court	Fine £500

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