

# CAA PROSECUTIONS: 1 APRIL 2011 TO 31 MARCH 2012

## Glossary:

ANO – Air Navigation Order

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	Brief Description	Hearing date	Court	Defendant	Plea	Penalty
CAA -v- Powell	On 12 September 2010, a microlight aircraft crash-landed into the sea about 1 mile from the Kent coast. The pilot was rescued by the crew of a dredger and returned to shore in the Walmer lifeboat. Inquiries revealed that the aircraft was uncertified and uninsured, and the pilot did not hold a licence. On 12 May 2011, at Canterbury Magistrates' Court, Lee Powell pleaded guilty to flying without a pilot's licence (Article 50, Air Navigation Order 2009), flying without a certificate of airworthiness, (Article 16, ANO) and flying without insurance (Reg 4, Civil Aviation (Insurance) Regulations 2004). He was fined £1,000 and ordered to pay costs of £581.16.	03/05/2011	Canterbury Magistrates' Court	Lee Powell	Guilty x 3	Fine £1,000 Costs £581.16
CAA -v- Atwell	On 12 and 13 June 2010, a CAA staff member attended a 'fly-in' event for microlight aircraft at Sandown airfield on the Isle of Wight. He saw aircraft registration G-MWUX flying on both days. A routine check revealed that G-MWUX did not have a Certificate of Validity. Further inquiries revealed that the aircraft was not insured. On 17 May 2011, at Newport Magistrates' Court, Brendon Atwell pleaded guilty to flying without a certificate of airworthiness, (Article 16, ANO) and flying without insurance (Reg 4, Civil Aviation (Insurance) Regulations 2004). He was fined £850 and ordered to pay costs of £400.	17/05/2011	Newport Magistrates' Court	Brendan Atwell	Guilty x 4	Fine £850 Costs £400
CAA -v- Kiley	On 14 March 2011, at about 1230hrs, helicopter registration G-NISA landed in the market ground in Treorchy, which is a congested area. Police officers attended and found the pilot, Christopher Kiley, in CK Stores in the High Street. Mr Kiley told police that he had had to land because a clutch warning light had come on. The police contacted the CAA and a 'no-fly' Direction was placed upon the helicopter until the clutch problem was resolved. Mr Kiley signed for receipt of the Direction. At 1630hrs, after the police had left, Mr Kiley flew G-NISA out of Treorchy. On 3 June 2011, at Pontypridd Magistrates' Court, Mr Kiley pleaded guilty to one offence of failing to comply with the Direction without reasonable excuse (Article 232(3), Air Navigation Order 2009). The Magistrates decided that their sentencing powers were insufficient and committed the case to the Crown Court for sentence. On 24 June 2011, at Merthyr Tydfil Crown Court, Mr Kiley was fined £2,000 and ordered to pay costs of £3,873.19.	24/06/2011	Merthyr Tydfil Magistrates' Court	Christopher Kiley	Guilty x 1	Fine £2,000 Costs £3,873.19

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CAA -v- Eddleston	On various dates between January 2010 and March 2010, Mark Eddleston acted as pilot in command of passenger-carrying flights in N-registered and G-registered aircraft. He did not hold the appropriate pilot's licences to do so and had neither an Air Operator's Certificate nor permission from the DfT. On 8 June 2011, at Darlington Magistrates' Court, he pleaded guilty to one offence of flying a UK-registered aircraft on a public transport flight without an AOC (Article 12 Air Navigation Order 2009), one offence of acting as flight crew of UK-registered aircraft without holding an appropriate licence (Article 50 ANO), two offences of acting as flight crew of N-registered aircraft without holding an appropriate licence (Article 61(a) ANO) and two offences of taking passengers on board a foreign-registered aircraft in the UK for valuable consideration (Article 223(1) ANO). Twelve other offences were taken into consideration. On 6 July 2011, he was fined £4,500 and ordered to pay costs of £1,100.	06/07/2011	Darlington Magistrates' Court	Mark Eddleston	Guilty x 6	Fine £4,500 Costs £1,100
CAA -v- Hornby	Mr Hornby's Tomahawk aircraft was being maintained at Wickenby and he flew the aircraft to Fir Park Farm, by prior arrangement, on 26 July 2010. No Certificate of Release to Service had been issued as maintenance was not complete so the Permit to Fly/Certificate of Airworthiness was invalidated. Subsequent enquiries showed that Mr Hornby did not have a current, valid pilot's licence when the flight was made, nor was a Certificate of Insurance in force. John Hornby appeared at Lincoln Crown Court for sentence on 8 July 2011, having previously pleaded guilty to 3 offences Magistrates' Court. He was charged with flying an aircraft on 26 July 2010 from Wickenby to Fir Park Farm without a valid pilot's licence, no insurance and no valid permit to fly for the aircraft. He was given a 12 month Community Sentence, a requirement of which was that he refrain from being a crew member in any form of aircraft powered, or unpowered, regardless of any action by the Civil Aviation Authority.	08/07/2011	Lincoln Crown Court	John Hornby	Guilty x 3	12 month Community Sentence to refrain from participating in being crew member in any form of aircraft whether powered or unpowered, regardless of any action by the CAA

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CAA -v- Jeffries	On 20 January 2011, an unknown aircraft was observed on radar within Stansted Transponder Mandatory Zone – 2. A passenger aircraft inbound to Stansted had to be vectored clear. The unknown aircraft was identified as G-CGJN. On 2 August 2011 at Harlow Magistrates Court, Mark Jefferies pleaded guilty to being the commander of G-CGJN which flew restricted airspace in contravention of Regulation 3(b) of the Air Navigation (Restriction of Flying) (London Stansted Airport)(No. 2) Regulations 2009. He was fined £1,000 and ordered to pay costs of £150.	02/08/2011	Harlow Magistrates' Court	Mark Jefferies	Guilty x 1	Fine £1,000 Costs £150
CAA -v- Jeffries	On 17 April 2011, the Essex Radar Air Traffic Controller observed on radar an unknown aircraft tracking northwest through Stansted Transponder Mandatory Zone 2. Two passenger aircraft inbound to Stansted and one outbound passenger flight were in potential conflict with the unknown aircraft. Mode S interrogation showed that the aircraft registration was G-CGJN. John Jefferies is one of the registered owners of this aircraft and he admitted to being the commander on this flight. On 6 September 2011, at Harlow Magistrates' Court, he pleaded guilty to one offence contrary to Regulation 3(b) of the Air Navigation (Restriction of Flying)(London Stansted Airport)(No. 2) Regulations 2009 (TMZ infringement), one offence contrary to Article 156(4) of the Air Navigation Order 2009 (failing to produce a permit to fly) and one offence contrary to Article 156(1) of the Air Navigation Order 2009 (failing to produce a pilot's licence). He was fined £500 in respect of the first offence with no separate penalty imposed for the other two offences. He was ordered to pay £500 towards the prosecution costs.	06/09/2011	Harlow Magistrates' Court	John Jefferies	Guilty x 3	Fine £500 Costs £500

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CAA -v- Roebuck/ TRG Holdings	In early November 2010, helicopter mark PH-ELI was de-registered in the Netherlands. In late November, it arrived at Little Snoring to await collection by its new owner. PH-ELI arrived at Little Snoring by low-loader lorry. On 2 March 2011, PH-ELI was removed from the hangar and flown away. A CAA Air Traffic Services Investigator had cause to examine radar data covering a flight on 23 March 2011 by an unknown aircraft in the vicinity of Manchester airport. Stephen Rowell, Head of Transcription Unit, obtained and transcribed a recording of Manchester Approach's radio communications in which the aircraft was identified by the pilot as PH-ELI. The Investigations Officer's inquiries into the 23 March flight revealed that the aircraft was unregistered and uninsured. On 12 October 2011, at Stockport Magistrates' Court, Mark Roebuck trading as TRG Holdings pleaded guilty, as operator, to (1) flying an unregistered aircraft and (2) flying without insurance. Mark Roebuck personally pleaded guilty to (3) failing to produce his pilot's licence. He was fined £200, £500 and £100 respectively and ordered to pay £750 costs.	12/10/2011	Stockport Magistrates' Court	Mark Roebuck/ TRG Holdings	Guilty x 3	Fine £800 Costs £750
CAA -v- Slevin	In late-2009, a CAA Investigation Officer discovered that microlight aircraft G-MYJK did not have a Certificate of Validity and was being flown by the pilot owner, Anthony Slevin. On 13 October 2009, the Investigation Officer placed a 'no-fly' Direction on the aircraft, which was at Calton Moor airstrip. Four days later Mr Slevin turned up at Calton Moor and flew the aircraft away. The CAA commenced criminal proceedings against Mr Slevin but he did not attend Court. On 19 January 2010, Newcastle under Lyme Magistrates' Court issued a warrant for Mr Slevin's arrest. On 26 October 2011, the warrant was executed and Anthony Slevin was arrested. On 3 November 2011, at Stoke on Trent Magistrates' Court, Mr Slevin pleaded guilty to flying without a certificate of airworthiness and flying in breach of a 'no-fly' direction. He was fined £1,530.00 and ordered to pay costs of £957.80.	03/11/2011	Stoke on Trent Magistrates' Court	Anthony Slevin	Guilty x 2	Fine £1,530 Costs £957.80

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CAA -v- Visentini	<p>On 12<sup>th</sup> of January 2011, at about 1535hrs, a Socata aircraft registration N850TV was about 7-8 nautical miles out from Birmingham airport on a NDB/DME approach to runway 15 with three passengers on board. The commander, Mr Visentini, was instructed by ATC to transfer to the Tower frequency – 118.30MHz. Mr Visentini read back the frequency correctly. However, he had pre-loaded an incorrect frequency - 118.03MHz - before his flight had commenced from Italy. The Tower Controller made a number of radio calls to N850TV, including an instruction to 'go-around' but received no response. A Flybe passenger aircraft was stationary on runway 15 before threshold. The commander of the Flybe aircraft heard the radio calls made by the Tower Controller to N850TV and he could see N850TV on his aircraft's Traffic Collision Avoidance System (TCAS). N850TV was observed from the control tower and passed over the point where the Flybe aircraft was holding. When asked by ATC why he had landed without clearance, Mr Visentini said that he had thought he had a radio malfunction; he had not seen the Flybe aircraft and believed the runway was free. This was a very serious incident due to the proximity of N850TV to the aircraft lined up on the runway, and therefore prosecution was recommended. This incident was also investigated by the AAIB and UKAB.</p> <p>On 9<sup>th</sup> January 2012, at Solihull Magistrates' Court, Mr Visentini was sentenced for one offence of flying within an aerodrome traffic zone without causing a continuous watch to be maintained on the appropriate radio frequency (Rule 45(6) Rules of the Air Regulations 2007), having pleaded guilty at an earlier hearing, and one offence of landing on a runway when there was another aircraft on the runway (Rule 14(2) Rules of the Air Regulations 2007), to which he pleaded guilty on the day. He was fined £1,000 for each offence and ordered to pay costs to the CAA of £4,996.82.</p>	09/01/2012	Solihull Magistrates' Court	Paolo Visentini	Guilty x 2	Fine £2,000 Costs £4,966.82

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CAA -v- Turton	<p>On 1 December 2010, a CAA Airworthiness Surveyor was notified by the Bermudan aviation authority about suspect unapproved parts. It appeared that two Storm Aviation Ltd EASA Form 1s had been issued for the same component. The two Form 1s were examined and, although the forms purported to relate to the same component – nose landing gear – with the same part and serial number, other details on the form were different. Both forms had been signed by Andrew Turton. When asked to explain, Mr Turton said the second form had been mistakenly issued and he categorically denied that there were any more. However, a number of document database audits were undertaken and it was discovered that Mr Turton had issued a total of 492 EASA Form 1s. Senior Storm staff had no knowledge that Mr Turton was issuing the forms. Most of the forms were recovered. In interview under caution, Mr Turton stated that he was under the impression that he could issue Form 1s for American registered aircraft and that Storm had done so previously. He said that he had done the work at the request of a customer and with the knowledge of Storm. He said that the serviceable parts were inspected for condition and packed in accordance with standard practice. The integrity of component paperwork is at the heart of aircraft safety. Mr Turton appears to have put quantity before quality for financial gain therefore these factors led to the decision to prosecute. Significant time and effort has been spent to retrieve the Form 1s and some remain unrecovered.</p> <p>On 23<sup>rd</sup> of January 2012, at Watford Magistrates' Court, Mr Turton pleaded guilty to two specimen offences of purporting to issue an EASA Form 1 when not authorised to do so (Article 94(1)(c) Air Navigation Order 2005 and Article 231(7) Air Navigation Order 2009) with 490 offences to be taken into consideration. Mr Turton was fined £235 for each offence and ordered to pay costs of £537.34.</p>	23/01/2012	Watford Magistrates' Court	Andrew Turton	Guilty x 2	Fine £470 Costs £537.34

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CAA -v- Jackson	<p>In December 2007, the CAA issued a PPL(H) to Paul Spencer. On 26 January 2008, Paul Spencer and his wife were killed in a helicopter crash at Rudding Park, Harrogate. Paul Spencer's Skill Test had been examined by John Jackson. Mr Jackson had signed a Skill Test report which recorded that the test flight had commenced at Beverley, then on to Driffield, Scarborough, Brighton and had ended at Beverley; the test flight had commenced at 1200 hours and finished at 1400. However, radar data painted a different picture of the flight: the aircraft departed from Brighton aerodrome, which is not a licensed aerodrome; the aircraft departed from Brighton at 1207; the aircraft did fly to Beverley but arrived there at 1221; the flight did not end at Beverley but at Brighton. Mr Jackson stated that he had made an error in recording Beverley as the last stop (he had made a correct entry in his personal flying log book).</p> <p>On 3 February 2012, at Haywards Heath Magistrates' Court, Mr Jackson pleaded guilty to knowingly making a false entry in the skill test document, Article 94(2), Air Navigation Order 2005. The sentence was a Conditional Discharge for 12 months and Mr Jackson was ordered to pay £369.80 costs.</p>	03/02/2012	Haywards Heath Magistrates' Court	John Jackson	Guilty x 1	12-month Conditional Discharge Costs £369.80

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CAA -v- Munro	<p>On 23rd July 2011, at 12.10 UTC, an unknown aircraft entered the London Terminal Manoeuvring Area (TMA-6), 12 miles north-west of the Barkway (BKY) VOR. The aircraft tracked south-east and displayed a 7000 squawk at an unverified altitude of 5900 feet. As the radar contact was less than 5 miles away from a commercial aircraft flight, the commercial flight was routed away to maintain separation. The pilot confirmed that TCAS indicated the infringing aircraft to be 1000 feet above him. The infringing aircraft reached an altitude of about 6500 feet before descending and routing towards Fowlmere airfield where it was seen to disappear from radar. Interrogation of mode S confirmed the aircraft was displaying its Hex code 400 AB2 but it did not show the aircraft identification. The aircraft was identified as G-DIXY, operating out of Fowlmere. The movement log recorded Jonathan Munro as pilot in command.</p> <p>On 6 February 2012, at Luton Magistrates' Court, Mr Munro pleaded guilty to one offence of flying within Class A airspace without clearance (Rule 18(1), Rules of the Air Regulations 2007). He was fined £1, 000 and ordered to pay costs of £750.</p>	06/02/2012	Luton Magistrates' Court	Jonathon Munro	Guilty x 1	Fine £1,000 Costs £750

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CAA -v- Mann	<p>The Air Navigation (Restriction of Flying)(Glastonbury) Regulations 2011 were in force from 22 to 25 June 2011. A NOTAM and AIC were published in the usual way. On Sunday 26 June, at about midday, the Chief Pilot of Polo Aviation was at the heliport in company with a press photographer. The Chief Pilot saw a fixed wing aircraft approaching from the north-east. It flew directly over him at an estimated height of 800 to 1,000 feet. The pilot observed the aircraft fly over the festival site and then return by the same route overhead his position. The photographer was able to photograph the aircraft and the registration could be seen on the underside of the wing: G-PCDP. The Chief Pilot of Polo Aviation contacted the Avon &amp; Somerset police air operation unit. They had not given permission to enter the restricted airspace to this aircraft. Avon &amp; Somerset police reported the matter to the CAA. Mr Mann is the registered owner of G-PCDP and he identified himself as the pilot. He told the CAA's Investigation Officer that he did not believe he had entered the restricted airspace.</p> <p>On 6 February 2012, at Hertford Magistrates' Court, Mr Mann pleaded guilty to flying in the Glastonbury TRA. He was fined £1,400 and ordered to pay costs of £538.94.</p>	06/02/2012	Hertford Magistrates' Court	Jonathan Mann	Guilty x 1	Fine £1,400 Costs £538.95

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CAA -v- Barke	<p>On Sunday 26<sup>th</sup> June, 3-4,000 people attended the West Suffolk Country Fair at Rougham aerodrome. At 1430, a Sukhoi aircraft registration HA-YAO with two people on board was given clearance to take-off. Mr Barke was the pilot in command. The Sukhoi moved down runway two-seven and veered to the right, away from the runway centre line. It flew low over parked aircraft and the crowd line. It appeared to lose height and then continued to climb. Display smoke was seen coming from the aircraft as it went over the aircraft and the crowd. The crash alarm was activated. HA-YAO flew over the air traffic and fire tower at about 50-75 feet. Mr Barke called the air/ground radio operator and asked whether he had hit anything. A fire crew unit was dispatched and saw extensive damage to the tail of Cessna G-BHIY and damage also to the pitot head of G-TAYI. Mr Barke was told about the damage and advised to stay in the circuit if safe to do so because of concerns about the extent of damage to his aircraft. A full emergency was declared at 1446. Another aircraft in the circuit flew alongside the Sukhoi and no significant damage was seen. Mr Barke was told to remain airborne and he responded that he would remain in the circuit. However, the Sukhoi was then seen to turn onto a final approach to land. Mr Barke had not asked for clearance or informed the air/ground radio operator of his intentions – no-one knew in advance he was coming in to land. The emergency services had not yet arrived. Two fire crew units were positioned at standby points on the airfield. The Sukhoi landed safely.</p> <p>On 15 February 2012, at Southend Magistrates' Court, Mr Barke pleaded guilty to negligently causing aircraft registration HA-YAO to endanger persons and (Article 138 of the Air Navigation Order 2009). He was fined £3,000 and ordered to pay costs of £588.50.</p>	15/02/2012	Southend Magistrates' Court	James Barke	Guilty x 1	Fine £3,000 Costs £588.50

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CAA -v- Tadial	<p>On 25 July 2011, at about 5.45pm, a man walking his dog along the foreshore at Bracklesham Bay heard an engine noise and, looking along the beach, he saw what he described as a microlight aircraft coming towards him at 10 feet a.g.l. The dog-walker took three photographs with this digital camera. The photographs showed a powered paraglider at a very low height, close to people on the beach and a building. A YouTube clip entitled 'X3medel' was found which recorded the powered paraglider flying low over the area behind the beach, in particular a windmill in the village and houses close to the shore. The incident created a furore in the local paragliding community. On 2 September 2011, a man came into the Foreshore office and identified himself as the person about whom there had been complaints. He gave his name as Peter Tadial. In interview under caution, Mr Tadial said that he thought he could fly as low as he liked in the UK as European rules did not apply.</p> <p>On 28 February 2012, at Worthing Magistrates' Court, Mr Tadial pleaded guilty to flying closer than 500 feet to a person, vessel, vehicle or structure (Rule 5(3)(b), Rules of the Air Regulations 2007). He was fined £500 and ordered to pay costs of £500.</p>	28/02/2012	Worthing Magistrates' Court	Peter Tadial	Guilty x 1	Fine £500 Costs £500