

CIVIL AVIATION TRIBUNAL

BETWEEN:

Minister of Transport, Applicant

- and -

Reginald Stephen Vaughan, Respondent

LEGISLATION:

Air Regulations, C.R.C., c. 2, s. 555(4)

Missed approach procedure initiated, Visual reference of runway

Review Determination
Zita Brunet

Decision: October 29, 1986

Heard: Montreal, Quebec, October 24, 1986

Captain Reginald Stephen Vaughan did not contravene Air Regulation 555.4 as alleged by the Minister of Transport.

It is alleged by the Ministry of Transport that on April 10, 1986, at about 01:18 hours (G.M.T.) Captain R.S. Vaughan contravened Air Regulation 555.4 which states "where an aircraft is on an instrument approach to a runway and the required visual reference of the runway cannot be established, the pilot-in-command shall ensure that a missed approach procedure is initiated".

I have considered all evidence and testimony presented at this hearing, including the photographs.

First of all, it was established during the hearing that Captain Vaughan was the pilot-in-command of the flight in question and that the flight did operate on April 11, 1986, rather than on April 10, 1986, as indicated in the letter of allegation dated August 15, 1986, to Captain Vaughan.

I have found that the evidence presented by the Ministry of Transport did not establish to my acceptance that the pilots of this flight did not have visual reference of the runway at the required height.

Rather, that the counter-testimony of the two pilots was more positive in claiming that they did have visual reference at the required height.

Nor was it clear that the aircraft landing to one side of the runway, and that runway lights were broken, was directly caused by the pilots not having established the required visual reference at the appropriate height. I am therefore compelled to accept the explanation given by the two pilots.

My conclusion therefore is that Captain Vaughan did not contravene Air Regulation 555.4.