

CAA Non- Executive Board Members:

Ms Jane Hanson CBE

Ms Katherine Corich



BY POST AND EMAIL TO: [REDACTED]

Mr A G Hill



17 October 2024

Dear Mr Hill,

Your Regulation 6 Review
Hearing Dates: 2-3 October 2024

SECTION A: INTRODUCTION

1. Mr Andrew Hill ('the Applicant') has held the following licences issued by the UK Civil Aviation Authority ('CAA'):
 - i) an Airline Transport Pilot's Licence (Aeroplanes) ('ATPL(A)') issued pursuant to Part-FCL, Annex I of UK Regulation (EU) No 1178/2011 ('the Aircrew Regulation');
 - ii) a Private Pilot's Licence (Aeroplanes) ('PPL') issued pursuant to the Air Navigation Order 2016, as amended ('ANO 2016');
 - iii) a Flight Radio Telephony Operators Licence ('FRTOL'), also issued pursuant to the ANO 2016.
2. At 13.22 BST on 22 August 2015, the Applicant was the pilot and commander of a Hawker Hunter aircraft (registration G-BXFI) that crashed on to the A27 Shoreham bypass while attempting an aerobatic display manoeuvre at the Shoreham air show ('the Crash'). As a result of the Crash, eleven road users and bystanders were killed and a further thirteen people were injured, including the Applicant.
3. The Applicant's licences were provisionally suspended by the CAA on 23 March 2017 pursuant to Articles 253(1) and 254(1) of the ANO 2016.
4. The Air Accidents Investigation Branch ('AAIB'), which is His Majesty's Government's ('HMG') Department for Transport's expert official body charged with the investigation of accidents and serious incidents involving aircraft which occur in or over the United Kingdom, completed a field investigation into the circumstances of the Crash. The AAIB published a final report dated 3 March 2017 ('AAIB Main Report') and a Supplemental

Report dated 19 December 2019 ('AAIB Supplemental Report').

5. The Applicant was prosecuted for gross negligence manslaughter and acquitted by a jury in 2019.
6. His Majesty's Senior Coroner for West Sussex subsequently held inquests into the deaths of the eleven people who died as a result of the Crash. At the conclusion of the inquests, the Senior Coroner gave a narrative verdict as part of her Ruling on Conclusions dated 20 December 2022 in which she concluded that the eleven people had been unlawfully killed.
7. On 10 July 2023, CAA's Safety and Airspace Regulation Group ('SARG') made a proposal, by letter, to revoke the Applicant's licences.
8. On 21 July 2023, the Applicant requested a CAA Internal Review of the proposal to revoke his licences, which is an internal review carried out by an independent person within the CAA. The Internal Review Panel then considered whether the correct procedure had been followed. That process concluded that the CAA properly took into account the evidence available and followed the correct process in reaching its decision to issue a proposal letter.
9. On 21 December 2023, although the Applicant then requested a referral to HMG's Department for Transport's Independent Review Panel ("IRP"), he did not ultimately proceed with the IRP process. The IRP is a non-statutory body established by the Department for Transport, in agreement with the CAA. The IRP can look at certain decisions made by the CAA. Members of the IRP are entirely independent of the CAA and are experts in procedure, rather than aviation safety.
10. As set out in paragraph 1.10 of SARG's Brief, SARG, on 18 January 2024, separately decided to revisit its use of the AAIB's Reports in coming to its conclusions. This supplementary SARG review concluded that SARG's use of the evidence was appropriate in all the circumstances, in particular, in taking regulatory action in the interests of public safety and confidence.
11. The Applicant was informed of that outcome on 28 May 2024.
12. On 29 May 2024, the Applicant requested a review of SARG's proposal to revoke his licence and certificates under Regulation 6 of the Civil Aviation Authority Regulations 1991, and it is that proposal which is the subject of this Decision Letter.

SECTION B: TIMETABLE TO THE HEARING

13. On 21 June 2024, the Applicant was informed of the deadlines for provision of his written representations and any comments, as well as the provisional dates for the hearing of his Regulation 6 review.
14. SARG submitted its Brief on 12 July 2024.
15. On 25 July 2024 the Applicant was requested to provide a list of documents to be included in the bundle for the hearing.
16. On 2 August 2024 the Applicant submitted his written representations in response to the SARG Brief, together with a list of 12 documents or categories of documents he wished to add to the bundle.
17. The Applicant's written representations referred to an issue with 'AAIB Protected Material'.¹

¹ This term is explained further below in paragraph 38.

In a letter dated 7 August 2024 the CAA's Review Panel lawyer wrote to the Applicant reminding him of the deadline for finalising the bundles and asking him to provide his "*substantive case and representations in response to SARG's case, as set out in its Brief including the detailed reasons why you may disagree with that case to ensure the case you are making is clear*". It also asked him to clarify (in his response to SARG's comments) if there was a particular argument which he was seeking to make in relation to AAIB Protected Material.

18. On 16 August 2024 SARG submitted its comments on the Applicant's written representations.
19. On 1 September 2024 the Applicant submitted his 18-page written response to SARG's comments, including further observations as to 'AAIB Protected Material' and an amended version of the list of documents for the bundle, this time with 18 suggested additions.

SECTION C: THE HEARING

20. The hearing of the Applicant's Regulation 6 review application took place on 2 and 3 October 2024, in Central London at a public hearing at which both the Applicant and SARG were legally represented by Counsel, Mr Stephen Spence and Mr David White, respectively.
21. The proposal to revoke the Applicant's licence has been considered by a CAA Panel comprised of Ms Katherine Corich and Ms Jane Hanson CBE, who are appointed by the Secretary of State for Transport as independent Non-Executive Members of the Board of the CAA. The Panel are not CAA employees and are independent of the SARG decision-making process in this matter. The Panel's role in this matter is to exercise its own judgement on the questions it is required to consider, and it has made its decision independently of the parties.
22. As well as hearing submissions from each side's legal representative, and oral evidence and representations from the individuals referred to below, the following written material was considered by the Panel:
 - i) The SARG Brief dated 12 July 2024.
 - ii) The Applicant's Written Representations dated 2 August 2024.
 - iii) SARG's comments on the Applicant's Written Representations dated 16 August.
 - iv) The Applicant's response to SARG's comments dated 1 September 2024.
 - v) The remainder of the material in the three binders of material prepared for the Hearing.
 - vi) The AAIB's Guidance Note in respect of Protected Material dated 27 August 2020.
 - vii) SARG's proposal letter dated 10 July 2023.
 - viii) Documents relating to the CAA's Independent Review Panel process consisting of; a request for referral from the Applicant to the Independent Review Panel dated 21 December 2023, email correspondence from the Independent Review Panel Administrator to the Applicant dated 18 January 2024 and the Applicant's request for a Regulation 6 review dated 29 May 2024.
 - ix) Email correspondence between SARG and the AAIB Chief Inspector, Mr Orr, dated 5 January 2024 and 28 May 2024.
 - x) Email from the AAIB Chief Inspector, Mr Orr, dated 14 June 2024 and comments from SARG and the Applicant on that email.
 - xi) The Applicant's comments on AAIB Protected Material dated 13 September 2024 and the CAA Review Panel lawyer's response dated 19 September 2024.

23. The remainder of this decision letter is structured as follows:

- i) Section D summarises the relevant legal and policy framework and the issues for decision (pages 4 to 6).
- ii) Section E deals with the AAIB Reports (pages 7 to 10).
- iii) Section F summarises SARG's proposal and its submissions (pages 10 to 13).
- iv) Section G summarises the submissions on behalf of the Applicant (pages 13 to 17).
- v) Section H assesses the merits of SARG's proposal and the Applicant's response and gives the Panel's conclusions on the key issues of competency and fitness (pages 17 to 27).
- vi) Section I is the Panel's decision about what, if any, action it should take (pages 27 to 28).
- vii) Annex 1 contains a timeline of events (pages 29 to 30).

SECTION D: LEGAL AND POLICY FRAMEWORK AND ISSUES FOR DECISION

ATPL(A)

24. The ATPL(A) was issued pursuant to Part-FCL, Annex I of the Aircrew Regulation, which sets down technical requirements and administrative procedures related to civil aviation aircrew.

25. Part ARA (Annex VI) of the Aircrew Regulation sets out the competent authority (i.e. CAA in this case) requirements for aircrew. Part ARA.GEN.300 ('Oversight') requires the CAA to verify continued compliance with the requirements applicable to the persons holding licences.

26. Part ARA.GEN.355 is headed 'Findings and Enforcement Measures' and provides as follows:

(a) If, during oversight or by any other means, evidence is found by the competent authority responsible for oversight in accordance with ARA.GEN.300(a) that shows a non-compliance with the applicable requirements by a person holding a licence, certificate, rating or attestation issued in accordance with Regulation (EC) No 216/2008 and its Implementing Rules, the competent authority shall raise a finding, record it and communicate it in writing to the licence, certificate, rating or attestation holder.

(b) When such finding is raised, the competent authority shall carry out an investigation. If the finding is confirmed, it shall:

- i. limit, suspend or revoke the licence, certificate, rating or attestation as applicable, when a safety issue has been identified; and*
- ii. take any further enforcement measures necessary to prevent the continuation of the non-compliance.*

27. Part ARA.FCL.250 is headed 'Limitation, suspension or revocation of licences, ratings and certificates' and provides as follows:

The competent authority shall limit, suspend or revoke as applicable a pilot licence and associated ratings or certificates in accordance with ARA.GEN.355 in, but not limited to, the following circumstances... (3) the licence holder no longer complies with the applicable requirements of Part-FCL...(5) non-compliance with the applicable operational requirements.

28. The 'applicable requirements' for these purposes are set out in the Essential

Requirements for aircrew, Annex IV of UK Regulation (EU) 2018/1139 ('the Basic Regulation'). Insofar as is relevant, they provide:

1.5. Demonstration and maintenance of practical skill

1.5.1. A pilot must demonstrate the ability to perform the procedures and manoeuvres with a degree of competence appropriate to the functions exercised on the aircraft, by:

- (a) operating the aircraft within its limitations;*
- (b) exercising good judgement and airmanship;*
- (c) applying aeronautical knowledge;*
- (d) maintaining control of the aircraft at all times in such a manner that the successful outcome of a procedure or manoeuvre is assured; and*
- (e) non-technical skills, including the recognition and management of threats and errors, using an adequate assessment methodology in conjunction with the technical skills assessment.*

1.5.2. An appropriate level of competence in practical skill must be maintained. Compliance must be demonstrated by regular assessments, examinations, tests or checks. The frequency of examinations, tests or checks must be proportionate to the level of risk associated with the activity.

PPL and FRTOL

29. Article 152 of the ANO 2016 deals with the grant, renewal, and exercising of privileges for relevant flight crew licences (which includes the PPL and the FRTOL), and provides:

(1) Subject to article 172, the CAA or a person approved by the CAA for that purpose must grant licences of any of the classes specified in Part 1 of Schedule 8, authorising the holder to act as a member of the flight crew of a [non-Part-21] 1 aircraft registered in the United Kingdom, if it is satisfied that the applicant is –

- a. A fit person to hold the licence; and,*
- b. Qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates.*

30. Article 253(2) of the ANO 2016 further provides that:

The CAA may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

31. The issue of whether an applicant is a fit person to hold a licence is governed by the CAA's Fitness of Character Policy Framework, published on its website ('Fitness Framework'), which '*sits alongside any competence or skills and medical fitness requirements that must be demonstrated by individuals and post holders in order to be licensed by the CAA.*' The Fitness Framework provides that the CAA must be satisfied that relevant licence holders demonstrate the following behaviours:

- Trustworthiness – the ability to be relied on as honest and truthful;
- Propensity to obey rules – demonstrably being consistent in applying the rules, in spirit and letter.

32. The Fitness Framework also states that in considering these behaviours, the CAA takes into account the overriding need to

- Protect the general public;
- Maintain public confidence in the individual and post holder privileges that the CAA licence; and,
- Maintain public confidence in the CAA's own decision-making process.

SARG Enforcement Guidance

33. SARG has set out its approach to enforcement in Civil Aviation Publication ('CAP') 1074. As regards non-compliance with licensing or approval requirements it states as follows:
"Where a non-compliance gives rise to an unacceptable loss of safety, we will take action to suspend, or vary the certificate, licence or approval Where a non-compliance results in an unacceptable loss of safety and we do not consider that the organisation or individual will return to compliance, we will revoke the licence, approval or certificate"
34. As regards the approach specifically in relation to pilots, CAP1074 states (insofar as relevant) as follows:
"We will generally consider the taking of action in respect of Flight Crew Licences against the following criteria:
Competence – *Any pilot whose flying ability is called into question is subject to consideration for enforcement action.*
Fitness – *Fitness in this context means fitness of character. We will consider all relevant matters, including whether the holder has demonstrated a propensity to disobey the law or to act dishonestly or without integrity. Information that may call into question a licence holder's fitness includes, but is not limited to:*
- ...
 - *propensity not to comply with rules and regulations (this may include failure to disclose licensing issues and / or failure to disclose medical conditions)*
 - *any other action that would impact on flight safety or the safety of persons on the ground"*²

Questions the Panel Considered

35. The relevant questions for the Panel are as follows (by reference to the legislative framework and policy provisions set out in paragraphs 24 to 34 above)

Question 1: Competency

- (a) **In respect of the ATPL(A), is the Panel satisfied, on the balance of probabilities, that the Applicant's actions and inactions in the accident flight, fall under the specified circumstances in Part-ARA.FCL.250 of Annex VI and/or ARA.GEN.355 in Section III of Assimilated UK Regulation (EU) Number 1178/2011 because he has not demonstrated the appropriate degree of competence required by those provisions (i.e. the essential requirements for aircrew in Annex IV of Regulation (EU) 2018/1139 set out in paragraph 28 above)?**
- (b) **In respect of the PPL and/or the FRTOL, is the Panel satisfied, on the balance of probabilities, that the Applicant's actions and inactions in the accident flight are such that, pursuant to Article 253(2) of the Air Navigation Order 2016, the CAA may vary, suspend, or revoke his relevant licences because pursuant to Article 152 (b), he is not "*qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates*"?**

Question 2: Fitness

Is the Panel satisfied, on the balance of probabilities, that the Applicant's conduct demonstrates that he lacks trustworthiness and/or a propensity to obey rules?

² Pages 18 to 19, CAP1074.

Question 3: Action

If the Panel is satisfied that some or all of the above tests have been met, then, in all of the circumstances, should the Panel take no action or should it revoke, vary, or suspend any of the Applicant's licences and if so what action should it take?

SECTION E: THE AAIB REPORTS

The Legal Status of AAIB Reports

36. As stated above, the AAIB is part of HMG's Department for Transport. It is the expert official body charged with the investigation of accidents and serious incidents involving aircraft which occur in or over the United Kingdom. Its powers are contained in the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996 (SI 1996/2798) ('the 1996 Regulations').
37. The AAIB reports in relation to the Crash stated on their title pages that "*the sole objective of the investigation of an accident or incident under these Regulations is the prevention of future accidents and incidents. It is not the purpose of such an investigation to apportion blame or liability*". This reflects the content of Regulation 4 of the 1996 Regulations and equivalent provisions under international legislation and treaties.
38. There are also rules which limit the disclosure of records and information obtained by the AAIB during the course of an AAIB investigation ('AAIB Protected Material').³ In particular, there is a criminal prohibition on using AAIB Protected Material (including cockpit voice and image recordings) unless a court order is obtained. This prohibition does not apply in respect of information which was included in a final safety investigation report.⁴
39. The Divisional Court has considered the status of AAIB reports in the context of inquests, and in particular whether access should be permitted to AAIB Protected Material by the coroner. In this regard the approach of the courts is that access to AAIB Protected Material is neither required nor permitted unless there is "*credible evidence that the investigation is incomplete, flawed or deficient*":
- "There can be little doubt but that the AAIB, as an independent state entity, has the greatest expertise in determining the cause of an aircraft crash. In the absence of credible evidence that the investigation into an accident is incomplete, flawed or deficient, a Coroner conducting an inquest into a death which occurred in an aircraft accident, should not consider it necessary to investigate again the matters covered or to be covered by the independent investigation of the AAIB."*⁵
40. That approach was applied by the Divisional Court in considering an application to adduce AAIB Protected Material by the coroner investigating the deaths caused by the Crash ('the *West Sussex case*').⁶ The coroner's application was rejected because there was held to be no credible evidence nor even a credible suggestion that the AAIB investigations into the Crash were incomplete, flawed or deficient. Accordingly, the coroner relied principally on the AAIB reports in reaching her conclusions into the causes of the Crash.

³ Assimilated EU Regulation No 996/2010 (the 'EU Air Accident Regulations') and the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018 (S.I 2018/321) (the '2018 UK Regulations'). The EU Air Accident Regulations continue to apply in the UK as Assimilated EU law under the European Union (Withdrawal) Act 2018. These rules have their origin in Annex 13 of the Chicago Convention.

⁴ Regulation 25(3) of the 2018 UK Regulation.

⁵ *Secretary of State for Transport v Senior Coroner for Norfolk* [2016] EWHC 2279 (Admin) para 56.

⁶ *Senior Coroner for West Sussex v Chief Constable of Sussex Police* [2022] EWHC 215 (QB).

41. An earlier application to use AAIB Protected Material brought by the police ahead of the Applicant's criminal trial was granted in relation to the cockpit footage, which was available at the criminal trial in 2019.

AAIB Main Report – Principal Findings

42. In view of the importance attached by SARG to the findings of the AAIB, the 33 findings of the AAIB⁷ are reproduced verbatim below as regards the operational aspects of the Crash:
- “1. The pilot was licensed and authorised in accordance with the requirements existing at the time of the accident to operate the Hawker Hunter at flying displays.*
 - 2. It was the pilot's fifth aerobatic display in a Hunter during the 2015 season and the only public display he carried out that day. He met the recency requirements specified in CAP 403.*
 - 3. The accident occurred during a manoeuvre involving pitching and rolling components, intended to be a 'bent loop', at the apex of which the aircraft was inverted.*
 - 4. Flight trials indicated that the apex height for a looping manoeuvre with a 90° track change on the upward vertical was 300 to 400 ft less than for a straight loop with all other parameters constant.*
 - 5. The accident manoeuvre started and finished outside the aerodrome boundary, over an area not controlled by the organisers of the flying display.*
 - 6. A general permission granted by the CAA provided an exemption from the Standardised European Rules of the Air, permitting flight below 500 feet up to 1 km from the display gathering.*
 - 7. The pilot's display authorisation for the Hunter stipulated a minimum height for executing aerobatics of 500 ft.*
 - 8. The manoeuvre started approximately 900 m from the display line at a height of 185 ±25ft agl.*
 - 9. The pilot's declared minimum entry speed for the manoeuvre was 350 KIAS. The aircraft entered the manoeuvre at approximately 310 KIAS.*
 - 10. Engine speed varied during the upward first half of the manoeuvre. This was contrary to the pilot's declared technique of using full thrust.*
 - 11. The manoeuvre could have been abandoned during its upward first half if an uncommanded reduction in thrust had occurred and been detected.*
 - 12. There was no evidence of a pre-existing mechanical defect that would have prevented the engine from responding to pilot throttle inputs. However, the fuel pump governor diaphragm showed significant signs of ageing and chemical attack such that it could no longer be considered airworthy.*
 - 13. Information included in a previous AAIB report (EW/C98/6/1) indicated that there had been a number of cases involving the Avon Mk 122 engine where engine speed had dropped and subsequent engineering investigation had not established a clear cause. Therefore, an uncommanded reduction in thrust during the accident manoeuvre could not be ruled out.*
 - 14. In tests, the left altimeter under-read by approximately 100 feet. It also exhibited lag and stickiness in its operation both during testing and on a previous flight. Overall, these defects would have resulted in the altitude indicated to the pilot being lower than the actual aircraft altitude at the apex of the accident manoeuvre.*
 - 15. The right altimeter had a latent defect which meant it was no longer providing a synchronising signal to the left altimeter.*
 - 16. No other technical defects were identified that were relevant to the accident.*
 - 17. The minimum height loss during the downward half of a looping manoeuvre in the Hawker Hunter is between 2,600 and 2,950 feet (including 100 ft for instrument reading error), when flown at the values of aircraft mass and density altitude relevant to the accident.*
 - 18. The pilot stated that he required a minimum height of 3,500 ft at the apex of the*

⁷ Pages 195 to 197 of the AAIB Main Report.

manoeuvre to ensure that he completed it 500 ft or more above the ground (as required by his display authorisation).

19. *The aircraft achieved an apex height of approximately 2,700 ft.*
 20. *The airspeed at the apex of the accident manoeuvre was 105±2 KIAS, which was at the lower end of the pilot's declared airspeed range of 100 to 150 KIAS.*
 21. *The aircraft was lower than required at the apex because it entered the manoeuvre below the target airspeed, because less than maximum thrust was applied during its upward half, and because any rolling element initiated before the aircraft reached the upward vertical would have further reduced apex height.*
 22. *The entry height of the manoeuvre was consistent with the 200ft minimum height on the pilot's DA [Display Authorisation] for a Jet Provost; the apex height and speeds on the accident manoeuvre were consistent with those flown in the Jet Provost the previous weekend.*
 23. *The pilot stated that he would abandon a 'bent loop' manoeuvre if the minimum entry speed, or the minimum gate height at the apex, were not achieved. He did not abandon the accident manoeuvre when these minimums were not achieved.*
 24. *It is possible that the pilot misread or misinterpreted speed and height indications during the manoeuvre, or recalled those for a different aircraft type.*
 25. *The pilot had not previously rolled the Hawker Hunter at the low airspeed encountered at the apex, and was not sure that a roll could be achieved at that speed.*
 26. *Flying an escape manoeuvre is not the same as flying planned manoeuvres such as a half Cuban 8.*
 27. *Flight trials indicated that a rolling escape manoeuvre was possible up to four seconds after the aircraft passed the apex of the accident manoeuvre.*
 28. *The pilot had not practised flying escape manoeuvres in the Hunter.*
 29. *The operator's Operational Control Manual did not contain information about performing aerobatic manoeuvres and associated escape manoeuvres.*
 30. *The previous two renewals of the pilot's display authorisation were not performed on the Hawker Hunter.*
 31. *The g⁸ experienced by the pilot during the manoeuvre was probably not a factor in the accident.*
 32. *The aircraft struck the carriageway of the A27, Shoreham Bypass, in a wings level, nose-high attitude at a speed of approximately 225 kt.*
 33. *The aircraft collided with bystanders, road users and vehicles at the junction of the A27 and Old Shoreham Road, in an area outside the control of the flying display organisers. Eleven people were fatally injured and 13 others, including the pilot, were injured as a result of the accident."*
43. Overall, the AAIB concluded that the causal factors in relation to the Crash were two-fold⁹:
- i) *"The aircraft did not achieve sufficient height at the apex of the accident manoeuvre to complete it before impacting the ground, because the combination of low entry speed and low engine thrust in the upward half of the manoeuvre was insufficient; and*
 - ii) *An escape manoeuvre was not carried out, despite the aircraft not achieving the required minimum apex height."*
44. The AAIB also concluded that the contributory factors in relation to the Crash were¹⁰:
- i) *"The pilot either did not perceive that an escape manoeuvre was necessary, or did not realise that one was possible at the speed achieved at the apex*

⁸ CAP1963 explains 'g' force as what happens when the body is subject to an applied acceleration in the foot to head direction, as when a pilot undertakes a banked turn or loop in an aircraft, a force is experienced in the opposite, head to foot direction, commonly referred to as +Gz.

⁹ Page 203 of the AAIB Main Report.

¹⁰ Page 203 of the AAIB Main Report.

- of the manoeuvre.*
- ii) *The pilot had not received formal training to escape from the accident manoeuvre in a Hunter and had not had his competence to do so assessed.*
 - iii) *The pilot had not practised the technique for escaping from the accident manoeuvre in a Hunter, and did not know the minimum speed from which an escape manoeuvre could be carried out successfully.*
 - iv) *A change of ground track during the manoeuvre positioned the aircraft further east than planned producing an exit track along the A27 dual carriageway.*
 - v) *The manoeuvre took place above an area occupied by the public over which the organisers of the flying display had no control.*
 - vi) *The severity of the outcome was due to the absence of provisions to mitigate the effects of an aircraft crashing in an area outside the control of the organisers of the flying display.”*

AAIB Supplemental Report

- 45. In June 2019, following the Applicant’s acquittal in the criminal trial, the AAIB was asked to review and consider new material, in particular in relation to the issue of potential cognitive impairment in the pilot leading up to the Crash. The AAIB’s review was designed to determine whether the additional information contained new and significant evidence of cognitive impairment. In this regard, the AAIB defined ‘cognitive impairment’ broadly as a physiological state in which an individual cannot think as well as usual, so is less able to do a task reliably and the probability of error is increased (i.e. without seeking to narrow the cause of potential impairment to any specific factor).
- 46. During this review, videos of the accident flight and previous displays and practices by the Applicant in 2014 and 2015 were re-examined by the two AAIB Inspectors. Their experience included flying, displaying and instructing in various aircraft types including the Hunter. These inspectors, familiar with observing students while sitting behind them in tandem cockpits, concluded that the Applicant’s head and body movements were consistent with what they would expect from someone flying a loop manoeuvre. In the Panel’s view, it is important that they did not observe any significant differences in behaviour between the accident flight and previous displays, and they could not identify a point at which the Applicant’s behaviour changed in a way that would indicate impairment of any type.
- 47. The AAIB also requested further aeromedical opinion from two aeromedical experts, who considered the more detailed ‘g’ profile and cockpit action camera footage.¹¹
- 48. Following this review, the AAIB concluded¹² that there was “*no new and significant evidence of cognitive impairment*” acting on the pilot during the accident flight and that there were credible alternative explanations for the pilot’s actions which were supported by the evidence in the AAIB Main Report and which were considered more likely than cognitive impairment.

SECTION F: SUBMISSIONS OF SAFETY AND AIRSPACE REGULATION GROUP (‘SARG’)

- 49. SARG relied primarily on the findings in the AAIB reports and referred to the following:
 - i) The CAA published CAP1963, an academic literature review into whether or not there was a risk to civil aviation from cognitive impairment in pilots experiencing low level ‘g’ forces at levels likely to be experienced in

¹¹ Page 5 of the AAIB Supplemental Report.

¹² Page 13 of the AAIB Supplemental Report.

commercial and recreational civil air operations. This concluded that the overwhelming weight of available scientific evidence did not show any demonstrable, practical or meaningful cognitive impairments under +4Gz that would point to impaired flight safety. It specifically noted that there was “no identifiable risk of cognitive impairment in civil pilots experiencing G forces at levels, and for durations recorded by accident investigators as having been experienced by the Shoreham pilot”.¹³

ii) The Senior Coroner’s ruling following the final inquest hearing.

50. SARG submitted that it had considered all of the evidence available, had pursued its own decision-making process and had come to the following conclusions:

- i) The Applicant understood, as any competent pilot should, the safety critical importance of the use of gate and speed heights;
- ii) Despite that, when the Applicant was some 900m from the Display Line he knew that the relevant entry speed and height requirements for the index manoeuvre were not met, and yet he still proceeded to begin the manoeuvre, when it could easily and safely have been aborted at that point simply by continuing to fly past level;
- iii) Despite the above, the Applicant then failed to apply full thrust in the upward part of the manoeuvre, contrary to his own stated technique;
- iv) Although the Applicant’s own indication was that this manoeuvre should apex at between 4,000 and 5,000 feet agl, and his own stated gate height below which an escape manoeuvre should be flown was 3,500 feet, he achieved a maximum height of around just 2,700 feet in the manoeuvre;
- v) Despite the fact that an apex of 2,700 feet was substantially below his own stated gate height, and a height which he knew was too low to enable the manoeuvre to be completed safely and without endangering life, the Applicant nevertheless continued with the manoeuvre instead of effecting an escape;
- vi) The Applicant’s airspeed at apex was around 105 KIAS, significantly short of his expected 150 KIAS;
- vii) Although the Applicant intended to change the track of the Aircraft by some 20 degrees in the manoeuvre, he in fact deviated from his intended path significantly in changing track by 60 degrees;
- viii) That change of track aligned the Aircraft with the A27, significantly increasing the risk to life of what was now an almost inevitable collision with the ground; despite that, he made no apparent attempt to avoid the A27;
- ix) The Applicant had not practised the technique for escaping from the accident manoeuvre in a Hawker Hunter prior to the day in question, nor did he know the minimum speed at which such a manoeuvre could be carried out successfully at that time;
- x) There is no good evidence to support any suggestion that the Applicant was under any material cognitive impairment prior to, or during, the manoeuvre;
- xi) In fact, the evidence that does exist indicates that AH was not subject to cognitive impairment, but was alert, and that the Aircraft was responding to his inputs and controls.

51. At the hearing the Panel heard from the following representatives of SARG:

- i) Justin Willcocks, an expert policy specialist in the General Aviation Unit within SARG who has worked for the CAA for over 30 years and whose role is to develop policy and rule-making for regulations and guidance material. He holds a commercial pilot’s licence and a flight instructor’s certification for

¹³ Page 137 of CAP1963.

aeroplanes, and was previously a flight crew training organisation inspector; and

- ii) Captain David McCorquodale, the SARG Technical Lead of Flight Operations. Captain McCorquodale had a distinguished career, starting with an RAF scholarship and having held a private pilot licence and instrument rating since 1978. He completed several years of active military service, flying both fixed wing aircraft and helicopters in the armed forces including as an instructor and examiner. After a period of time in industry he started working for the CAA in 1997 where he held a variety of roles concerned with safety oversight, and between 2006 and 2018 he was head of flight crew standards within SARG. Until a few years ago, Captain McCorquodale maintained his flying competence as well as his instructor, examiner and senior examiner categories. As he put it, he has been “*very much soaked in the standards and practices of professional pilots, previously military pilots and the entire environment around the piloting activity*” in the United Kingdom.

52. Captain McCorquodale was the SARG decision-maker responsible for proposing to revoke the Applicant’s licences and was the signatory of the SARG proposal letter dated 10 July 2023. As regards the events leading up to the Crash, he referred to the findings of the AAIB Main Report in particular as to failure to comply with the safety critical ‘gates’ of speed and heights:

any competent pilot would
7 regard and recognise the significance of safety critical
8 gates and speed and heights. It is an important factor,
9 and it is -- was considered by me as being a major cause
10 of the accident insofar as Mr Hill did not use the gates
11 that he would have known of, nor did he fly to the
12 heights that he was required to in order to secure
13 a safe outcome for the manoeuvre.
14 Notwithstanding that, for the index manoeuvre
15 itself, these criteria were not met and nevertheless he
16 still proceeded to begin the manoeuvre. And at the
17 stage where he had indications within the cockpit, or
18 flight deck, he would have been in a position to be able
19 to abort that manoeuvre prior to continuing with it.
20 Nevertheless, he chose not to do so for whatever
21 reason. And in addition, with the lead-up to that
22 particular manoeuvre, he did not apply or full thrust
23 was not applied so far as the AAIB findings were
24 concerned, in the upward part of the manoeuvre.¹⁴

53. Captain McCorquodale also referred to the Applicant’s failure to effect an escape manoeuvre both at the start of the manoeuvre and at the apex of it when the aircraft was at each point too low and too slow to safely complete the move, as well as the changing of the tack of the aircraft by 60 degrees (as opposed to the planned 20 degrees), which had the effect of aligning the aircraft with the busy A27 road.

54. Captain McCorquodale commented that the performance fell so far short of the standard that one would expect of a competent current display pilot that he did consider whether there was a medical cause, stating: “*I find it extraordinary and, to use the word disappointing would be an understatement of gross -- a gross understatement. The performance on this day fell so far short of the expected standards that one would expect of a competent, current display pilot, notwithstanding a professional pilot, that it made me*

¹⁴ Page 36, Transcript Day 1.

consider perhaps that there was something more profound going on, medically, clinically. However the evidence showed that that was not the case.” He summarised that: “it was either an attitudinal issue or it was a cavalier approach to flying or possibly it was an ignorant one. But notwithstanding the reason behind, it was incompetent, grossly incompetent, and negligent”¹⁵. He also described the flying as “appallingly bad”¹⁶.

55. SARG also relied on the lack of preparation by the Applicant in the lead up to the event as described in the AAIB Main Report, including failure to practise the relevant escape manoeuvre, and the fact that he did not know the minimum speed at which such a manoeuvre could be carried out.
56. Overall, SARG submitted that the evidence before the Panel showed that on the balance of probabilities the Applicant did not meet the competency requirements for either the ATPL(A) or the PPL set out in legislation summarised in paragraphs 28 to 29 above. It relied in particular on the AAIB findings to show that the Applicant had: failed to exercise good judgment and airmanship and applying aeronautical knowledge; failed to maintain control of the aircraft at all times in such a manner that the successful outcome of a procedure or manoeuvre is assured; failed to demonstrate the essential non-technical skills, including the recognition and management of threats and errors using adequate assessment methodology; and failed to ensure adequate flight planning, flight and task preparation.
57. As to fitness of character, SARG pointed to the fact that the grave and numerous errors show a disregard for public safety and raised doubt as to the Applicant’s propensity to obey the rules and SARG concluded that it does not have confidence that the pilot will obey the rules and regulations if permitted to continue to fly. It also relied on the fact that the Applicant had continually challenged aspects of the various legal processes related to the Crash in which he had been involved. Relatedly, SARG referred to the Applicant’s failure to show remorse or recognise the significance and severity of the events of that day as tending to suggest a lack of fitness of character. Finally, it relied on the criteria in the Fitness Framework (paragraph 32 above) to argue that both public safety and public confidence in the CAA as an aviation regulator would be undermined if the Applicant were to re-establish his permissions to fly.
58. SARG argued that the appropriate course, if the Panel agreed that some or all of the requisite requirements had not been fulfilled, was to revoke the licences given the severity of the errors and the need to both protect the public and maintain confidence in the CAA’s licensing system.

SECTION G: SUBMISSIONS ON BEHALF OF THE APPLICANT

59. The Panel has taken into account all of the written representations made by and on behalf of the Applicant, and while it does not repeat all of his submissions in full in this decision letter, his written and oral submissions and evidence were considered in their entirety.
60. The following relevant background, as submitted by the Applicant’s counsel in relation to the Applicant’s flying career, was noted by the Panel:
 - i) The Applicant had a long and distinguished career, starting with being selected by the RAF for aircrew training commencing in 1985. He was then selected from among that pool to be trained as an instructor, and chosen to fly the Harrier jet, the most complex and demanding aircraft in the RAF’s inventory. He qualified on the Harrier and spent the remainder of his career

¹⁵ Page 38 to 39, Transcript Day 1.

¹⁶ Page 40, Transcript Day 1.

in the RAF flying and instructing others to fly this aircraft. Following this he obtained his ATPL(A) and flew with Virgin Atlantic and British Airways as First Officer and then with British Airways as a Captain. As a commercial pilot he was subject to continual evaluation and appraisal and flew in a multi crew environment. He was granted various display authorisations and renewals of these permissions which were only granted by CAA approved evaluators. During none of these evaluations over many years was the Applicant's competence, integrity or character brought into question, and he had over 14,000 hours of flying experience.

61. Counsel for the Applicant made the following submissions in relation to the Applicant's licences:

- i) A licence is granted for the lifetime of the holder and it is a draconian step to take it away unless there are strong grounds for doing so. Nor is the removal of a licence intended to be used as a punishment.
- ii) In order to fly again the Applicant would have to undergo significant further training and pass medical examinations and would not be able to fly straight away even if the CAA decided not to revoke his licence.

62. As to the question of whether the Applicant met the competency requirements, when pressed, he admitted that the standard of flying on the day was below that of a competent pilot. In response to a question from the Panel as to whether the Applicant accepted that the flight on the day of the Crash fell below the standards of a fit and proper pilot his initial answer was as follows:

11 If you'll excuse me, Ma'am, the problem I have,
12 I know from a lot of research what -- what my views are.
13 There was a tragic outcome which was very unusual that
14 the outcome should have been and there was a lot of
15 record for -- that the great pilots, and display flying,
16 it was a hazardous occupation and the unusual result was
17 the death of one person and that would have been, I hate
18 to say it well, I do say it, no, I don't hate to say it,
19 it would've been the correct outcome at Shoreham that
20 something happened.
21 In the alternative on that day I survived, which is
22 totally unjustifiable, and 11 people lost their lives
23 which was -- it's just unaccountable for.
24 And I -- I did express my thoughts outside the
25 criminal trial afterwards. Clearly there are many ways
1 one can express remorse or whatever, you can imagine in
2 these circumstances I have been advised by lots of
3 people what I should and should not say and trying to
4 equate that with doing the right and honourable thing by
5 the families who are here today. It's been difficult
6 for me and I've wanted to say things and I've been told
7 not to. Captain McCorquodale has referenced it whether
8 I can express remorse. Is that the situation I should
9 do it? I don't think I need to express remorse to
10 Captain McCorquodale but it was a tragedy and I made
11 those sentiments as best I could and that was the only
12 time it was advised I could do. I'm not trying to blame
13 others. It's been a difficult situation and it's
14 an awful situation for the families and I can't think
15 I can express. Whatever happened that day I can't go
16 into for the documents that I believe we've now got

17 because I've spent a lot of time watching a video and
18 hearing lots of expert evidence that's not allowed to be
19 referred to. Why it happened, yes, I have my opinions,
20 everybody has their opinions on it.¹⁷

63. When the question was asked again, the Applicant said:

25 The way the aircraft was flown appears to be
I -- I can't have any explanation for what I did as a
2 pilot on that day. It just defies logic. There's no
3 advantage to be gained to me, leave aside I think as
4 Mr Spence put it, if there had not been fatalities that
5 day it still defied all logic what I did...¹⁸

64. When the same question (as to whether the standard of flying on that day of the Crash fell below the standards of a fit and proper pilot) was asked a third time, he said:

8 Yes, the aircraft did not meet the basic
9 requirements it needed to meet, and by all accounts
10 save -- save there was the engine case but we'll get
11 into that there were ways out of it. That I cannot
12 explain.¹⁹

65. The Applicant's submission, as understood by the Panel, was essentially that, given the seriousness and number of the errors in flying on that day, he must have been suffering from some kind of cognitive impairment which affected his ability to fly competently. As he put it: "*Something went wrong on that day. And I believe it was in the pilot*".

66. The Applicant suggested that the "something" that went wrong on that day was some form of impairment which had operated on him to affect the quality of his flying. In this regard, counsel submitted for the Applicant that it was not appropriate for the CAA to rely solely on the AAIB reports in this case, and that the AAIB's conclusions as to cognitive impairment were not decisive because:

- i) The reports are not intended to apportion blame; their purpose is to consider recommendations for future safety. To this end they may not ultimately get to the root cause of a crash, and in particular in this case they did not reach a final conclusion as to whether there was any cognitive impairment in the pilot.
- ii) The reports themselves are not comprehensive. The AAIB collate vast quantities of evidence which do not find their way into the final report, including substantial quantities of witness evidence.
- iii) In Rogers v Hoyle [2015] QB 265 the court stated, at paragraph 99 that "*Nothing in this judgment should be taken to mean that anything in the Report is to be treated as conclusive or prima facie conclusive of anything; or as shifting the incidence of the burden of proof; or as precluding any party from challenging anything in it, or as restricting or limiting any other admissible evidence that any party may choose to call.*"
- iv) The CAA had an observer at the criminal trial and ought to have been aware that additional evidence was adduced on the issue of cognitive impairment. It was argued that the CAA ought itself to have pursued an application to use AAIB Protected Material in this regard in order to satisfy itself that the

¹⁷ Pages 92 to 93, Transcript Day 1.

¹⁸ Pages 93 to 94, Transcript Day 1.

¹⁹ Page 95, Transcript Day 1.

licensing action it proposed is appropriate, proportionate and justifiable.²⁰

67. As regards the evidence as to cognitive impairment, the Applicant made these points:

- i) In his written representations dated 2 August 2024 the Applicant stated that *“the evidence stated at the CCC [Central Criminal Court] and clearly not rejected by the jury was not the applicant was rendered unconscious but that a reduction in oxygen levels in the blood would have affected consciousness, reaction and problem solving cognition without necessarily affecting learned motor skills/muscle memory”*.
- ii) The Applicant referred to an online article about the criminal trial in the ‘Sussex World’ which stated that *“Aviation Safety Expert Dr Stephen Jarvis told the Old Bailey today that Hill made up to 12 errors in just 23 seconds. When asked what caused these errors, Mr Jarvis said that the only explanation that satisfies him was that Hill suffered a form of cognitive impairment”*.
- iii) The Applicant also referred to statements from the police investigation recording conversations with the Applicant immediately after the Crash in which he had stated that he felt unwell before the crash, and a reference to having ‘blacked out’ in the air.

68. Reference was also made to the Royal Air Force Centre for Aviation Medicine (‘RAFCAM’) human factors analysis referred to in the AAIB Supplemental Report which described several “credible mechanisms” by which the pilot could be unaware that he was too low, for example obscuration of the altimeter or lack of knowledge by the pilot of the applicable minimum height and speed requirements.

69. The Applicant also relied on the observations of Mr Orr, Chief Inspector of the AAIB, in an email to the CAA dated 14 June 2024 to the effect that the conclusions in the AAIB Report did not go so far as those of SARG in the proposal letter dated 10 July 2023. Mr Orr said that the AAIB was not able to conclude whether the pilot knew the entry parameters had not been met, or whether the application of less than full thrust was an action of the pilot, nor whether he [the pilot] detected it, nor whether the pilot knew, whilst in flight, that the height achieved at the apex of the manoeuvre was insufficient.

70. It was also pointed out on behalf of the Applicant that the principal errors relied on by SARG all took place over the course of a period of no more than around 20 seconds and that it could not be said that those errors were sufficient to demonstrate incompetence to such a degree that his licence should be revoked, without even the opportunity to prove his current levels of competence.

71. As regards SARG’s criticisms about the lack of preparation for the display flight, the Applicant countered as follows:

- i) It was accepted on behalf of the Applicant that he was *“open to criticism for not having practiced an escape manoeuvre”* but pointed out that it was apparent from the AAIB report that he was aware of how to fly one. The Applicant had flown a “half Cuban 8” manoeuvre many times as part of his planned displays in the lead up to the crash and this was equivalent to the relevant escape manoeuvre from the bent loop that he flew on the day of the Crash.
- ii) In any event, practising the specific escape manoeuvre in the particular aircraft was not a legal requirement for his type rating or display authorisation at the time (but was introduced as a requirement in response

²⁰ Page 72 to 78, Transcript Day 2.

- to the Crash).
 - iii) It was not anyway possible to have safely practised the escape manoeuvre under the actual height and speed conditions of the Crash itself as this in itself would not have been legal.
 - iv) The Applicant also had on his person a map with a sketch of the sequence he intended to fly (in his pocket) and a checklist based on the relevant flight reference cards (in his transparent knee pocket).
72. As regards fitness of character, the Applicant pointed to his long and distinguished flying career as the background against which this question had to be judged. He also criticised the SARG conclusions in this regard, submitting that:
- i) It cannot be sufficient to establish lack of fitness for the CAA simply to point to an Applicant exercising valid legal routes of challenge.
 - ii) It was not fair now to criticise him for not proffering an expression of remorse to the CAA when none had been sought, and no interview with the Applicant had been requested.
 - iii) The Applicant had clearly expressed remorse in the hearing, stating for example on Day 1 of the hearing *“I -- I was captain of the aircraft. I was the only person in the aircraft as captain of the aircraft. I have -- I have to bear the responsibility for where the aircraft ended up and the tragic events. There's nobody else to point the finger at. I'm not trying to say the weather was bad, that the aircraft was necessarily defective or some external factor”*.
73. It was said on behalf of the Applicant that, in all the circumstances, SARG had not proved, on the balance of probabilities, a breach of the competency and fitness requirements or even if it had then the right approach was not to revoke the Applicant's licences but, either to take no action or impose some lesser penalty than revocation.

SECTION H: DISCUSSION AND DETERMINATION

Burden and Standard of Proof: Available Evidence

74. The overall burden of proof in this Regulation 6 review is on SARG to prove its case on the balance of probabilities, although where a party makes an assertion, the burden is on that party to prove that assertion.
75. As to the weight to be afforded to the AAIB Reports, as appears on the cover page of the AAIB Reports, the sole objective of the AAIB's investigation is the prevention of future accidents, not to apportion blame or liability.
76. In order to fulfil this objective, the AAIB has conducted an extremely thorough investigation of the circumstances of the Crash. Notwithstanding the caveat in the AAIB Reports, therefore, the Panel considers that reports are a highly valuable – indeed the most valuable - source of information and evidence about what happened before and during the Crash.
77. In this regard, the High Court and Court of Appeal have ruled that AAIB Reports are admissible in civil litigation, noting their value as evidence. In this regard, Mr White made reference to the following dicta from *Rogers v Hoyle* [2015] QB 265:
- i) *“The potential value of this material to anyone seeking to establish the cause of the accident (and any culpability therefore) is obvious. The inspectors are experienced and expert individuals fulfilling a public duty to investigate air accidents and incidents for the purposes of preventing further accidents or incidents in future. It is no part of their function to attribute*

blame or responsibility. There is, thus, no realistic possibility of their report being slanted so as to support or refute a claim that any individual or corporation is, or is not, at fault. Their investigation is carried out as soon as possible after the accident or incident. The investigators have the power, and, in practice, the ability to obtain the necessary information from a wide range of sources in order to establish, on the basis of information obtained soon after the relevant events, a composite picture of what happened and why. They need to do that in order to try and avoid it happening again. I agree with the judge when he said that a non-lawyer would be astonished that the report of the AAIB was not something to which a court could even have regard (para 29)."

- ii) *"First, the report is, as I would hold, admissible evidence. It is also of particular potential value on account of (1) the independence of the AAIB; (2) the fact that its reports will be the product of an impartial investigation into the causes of the accident by experts who are not concerned to attribute blame and in whose investigations injured passengers and the families of deceased passengers do not actively participate; and (3) the fact that it has a much greater ability than anyone else to obtain and analyse data relating to an accident which is likely not otherwise to be available or only with considerable difficulty and at considerable cost. The circumstances in which it is appropriate to exclude evidence that is admissible and likely to be helpful must be limited. For the judge to be denied sight of a report of this character - authoritative, independent, prompt and detailed -and for any experts called to be unable to refer to it in court, when it is freely available to the public, is difficult to justify (para 80)."*

78. Since the AAIB Reports are the most comprehensive and authoritative account of what happened to cause the Crash, if the Applicant disagrees with any particular matter it is incumbent on him to adduce persuasive evidence to the contrary. In this context, as explained further below in paragraph 88, the Applicant made a late application for an adjournment of the hearing. In the course of considering that application, the Panel has also considered the role of any AAIB Protected Material in its decision, and the extent to which the Applicant was otherwise able to make his case.
79. The Panel emphasises that it has reached its own decision in relation to the SARG proposal by reference to the relevant statutory criteria, CAA policy and applicable guidance. In this regard, the Panel has carefully weighed all of the evidence with which it was presented, including the oral evidence of Captain McCorquodale, Mr Willcocks and the Applicant himself and legal submissions from counsel on both sides.

The Competency Requirements

The standard of flying on the day of the Crash

80. In this regard, the relevant criteria are set out in paragraphs 28 and 29 above. Despite the fact that the EU legislation is more detailed than the ANO, both refer explicitly to requirements for competence and neither SARG nor the Applicant suggested that there was any fundamental difference in the competency standard to be applied in relation to the ATPLA(A) as opposed to the PPL and the FRTOL.
81. In the Panel's view, on the balance of probabilities, the evidence establishes that the competency requirements are not met.
82. In particular, the facts and matters in the AAIB reports clearly demonstrate that:
- i) The Applicant was flying the aircraft too slowly at the entry into the

- manoeuvre and at a height below that which was permitted for his display authorisation.
- ii) There was insufficient engine thrust at the upward part of the loop. The aircraft was being flown too slowly and was too low at the apex of the manoeuvre for it to have been completed safely.
 - iii) An escape manoeuvre was possible at either of the above two points but was not performed.
 - iv) The aircraft ended up aligned with the busy A27 road because of a change of ground tack.
83. As set out above, Captain McCorquodale's evidence was that this was "*appallingly bad*" flying. The Applicant ultimately did not dispute that this was a very serious catalogue of errors which, on its face, fell below the standards of a fit and proper pilot (see paragraphs 62-64 above).
84. The key question was whether there was persuasive evidence in support of another explanation for the errors such that SARG's case was not proved on the balance of probabilities.

Evidence of cognitive impairment

85. There was a significant body of evidence before the Panel which suggested that there was no medical impairment which would excuse the errors:
- i) The AAIB Main Report, while, not ruling out cognitive impairment, decided (finding 31) that the 'g' experienced by the pilot probably was not a factor in the accident and concluded at paragraph 2.2 4:
"The investigation considered the possibility that the pilot suffered a cognitive impairment. There was no evidence of any g-related impairment of the pilot during the aerobatic sequence flown. If the pilot was unwell before the accident, it was not established in what way he was unwell or when the onset of any condition was first experienced. Action camera evidence from the accident flight and from previous flying displays indicated that the pilot's behaviour and activity did not differ significantly between them. It is not exceptional for flying display accidents to involve experienced display pilots, and an accident is not necessarily an indication of cognitive impairment."
 - ii) The AAIB Supplemental Report (referred to in paragraphs 45 to 48 above) was specifically designed to consider whether additional information available after the conclusion of the criminal trial contained new and significant evidence of cognitive impairment, and concluded that it did not, and that the findings of the AAIB Main Report in this regard remained valid. Appendix 2 to this report contained a summary of the significant body of expert aeromedical evidence considered by the AAIB in this regard.
 - iii) The separate body of work undertaken by the CAA which resulted in CAP1963 (paragraph 49(i) above) concluded that the "*overwhelming weight of available scientific evidence did not show any demonstrable, practical or meaningful cognitive impairments under +4Gz*".
 - iv) Although the Applicant alluded to evidence which suggested that he felt unwell prior to or during the manoeuvre (paragraph 66(iii) above), the evidence from both Mr Willcocks and Captain McCorquodale was that if there was a decrease in medical fitness and the pilot felt unwell the appropriate course was not to fly (or to stop flying).
86. However, while the Applicant referred indirectly to medical evidence relevant to a potential

impairment (paragraphs 66 and 67 above), he produced no direct medical evidence of any cognitive impairment which would have explained the errors. The Panel's view was that the weight of the medical evidence pointed the other way.

AAIB Protected Material and the request for an adjournment

87. In the course of the hearing, in response to a question from the Panel,²¹ the Applicant alluded to medical evidence which had been available at the criminal trial and said he would wish to refer to it. His counsel said that the Applicant had been given a medical explanation but would need an adjournment to refer to the material from the criminal trial in order to redact the documents and obtain AAIB consent. He continued that there was a medical report which contained both unprotected material (the "general overview and opinion") and material which was protected because it contained an analysis of the cockpit camera footage (which, as explained above is specifically protected under the legislation).
88. The Panel carefully considered the request for an adjournment. As it informed the parties during Day 2 of the hearing, the Panel concluded that it was not prepared to grant one. The reasons are as follows:
- i) The Applicant was evidently aware, following the SARG proposal, that it would be important for him to produce convincing evidence to explain the serious errors which were made on the day of the Crash. That much was clear from the SARG Proposal and furthermore the Applicant has been through two important legal processes (the inquest and the criminal trial) in which the question of whether there was a medical reason for the accident had played a central role.
 - ii) The Applicant's initial response to the SARG proposal (the written representations dated 2 August 2024) referred in terms to the evidence presented at the criminal trial (see paragraph 66(i) above), so a medical explanation was clearly considered a potentially relevant response at that early stage.
 - iii) The Applicant is well-versed in the relevant legal, factual and expert issues and was legally represented at the hearing. He was offered multiple opportunities to comment on the bundle index and/or to add material to the bundle well in advance of the hearing (see paragraphs 15 and 17 above).
 - iv) The Applicant was specifically aware of the issues around AAIB Protected Material since the legal actions related to the Crash had involved at least two applications to court for permission to use such material in which he was involved (see paragraphs 40 and 41 above). The Panel concluded that it is reasonable to assume that he must have understood that in order to use AAIB Protected Material such an application would be required, but he did not seek one. For this reason, despite the suggestion otherwise it was not for the CAA, based on what it had observed at the criminal trial, to have itself applied to use the AAIB protected material. It was for the Applicant to decide, as he was clearly capable of doing, what evidence to produce for this Regulation 6 review.
 - v) The basic nature of any medical case on cognitive impairment could in any event have been explained without any reference to AAIB Protected Material. In the course of the hearing, the Applicant's counsel acknowledged there were parts of the report that could be referred to without breaching the protected material rules (he said there was a "*substantial amount of information in the report which ...would not be*

²¹ The question was 'Subsequent to the period in hospital of recuperation have you been given an explanation or sought medical examiners' further advice'?

covered by protected material").²² Notwithstanding that there was time and opportunity to do so, the Applicant had not done this.

- vi) The Panel also took note of the fact that before the inquest the Applicant sought to rely on a report by a paediatric oncologist friend which postulated a mechanism of cognitive impairment. It was that document, the 'Mitchell Paper', which underpinned the coroner's application to admit AAIB Protected Material at the inquest, and in particular the camera footage from the cockpit. This application was firmly rejected by the Divisional Court in the *West Sussex* decision (at para 133):

"There can be little doubt but that the AAIB, as an independent state entity, has the greatest expertise in determining the cause of an aircraft crash. The Mitchell Paper is not a safe basis to argue that the AAIB's conclusions on the issue of cognitive impairment were even arguably incomplete

Dr Mitchell has said that he requires the protected material to complete his analysis. However, completing his analysis would not resolve the matter of whether on the balance of probabilities the pilot was cognitively impaired – it would simply add a possibility of something for which there is no evidence. Consequently, access to the protected material sought cannot resolve the matter any more finely than has already been achieved in an 18-month specialist investigation by the State Authority, dedicated to that purpose

...the cockpit image recordings provide no "clear evidence" of a sort that is not already known: the nature of the cockpit video, in terms of the things in view, is a matter of public record both in the Report and the Supplement, and the AAIB and all of the experts it consulted consider that it contains no evidence of cognitive impairment"

- vii) Furthermore, SARG referred to the fact that, following the criminal trial, the AAIB was asked to consider additional information as part of the analysis which resulted in the Supplemental Report. As set out above in paragraph 46, this included a reassessment of the crash video, as well as video evidence from earlier displays. The coroner in her ruling noted that it was the Applicant who had asked for this investigation to be reopened and "*it is a reasonable inference that Mr Hill would have had access to material from his criminal trial that might be relevant to the issue of cognitive impairment and so able to present relevant trial material to the AAIB had he so wished*". As set out above, following that further review, the AAIB concluded that there was no evidence of impairment but if present it did not affect the pilot's observable behaviour.

89. Other than one paragraph in the *Sussex World* news article referring to evidence given at the criminal trial, the Panel had no understanding of the Applicant's references to medical issues. The Panel, as explained above, sought to give the Applicant the opportunity to share, in the more informal Regulation 6 review process, what these were/are. The Applicant did not elect or was not able and/or willing to give a response that countered the findings of the AAIB Main Report and the AAIB Supplemental Report. The Panel gave the Applicant several opportunities to answer the questions without needing to refer to any AAIB protected material.

90. The impression that the Panel was left with in all the circumstances, including the

²² Page 40, Transcript Day 2. It was also said that the general overview and opinion could be disclosed at page 36 of the same.

Applicant's contributions at the hearing, was that the Applicant was somewhat evasive when responding to questions and preferred to make allusions to supportive material that had not been provided to the Panel, to create an impression of doubt without taking on the burden of addressing it properly. Furthermore, the application for an adjournment was made somewhat opportunistically in response to a question from the Panel in circumstances where any potential relevance of the material to the Applicant's case must have been obvious from the outset.

91. Ultimately the Panel concluded that the Applicant had had ample opportunity to make any case he wanted to on cognitive impairment; he could have done so at least in outline without AAIB Protected Material; and/or could have made the relevant application to use AAIB Protected Material well in advance of the hearing. Accordingly, it was not willing to grant an adjournment especially in light of (i) the length of time this might leave the licensing proceedings in limbo and (ii) the absence of any likely expectation of a court application having a different outcome than that in the *West Sussex* case. Furthermore, in light of all the other evidence including that outlined above, a full answer to the Panel's question was not necessary in order for it to make a decision on the basis of the ample evidence before it.

RAFCAM human factors

92. The Panel considered that the RAFCAM human factors analysis referred to in the AAIB Supplemental Report (paragraph 48 above) did not assist the Applicant because its conclusion was that cognitive impairment was not the only feasible explanation for the errors and all of the other 'credible mechanisms' seemed to involve a degree of fault on the part of the Applicant or at least did not exonerate him from the charge of incompetence. For example, as set out in paragraph 1.18.10.2 of the AAIB Main Report (referred to in the Applicant's written submissions):

"The entry speed was 310±15 KIAS, which was below the stated target. The study identified the following possibilities for his decision-making process:

- *He did not read the ASI but believed he had and simply entered the manoeuvre, concentrating on positioning and flying technique.*
- *He misread the ASI due to the display of the instrument, high workload or distraction of judging the pull-up point.*
- *He read the ASI correctly and elected to enter the manoeuvre.*
- *He read the airspeed correctly but incorrectly recalled the entry speed as 300 KIAS."*

93. None of these "credible mechanisms" would provide a satisfactory answer to the charge of incompetence levelled by SARG, especially when coupled with the other errors.

Preparation for the flight

94. The Panel also considered that, on the balance of probabilities, the Applicant's failure to prepare adequately for the flight materially contributed to the Crash. This failure, in the view of the Panel, highlights concerns regarding his judgement and the competency assessment in relation to his licences. The relevant issues are: the failure to practise appropriate escape manoeuvres and the checklist and maps which the Applicant had on his person during the flight.
95. The AAIB Main Report stated that the Applicant was aware of the technique for performing a rolling escape manoeuvre at low speeds in other aircraft (i.e the Jet Provost) but had not practised the particular escape manoeuvre in the Hawker Hunter which would have been

necessary to avoid the Crash²³.

96. The Applicant pointed to the fact that practising the specific escape manoeuvre in the particular aircraft was not a legal requirement at the time. SARG's response was that practising specific escape manoeuvres formed part of the general obligations on a pilot to ensure safety and appropriate/proper preparation for a flight. In particular, SARG argued that ANO 2016 spells out that the pilot in command of an aircraft is responsible "*for the operation and safety of the aircraft and for the initiation, continuation, termination or diversion of a flight in the interests of safety*" (Article 68) and that before commencing a flight the pilot in command must be satisfied that the flight can be made safely, and that the pilot must ensure that "*procedures are established and followed for any reasonably foreseeable emergency situation*" (Article 69). It was said by SARG that even though these provisions were not in force at the material time, they were now the correct standard by which to judge the Applicant's actions.
97. The Panel disagrees that it was open to SARG to rely on ANO 2016 in support of its argument, given that it was not in force in 2015. However, SARG in the alternative relied on Article 86 of the 2009 ANO which was in force at the material time and provided that "*the Commander must be satisfied that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available **and any alternative course of action which can be adopted in case the flight cannot be completed as planned.***" (emphasis applied)
98. The reason why preparing properly for a flight (including practising relevant escape manoeuvres) is so important is that the pilot of a fast-moving aircraft may not have time to evaluate and weigh up what is the best response out of a number of possibilities. This was explained in a passage relied on by the Applicant from the AAIB Supplemental Report at page 13: "*If the pilot realised he was too low, the time available may only have been sufficient to execute a rule-based decision of a practiced action.*" A 'rule-based decision' was described thus: "*rule-based decision making can occur when there is a specific pre-determined action to take in response to a specific criterion or criteria. For example, IF the height at the apex of the loop is less than the minimum gate height THEN execute the escape manoeuvre. It requires the action and criteria to be known prior to having to make a decision.*"
99. Given the importance of practice to ensure the safe execution of, and recovery from, all manoeuvres performed in an airshow, the Panel sought to understand which specific escape recovery manoeuvres the Applicant had actually practised in the Hawker Hunter, prior to the show. The Panel was seeking a clear answer to the question 'Did you practise the specific (loop/bent loop) manoeuvre in the aircraft type prior to the airshow?' The responses given did not answer the question. Allusions were made to other manoeuvres which share similar properties, including half and full Cuban 8, and a barrel roll. The Applicant did not give the Panel the reassurance that he had practised the escape recovery manoeuvre in the Hawker Hunter, such that he could immediately and under normal airshow pressure, perform a recovery from any failure conditions that might present themselves.
100. The fact that the Applicant had flown a "half Cuban 8" manoeuvre many times as part of his planned displays before the Crash was not an answer to this point, since as pointed out in the AAIB Main Report²⁴, flying an escape manoeuvre was not the same as flying other manoeuvres such as a half Cuban 8.
101. The Applicant was able to point to other escape manoeuvres which had been practised in

²³ Page 21 of the AAIB Main Report.

²⁴ Page 165 of the AAIB Main Report.

the Hawker Hunter but accepted that these were not specific to the situation of the Crash. In this regard, in the Panel's opinion, finding 28 in the AAIB Main Report should be qualified as reading "relevant escape manoeuvres", which is how SARG put its case at the hearing.

102. However, the important point is that, as explained by Captain McCorquodale, responsibility for ensuring that the pilot is capable of ensuring safety during the particular flight ahead lies with the pilot:²⁵

17...whilst it may not talk
18 about the specifics of that manoeuvre being practised in
19 that aircraft type, there would probably be
20 an overarching expectation and a requirement to ensure
21 you are competent to fulfil the manoeuvres that you are
22 about to undertake in an environment in which you are
23 about to undertake them. So there will be a high level
24 expectation that a pilot would be prepared and equipped
25 to deal with that manoeuvre.

103. Even if the specific requirement to practise particular escape manoeuvres was only introduced after the Crash, the relevant legal requirement which was in force in 2015 includes a general obligation to ensure safety, including consideration of any alternative courses of action if the flight cannot be completed as planned. The Panel accepts Captain McCorquodale's evidence that a competent pilot would have practised the specific escape manoeuvre in advance, especially given that he was due to fly an acrobatic sequence in a fast jet in a congested area. In his evidence to the Panel, the Applicant relied on the fact that it was not possible for him to have safely replicated in a rehearsed manoeuvre the actual conditions just prior to the Crash but this did not adequately address the point, since it was clearly possible and useful to have practised the relevant manoeuvre at a safe speed and height.
104. Finally, the Panel took note of the AAIB findings²⁶ that the map containing a rudimentary sketch of the sequence the Applicant intended to fly was not on display in his transparent knee pockets, but elsewhere on his person. Since this map was not on display it would have been of little use in an emergency and was in any event described by Captain McCorquodale as "*insufficient for the purpose for which it was intended*" and "*probably drafted in a hurry*".²⁷ The map which was in the knee pocket was not specific to the 2015 Shoreham Air Show and had been visible in videos of other displays. This all supported the Panel's views about the competency with which the Applicant had prepared for the flight.

Conclusions on competency

105. The Applicant's argument that the failings were concentrated in a period of no more than 20 seconds is no answer to the charge of incompetence. The Panel agrees with Mr Willcocks that, as he pointed out in evidence, 20 seconds could be a considerable amount of time for a pilot who must take very quick decisions. In any event, the failings in the lead up to the flight were also significant and according to the AAIB, played a contributory factor in the Crash.
106. It is fair to say, as pointed out by the AAIB's Chief Inspector, that the AAIB Main Report does not go so far as to conclude that the Applicant knew during the flight that relevant entry speed and height requirements for entering and safely completing the manoeuvre

²⁵ Page 73, Transcript Day 1.

²⁶ Page 56, paragraph 1.12.2.2 of the AAIB Main Report.

²⁷ Page 113, Transcript Day 1.

were not met (i.e. that he had them in mind but ignored them), or that he (consciously) failed to apply engine thrust. Indeed, the AAIB Main Report (finding 24) states that *"It is possible that the pilot misread or misinterpreted speed and height indications during the manoeuvre, or recalled those for a different aircraft type"*. When questioned by the Panel as to whether he had recalled the entry speed and apex heights and speed from the Jet Provost which he had flown most recently, the Applicant said that he did not believe so but that it was a possibility.

107. Ultimately, the Panel does not need to make findings about the precise thought processes and state of mind of the Applicant in this regard; either he consciously 'knew' that the speed and height gates were not met at the entry to and apex of the manoeuvre (as alleged by SARG) or there was another, culpable reason for that failure (such as misremembering the speed and height gates or not checking them). The Panel finds that, on the balance of probabilities, SARG has established that the Applicant has fallen far short of the competency requirements set out in both the assimilated EU legislation and the ANO. As set out above, he made a number of serious errors which led to the Crash and a non-culpable explanation was absent.

The Fitness Requirements

108. The Panel agrees with SARG's submission that, in the context of the test in the ANO and the Fitness Framework, 'fitness of character' is not the same thing as 'good character'. The Fitness Framework focusses on trustworthiness and propensity to obey rules, both in spirit and letter.
109. The Panel does take into account in this regard the Applicant's unblemished and long flying record, both in the armed forces and the private sector, which is clearly relevant to the question of fitness of character. There is nothing in the evidence before the Panel bearing on the Applicant's honesty and compliance with rules prior to the events leading up to the Crash and its aftermath.
110. The Panel has already found, for the reasons set out above, that the Applicant committed a catalogue of serious and culpable errors in the lead up to the flight and (most crucially) during the flight itself. Those errors, albeit made over the short period in question, have obvious relevance for the Applicant's propensity to obey rules.
111. Flying requires rapid decision-making, often under pressure, mental acuity, and the awareness that routine and regular practice is required to remain current in all aircraft types flown, and on all manoeuvres, especially those to be flown in high pressure situations. The Panel sought to understand whether the Applicant possessed the self-awareness, propensity to take accountability and fundamental characteristics that demonstrate this. The Panel did not receive this reassurance.
112. The Panel was disappointed that the Applicant was evasive and obfuscatory in the answers to some of its questions, including as to: (i) the standard of flying of the crash (paragraph 62 to 64 above); (ii) its questions about escape manoeuvres; and (iii) the queries about medical evidence. As to medical evidence, for the reasons explained above, there was no reason why a straightforward outline answer could not have been given to the Panel's question without reference to any AAIB Protected Material. No other reason (such as privacy) was cited by the Applicant or his counsel, but if it had been then appropriate arrangements could have been made.
113. Furthermore, in deciding the question as to fitness of character the Panel is entitled to take into account both the profound and tragic consequences of the Applicant's errors which caused the Crash, and the Applicant's subsequent behaviour and attitude to those errors (see further at paragraph 115 below). Fitness is a freestanding requirement which is to be

considered separately from competency but it is connected in the sense that SARG submitted that the Applicant's attitude to the accident and its causes was a relevant consideration for the Panel to take into account.

114. In this regard, SARG criticised the Applicant for a failure to show remorse. This was not entirely correct since (as set out in paragraph 72(iii) above), the Applicant expressed remorse on his acquittal from the criminal trial and also during the hearing. The Panel also agrees with the Applicant that merely exercising legitimate grounds of legal challenge would not tend to show a lack of fitness of character.

115. However, the Panel's conclusion, including from having observed the Applicant make representations at the hearing, was that he has failed to take meaningful responsibility for the part that he undoubtedly played in the Crash. This can be illustrated by two extracts from his evidence:

i) *"I've said outside the Old Bailey I think about it every day. I can't -- I can't resolve what happened on that day. I can't get it straight in my mind and therefore it's hard for me to -- to say, to express my remorse to the families. It is -- whatever part I played in it I -- I -- I -- I cannot say I'm more sorry than I am. I just don't understand what happened on that day, and this has gone on for a number of years where different people have different views and we're not going to solve it unfortunately. But how -- how can I express more remorse than I took part in an activity for pleasure I thought I was doing -- doing it responsibly, I -- I did with all my flying, something went horribly wrong on that day and I don't know what went wrong."*²⁸

ii) *"Something went wrong on that day. And I believe it was in the pilot. I can't -- I can't explain what, but as responsible I -- I do have total and utter responsibility. How I account for -- no, that's the wrong word -- how I account for why it happened I have no explanation I'm afraid, Ma'am. It's totally inadequate especially to the families. I -- I think I've -- I've said before, I -- the moment I saw the draft AAIB report that I'm not allowed to comment on that but in substance it was the same as the final one, I could see things there that just made absolutely no sense for why any individual -- not just me -- why any individual would do those things or not do those things. It -- it -- it bears no resemblance. So I'm left in the situation I was the captain of the aircraft, I'm therefore legally and morally responsible for what happened for it, but I can't account for that I'm afraid. It's a totally inadequate answer."*²⁹

116. Rather than taking ownership of the errors which occurred on that day with such tragic consequences, and even after the exhaustive investigations into the possible medical issues which concluded as set out above, the Applicant still seeks to disassociate himself from any meaningful responsibility for the accident (for example by referring to himself in the third person as *"the pilot"*, speaking of *"the way the aircraft was flown"* and *"whatever part I played in it"* and maintaining that he has *"no explanation"* for what happened).

117. The Panel considers that this failure to accept responsibility in any meaningful way does seriously call into question the Applicant's fitness to hold the relevant licences. In this regard, the Panel has carefully considered the Applicant's submissions that it would be *"overbearing and bullying behaviour"* for a regulator to conclude that challenging or appealing a decision demonstrates a lack of fitness of character. However, as explained above, SARG's submission as to fitness goes far beyond the mere fact of challenge or appeal and the Panel is satisfied that the regulatory action proposed in this case is not

²⁸ Page 96, Transcript Day 1.

²⁹ Page 108 to 109, Transcript Day 1.

disproportionate.

118. Furthermore, the Fitness Framework requires the CAA to take into account the “overriding need” to maintain public confidence in the licensing system and its decision-making process. Having identified that the Applicant committed the serious errors outlined in this letter which resulted in the Crash and the loss of eleven lives, it would undermine public confidence in the licensing system and the CAA’s decision-making process for the Panel now to conclude that the Applicant is a fit person to hold a licence, especially in the absence of any proper acceptance of the part he played.
119. The CAA also has to take into account the overriding need to protect the general public, and when considering safety it will take into account “*any other action that would impact on flight safety or the safety of persons on the ground*” (see SARG Enforcement Guidance referred to in paragraphs 33 to 34 above). The Applicant’s failure to meaningfully acknowledge responsibility has serious implications for safety going forward. While the cause of the accident remains something he says he cannot explain, there can be little confidence in his ability to fly safely in the future.

Answers to the Questions as to Competency and Fitness

120. The Panel therefore answers the first two questions as follows:

Question 1: Competency

(a) In respect of the ATPL(A), is the Panel satisfied, on the balance of probabilities, that the Applicant’s actions and inactions in the accident flight, fall under the specified circumstances in Part-ARA.FCL.250 of Annex VI and/or ARA.GEN.355 in Section III of Assimilated UK Regulation (EU) Number 1178/2011 because he has not demonstrated the appropriate degree of competence required by those provisions (i.e. the essential requirements for aircrew in Annex IV of Regulation (EU) 2018/1139)?

ANSWER: Yes, the Panel is so satisfied.

(b) In respect of the PPL and/or the FRTOL, is the Panel satisfied, on the balance of probabilities, that the Applicant’s actions and inactions in the accident flight are such that, pursuant to Article 253(2) of the Air Navigation Order 2016, the CAA may vary, suspend, or revoke his relevant licences because pursuant to Article 152 (b), he is not “*qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates*”?

ANSWER: Yes, the Panel is so satisfied.

Question 2: Fitness

Is the Panel satisfied, on the balance of probabilities, that the Applicant’s conduct demonstrates that he lacks trustworthiness and/or a propensity to obey rules?

ANSWER: Yes, the Panel is so satisfied.

SECTION I: PANEL DECISION

- 121. The Panel’s decision is that the Applicant’s ATPL(A), PPL and FRTOL are revoked for the reasons set out below.**
122. Given the safety concerns which have been outlined above, the Panel does not consider that it would be appropriate to take no action, given that Part ARA.GEN.355 requires the

CAA to limit, suspend or revoke the ATPL(A) where a safety issue is identified, and the CAA's CAP1074 (SARG Enforcement Guidance) provides that *"where a non-compliance gives rise to an unacceptable loss of safety, we will take action to suspend, or vary the certificate, licence or approval"*.

123. The Panel has evaluated whether, in all the circumstances it is appropriate and proportionate to revoke the Applicant's licences, or merely suspend or limit them in some way.
124. It was submitted on behalf of the Applicant that it was disproportionate to revoke his "lifetime licences", especially since there was no realistic prospect of him ever flying for an airline again and because he would need to pass a medical examination and the various skills-based tests before being permitted to fly at all. The Panel did not consider that this is a compelling argument; its task is to apply the criteria and consider the appropriate response. The fact that, as the Applicant's counsel suggested, no airline would wish to employ the Applicant in the future because of bad publicity, is not a persuasive factor in favour of lesser action than revocation.
125. In this regard, SARG submitted that the failings identified are so serious that the appropriate course of action is revocation and that in the absence of being able to understand the root causes of the Applicant's actions, SARG is realistically unable to suggest any action short of revocation which would be suitable.
126. In deciding which course of action to take in relation to each of the Applicant's licences the Panel has carefully considered all of the written materials and oral submissions. In light of those, and in particular in light of the Panel's conclusions in section H, above;
 - i) suspension of any of the licences is not appropriate, especially in light of the gravity of the errors and their consequences and the Applicant's failure to accept meaningful responsibility going forward;
 - ii) a limitation on the licences is also not appropriate for similar reasons and in any event, neither side suggested a possible limitation on any of the licences; and
 - iii) in the Panel's view the appropriate course is to revoke each of the licences.
127. The Panel is therefore satisfied that the Applicant's ATPL(A), PPL and FTROL should each be revoked.

Yours sincerely

Katherine Corich
Chair of the Review Panel

cc: SARG Lawyer

ANNEX 1

Date	Event
22 August 2015	The Applicant was the pilot and commander of an ex-military Hawker Hunter aircraft, registration mark G-BXFI, that crashed into the A27 Shoreham bypass whilst attempting an aerobatic display manoeuvre at the Shoreham Airshow. Eleven men were killed.
3 March 2017	The Air Accidents Investigation Branch ('AAIB') published a final report into the circumstances of the accident.
23 March 2017	The Applicant's licences were provisionally suspended by the Civil Aviation Authority ('CAA').
March 2019	The Applicant was prosecuted for gross negligence manslaughter and acquitted.
19 December 2019	The AAIB published a Supplemental Report.
20 December 2022	His Majesty's Senior Coroner ('the Coroner') for West Sussex held an inquest into the deaths of the eleven people who died as a result of the accident and concluded they had been unlawfully killed.
23 May 2023	The Applicant applied for judicial review in relation to the Coroner's Ruling but was unsuccessful.
10 July 2023	The CAA's Safety and Airspace Regulation Group ('SARG') made a proposal to revoke the Applicant's licences.
21 July 2023	The Applicant requested a CAA Internal Review of the proposal to revoke his licences.
Late 2023	The CAA's Internal Review concluded that the CAA properly took into account the evidence available and followed the correct process in reaching its decision to issue a proposal letter.
21 December 2023	The Applicant requested a referral to HMG's Department for Transport's Independent Review Panel.
18 January 2024	The Applicant was informed by the Independent Review Panel's Administrator that his referral to the Department for Transport's Independent Review Panel would not be processed. The Applicant was advised that the CAA Internal Review would revisit issues on process that had been raised by the Applicant.
28 May 2024	The Applicant was informed of the outcome of the supplementary CAA Internal Review, which was that SARG properly took into account the evidence available and followed the correct process in reaching its decision to issue a proposal letter.

29 May 2024	The Applicant requested a review of SARG's proposal to revoke his licences under Regulation 6 of the Civil Aviation Authority Regulations 1991.
21 June 2024	The Applicant was informed of the deadlines for provision of his written representations and any comments, as well as the provisional dates for the hearing of his Regulation 6 review.
12 July 2024	SARG submitted its Brief.
25 July 2024	The Applicant was requested to provide a list of documents to be included in the bundle for the Regulation 6 review hearing.
2 August 2024	The Applicant submitted his written representations for the Regulation 6 review hearing.
16 August 2024	SARG submitted its comments on the Applicant's written representations.
1 September 2024	The Applicant submitted his comments and further observations for the Regulation 6 review hearing.
2-3 October 2024	The Regulation 6 review hearing took place.