

## REGULATION 28: REPORT TO PREVENT FUTURE DEATHS (1)

*NOTE: This form is to be used **after** an inquest.*

<b>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</b>	
<b>THIS REPORT IS BEING SENT TO:</b>	
<ol style="list-style-type: none"><li>1. Rt Hon Grant Shapps MP, Secretary of State for Transport</li><li>2. Rt Hon Nadine Dorries MP, Secretary of State for Digital, Culture, Media and Sport</li><li>3. [REDACTED], President of the British Chamber of Commerce</li><li>4. [REDACTED], Chair of the Institute of Directors</li><li>5. [REDACTED], Chair of the Executive Association of Great Britain</li><li>6. [REDACTED], Director General of the Confederation of British Industry</li><li>7. [REDACTED], Chair of the Non-Executive Directors Association</li><li>8. [REDACTED], Chair of the British Horseracing Authority</li><li>9. [REDACTED], Chair of the England and Wales Cricket Board</li><li>10. [REDACTED], Chief Executive of the Professional Footballers Association</li><li>11. [REDACTED], Chief Executive of the Premier League</li><li>12. [REDACTED], Chair of the English Football League</li><li>13. [REDACTED], Chair of the Football Association</li><li>14. [REDACTED], Chair of the UK Athletics Association</li><li>15. [REDACTED], Chair of UK Sport</li><li>16. [REDACTED], Chair of the Lawn Tennis Association</li><li>17. [REDACTED], Chair of the Jockey Club</li><li>18. [REDACTED], Chair of the Rugby Football Union</li><li>19. [REDACTED], Chair of the Rugby Football League</li><li>20. [REDACTED], Chair of Motorsport UK</li></ol>	
1	<b>CORONER</b>  I am Rachael Clare Griffin, Senior Coroner, for the Coroner Area of Dorset
2	<b>CORONER'S LEGAL POWERS</b>  I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.
3	<b>INVESTIGATION and INQUEST</b>  On the 8 <sup>th</sup> February 2019 an investigation was commenced into the death of Emiliano Raul Sala, born on the 31 <sup>st</sup> October 1990.  The investigation concluded at the end of the Inquest on the 17 <sup>th</sup> March 2022.  The Medical Cause of Death was:  1a Head and trunk injuries

	<p>The narrative conclusion of the Inquest recorded by the jury was "Emiliano Raul Sala died as a consequence of injuries sustained in an aircraft crash, where the flight was operated as a commercial flight without the required authorisations, certification or permission being in place."</p>
4	<p><b>CIRCUMSTANCES OF THE DEATH</b></p> <p>On the 21<sup>st</sup> January 2019 Emiliano Raul Sala was a passenger in a Piper PA-46-310P Malibu aircraft, registration [REDACTED], flying from Nantes, France to Cardiff, UK. At approximately 20:16 hours the aircraft disappeared from radar. Emiliano was recovered from the wreckage on the sea bed on the 6<sup>th</sup> February 2019.</p> <p>Emiliano died instantly from fatal head and trunk injuries due to a high energy aircraft crash. It is likely that Emiliano was deeply unconscious due to carbon monoxide poisoning at the time of the accident.</p> <p>The organiser, of this flight, chartered the aircraft from an unlicensed operator. This flight was a commercial flight operating without the correct certification and relevant permissions.</p> <p>The owner of the aircraft did not have any written contract with the operator and minimal oversight of the day to day operations.</p> <p>The operator hired the pilot who did not have a commercial pilots license, no night rating and his rating to fly single engine piston aircraft had expired. He had limited experience in flying in instrument meteorological conditions.</p> <p>The aircraft maintenance was up to date in line with part 91 and part 43 however, was not consistent with a part 135 maintenance schedule for a commercial aircraft.</p> <p>These circumstances culminated in an unlicensed night flight, undertaken in poor weather conditions with the pilot under visual meteorological conditions.</p> <p>The pilot likely felt under pressure to complete the flight for a highly valued customer. The pilot lost control of the aircraft during a manually flown turn which was probably initiated the remain in, or regain visual meteorological conditions. The aircraft then suffered an inflight breakup whilst manoeuvring at an airspeed significantly outside its design parameters.</p> <p>The aircraft struck the sea, nose high and in an inverted attitude.</p> <p>The pilot was likely to have been affected by carbon monoxide poisoning. This was caused by a failure in aircraft exhaust system. In-service inspections of the exhaust system do not eliminate the risk of carbon monoxide poisoning.</p>
5	<p><b>CORONER'S CONCERNS</b></p> <p>During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.</p>

The **MATTERS OF CONCERN** are as follows:

1. During the inquest evidence was heard that:
  - i. Emiliano Sala was an international professional footballer. On the 21<sup>st</sup> January 2019 Emiliano was a passenger in a single piston engine aircraft flight from Nantes in France to Cardiff in Wales when it crashed into the sea leading to his death.
  - ii. This flight was an illegal flight due to the fact that it was a commercial flight without the required authorisations, certification or permission.
  - iii. There is a market in the illegal provision of flights for reward on private aircraft or flown by pilots without an Air Operators Certificate (AOC). Evidence was given that this market particularly exists in the world of sport and music.
  - iv. These flights do not meet the minimum safety standards for commercial operations and evidence was given this could lead to future aircraft crashes and subsequently, future deaths.
  - v. In September 2019, following Emiliano's death the Chief Executive of the Civil Aviation Authority (CAA) wrote to a number of organisations about the risks associated with these flights and the launch of the safety campaign by the CAA. Evidence has been given that all those listed at the top of this report numbered 3 to 18 were written to and none of the organisations responded. I attach one sample copy of the CAA letter to this report. In order to stop these illegal flights and therefore prevent future deaths, it is important that these organisations make their members aware of the risks associated with these flights.
  - vi. Whilst the CAA do investigate, and have successfully prosecuted, those involved with these flights, they have limited powers in securing evidence to assist in the investigation of breaches of aviation regulations and such illegal flights.
  - vii. The CAA successfully prosecuted an individual in respect of the operation of the flight which led to Emiliano's death. One of the offences the individual was convicted of was endangering an aircraft. Clearly this is an offence that can lead to death. This successful prosecution relied heavily on evidence that the CAA were only able to obtain with the help of the Police, using their powers under the Police and Criminal Evidence Act 1984. One example of this was the access to phone records and email correspondence from the devices seized by the Police, another was access to financial records seized by the Police. The CAA do not have powers to seize or inspect such devices or records which therefore restricts them in their investigation of breaches of aviation regulations. In circumstances when the CAA are therefore

	<p>investigating offences alone, they will not have the support of the Police.</p> <p>viii. The CAA investigator provided evidence at the Inquest that without the support from the Police in their investigation linked to Emiliano's death, it is unlikely the CAA would have been able to secure the criminal prosecution.</p> <p>ix. This lack of powers means that the CAA are restricted in their ability to access information which may lead them to identify the illegal flights that are taking place. Having access to such documentation is likely to reduce the illegal flights that take place due to the increase in detection and enforcement. Having these powers, and increasing the number of opportunities to prosecute, would also act as a deterrent to such illegal flights being arranged.</p> <p>2. I have concerns with regard to the following:</p> <p>i. There could be future deaths as a result of these illegal flights, and I request that the Secretary of State for Transport conducts a review of the powers available to the CAA in investigating breaches of aviation regulations. I request that the Secretary of State for Transport consider meeting with the CAA to establish what powers they would find of assistance in their investigative and enforcement role.</p> <p>ii. I further request that a review is undertaken by the Secretary of State for Digital, Culture, Media and Sport of the guidance given to the general public, especially all those involved in the sporting and music worlds, about the illegality of these flights and the risks associated with them. I would again request that consideration be given to meeting with the CAA who can properly advise on the risks associated with these flights, especially of future deaths that can occur and what support may assist them in deterring people from using these flights.</p> <p>iii. I would request that all the organisations identified at numbers 3-20 in the list at the beginning of this report, consider cascading to all their members, and anyone else they consider will benefit from the information, the illegality of these flights and the risks associated with them, especially of a future death, in order to discourage the use of these flights. I would again request that consideration be given to liaising with the CAA who can properly advise on the risks and what support would be of benefit to reduce the use of these flights and prevent future deaths.</p>
6	<p><b>ACTION SHOULD BE TAKEN</b></p> <p>In my opinion urgent action should be taken to prevent future deaths and I believe you and/or your organisation have the power to take such action.</p>

7	<p><b>YOUR RESPONSE</b></p> <p>You are under a duty to respond to this report within 56 days of the date of this report, 13<sup>th</sup> May 2022. I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise, you must explain why no action is proposed.</p>	
8	<p><b>COPIES and PUBLICATION</b></p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons or their representatives:</p> <ul style="list-style-type: none"> <li>• Hickman Rose Solicitors on behalf of Emiliano’s family</li> <li>• Government Legal Department (GLD) on behalf of the Air Accidents Investigation Branch (AAIB)</li> <li>• Civil Aviation Authority (CAA)</li> <li>• [REDACTED] on behalf of Aerotech Aircraft Maintenance Ltd</li> <li>• Capital Law on behalf of Cardiff City Football Club</li> <li>• [REDACTED] on behalf of Cool Flourish Ltd</li> <li>• [REDACTED]</li> <li>• Kennedy’s Law on behalf of Eastern Air Executive</li> <li>• Squire Patton Boggs on behalf of FC Nantes</li> <li>• [REDACTED]</li> <li>• Clyde &amp; Co on behalf of Piper Aircraft Inc</li> <li>• Gunnercooke on behalf of Southern Aircraft Consultancy Ltd</li> <li>• The Air Law Firm on behalf of Starr Europe</li> </ul> <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>	
9	<p><b>Dated</b></p>  <p><b>18<sup>th</sup> March 2022</b></p>	<p><b>Signed</b></p>  <p><b>Rachael C Griffin</b></p>

# Exhibit SOS-2

Chief Executive's Office



18/09/2019

re: illegal charter flights

Dear [REDACTED]

I am writing to seek your support for a new safety campaign to highlight the risks of paying to fly with companies, or in aircraft, that are operating illegally and therefore not properly regulated to meet the highest safety standards.

Where we have evidence that these *illegal public transport flights* are taking place we will actively investigate and prosecute. We believe there are currently a small number of unscrupulous aircraft owners and pilots in the UK who are willing to fly paying passengers despite not being legally approved to do so. These people choose to avoid our rigorous safety oversight that puts higher levels of safety in place for fare paying passengers.

We are therefore seeking to raise awareness with those potentially purchasing a flight as to the risks they could face from flying with an illegal operator. It is vital that anyone arranging a work-related flight, either for themselves or a colleague, checks thoroughly that the aircraft operator they are using has the appropriate safety licences and certificates.

The awareness campaign we will be shortly launching will target those business sectors and industries which tend to rely on corporate flights as part of their travel arrangements for staff. I would appreciate any assistance you can lend to this important campaign both within your organisation and wider. The campaign will include:

- Providing information to passengers at airfields on the risk of using illegal operators
- Working with properly licensed operators to explain their extra safety requirements
- A social media campaign to raise awareness of the campaign.
- A media launch supported by information on our website

## Exhibit SOS-2

As a first step I would very much appreciate your public support for the launch of the campaign by naming you on the relevant information on our website and perhaps in any media work. We can also supply copies of the campaign collateral for you to distribute within your organisation and to any other relevant linked parties.

To help achieve this could I ask in the first instance to ensure your organisation contacts [REDACTED] in the CAA communication team to discuss options.

[REDACTED]  
[REDACTED]

Thank you in advance for your support on this important piece of consumer protection work.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized initial 'B' followed by a long horizontal stroke that ends in a small loop.

[REDACTED]  
**CHIEF EXECUTIVE**