

CASE STUDY

SITA AIR – NEPAL

Aviation Accident

Dornier 228
28 September 2012

On 28 September 2012, a Sita Air Dornier 228-202 crashed shortly after take-off from Kathmandu, Nepal, killing all 19 persons on board, including seven Britons. Nepal was a country with a poor flight safety record and this tragedy was the sixth fatal plane crash in the country in a two-year period.

The English Air Accident Investigation Branch (AAIB) assisted the Nepalese authorities and a comprehensive Final Accident report was published.

Jim Morris analysed the report and the key failings were:

- The aircraft exceeded its maximum take-off weight by at least 78kg.
- The pilots used the wrong speeds for take-off.
- There was a loss of power in the left engine, although the cause of this was not been identified.
- The remains of a bird were found on the runway – there was no evidence that any part of the bird was ingested into the engine.
- The aircraft operator had set the flight idle fuel flow rate at a lower rate than required in the aircraft manuals. This could result in increased drag during flight if an engine was at flight idle.
- The crew did not practice engine emergencies during the take-off and initial climb in flight simulators. As such, the report states that the crew were faced with circumstances that they were not fully trained to deal with.
- The aircrew allowed the speed to decay after take-off which caused an aerodynamic stall and loss of control of the aircraft.

Proceedings were brought against the tour package provider, Explore Worldwide Ltd, and liability was admitted.

Representations were made to the European Transport Commission on the poor flight safety situation in Nepal and the Commission subsequently blacklisted all Nepalese airlines from flying in EU airspace.

There was an Inquest for the British families in April 2014. Jim Morris was the advocate for the families and questioned the Air Accident Investigators in detail so that the full extent of the failings that caused the accident were highlighted to the Coroner. After the evidence, Jim made a legal submission to the Coroner that further action should be taken to help prevent further deaths. He highlighted that the deceased passengers would have not flown with Sita Air if they had been provided

more information when booking the holiday and that the Association of British Travel Agents (ABTA) could do more to require its members to warn customers if a foreign domestic airline is on the EU blacklist.

After consideration of Jim's submission and the evidence from the Inquest, the Coroner issued a Regulation 28 Report to ABTA and Explore. The Report highlighted the Coroner's concerns about travel companies continuing to use blacklisted air operators and what action ABTA will take in respect of such bookings and the fact that Explore's brochures did not warn travellers of the potential dangers of exceeding baggage allowances when flying with local air operators.

Following the Regulation 28 Report, ABTA amended its code of conduct as follows:

"Sale of flights on airlines included on the Air Safety List 2R) Before they sell Travel Arrangements to a Client that includes a flight on the EU Air Safety List, inform the Client that the airline is on that list."

This was an important development to protect the customers of ABTA members who now have to be provided with important flight safety information so that they can make an informed decision about whether to fly with an airline on the blacklist. It also demonstrates the important role an Inquest can play in providing families with the opportunity of obtaining further relevant information about the chain of events leading to the tragedy and that there is the opportunity to utilise the Inquest procedure to encourage the industry and relevant entities to make changes to improve flight safety.

[Jim Morris \(Link to Jim profile\)](#)

Consultant & Barrister - Aviation

Nexa Law

Jim.morris@nexa.law

Tel 020 7504 7071 ext 20

Jim specialises in representing the victims of international air accidents. He was a professionally qualified Royal Air Force pilot prior to becoming an aviation lawyer, and has over 28 years' experience in aviation and litigation.