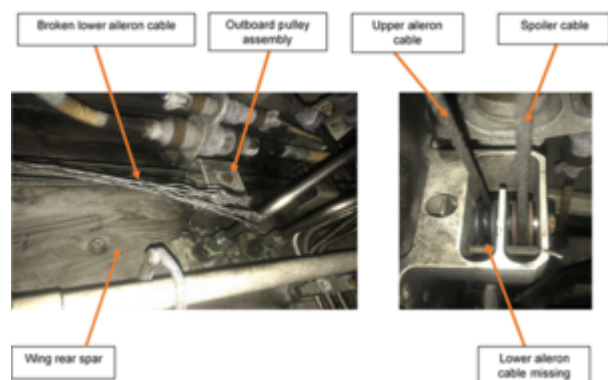


AAIB Report: De Havilland Canada Dash 8-402, failure of left aileron cable

News story

The pilots of a De Havilland Canada Dash 8-402 noticed that both handwheels were offset to the right in order to maintain wings level flight. The aircraft diverted and made an uneventful landing, 14 November 2019.



Shortly after takeoff in a strong crosswind, the pilots of a De Havilland Canada Dash 8-402 noticed that both handwheels (control wheels / yokes) were offset to the right in order to maintain wings level flight. The aircraft diverted to Exeter Airport where it made an uneventful landing.

The handwheel offset was the result of a break in a left aileron cable that ran along the wing rear spar. In the course of this investigation it was discovered that the right aileron on G-FLBE, and other aircraft in the operator's fleet, would occasionally not respond to the movement of the handwheels. Non-reversible filters were also fitted to the operator's aircraft that meant that it was not always possible to reconstruct the actual positions of the control wheel, column or rudder pedals recorded by the Flight Data Recorder.

The aircraft manufacturer initiated safety actions to improve the maintenance of control cables and to determine the extent of the unresponsive ailerons across the fleet. Three Safety Recommendations are made in this report for the unresponsive aileron and filtering of the control position data.

[Read the report.](#)

Media enquiries call: 01932 440015.

Published 15 October 2020

[AAIB Report: Mooney M20K, Baggage door detachment in flight](#)

News story

The baggage door of a Mooney M20K aircraft detached in flight causing the pilot to declare a MAYDAY. The pilot was able to land safely without injury, 30 May 2020.



A Mooney M20K aircraft (G-OSUS) had been flying for approximately 15 minutes and was in level flight when the baggage door opened and detached. It struck the right tailplane and remained wrapped round the leading edge near its tip. This caused the pilot control difficulties and increased drag. The pilot declared a MAYDAY and made a successful emergency landing at Membury Airfield.

The investigation found the safety clip for the internal emergency operating handle of the baggage door was not correctly installed, so instead of holding the handle closed it held it in a slightly open position. During the flight, it seems most likely that this handle moved sufficiently towards the open position to disengage the shoot bolts from the door frame allowing the door to open. It could not be determined when the safety clip was incorrectly installed or why it had not been noticed.

[Read the report.](#)

Media enquiries call: 01932 440015.

Published 15 October 2020

Media advisory notice – embargoed judgments

Press release

The Solicitor General draws attention to the legal requirement not to publish, disseminate or retain material that has been obtained from embargoed court judgments



The Solicitor General Rt. Hon Michael Ellis QC MP

The Solicitor General Rt. Hon Michael Ellis QC MP draws attention to the legal requirement not to publish, disseminate or retain material, including online, that has been obtained from embargoed court judgments.

Judgments subject to embargo are draft judgments handed down to parties in court proceedings in advance of those judgments being made public. The release of draft judgments to the parties plays an important role in ensuring that any inaccuracies or inappropriate material can be rectified before the judgment is made public. Embargoed judgments play an important role in the administration of justice.

The Solicitor General wishes to draw attention to Practice Direction 40E of the Civil Procedure Rules and the case of *Baignet v Random House Group* [2006] EWHC 1131 (Ch) which confirms that publication of an embargoed judgment, or the substance contained therein, may be viewed as a contempt of court.

Further, the Solicitor General emphasises that retention, use and/or further dissemination of an embargoed judgment, or its contents, even if no premature publication occurs, is capable of constituting contempt of court.

The Attorney General's Office will be monitoring purported breaches of embargoed judgments.

Editors, publishers and social media users should take legal advice to ensure they are in a position to fully comply with the obligations they are subject to under the Civil Procedure Rules PD 40E.

Events company's collapse shines light on director's prior ban

Steven Charles Rooney (52) received an 11-year ban, which is effective from 18 October 2020, while his wife, Linn Rooney (40), was previously disqualified for 6 years.

Husband and wife are banned from acting as directors or directly or indirectly becoming involved, without the permission of the court, in the promotion, formation or management of a company.

ABC Events (Scotland) Ltd was incorporated in October 2011, providing conference and event organisation services across the UK.

The events company began to struggle and was wound up 7 years later in October 2018. ABC Events' insolvency, however, uncovered that Steven Rooney had been running the company in breach of his disqualification and his wife was fully aware of the misconduct.

Investigators from the Insolvency Service established that Steven Rooney had resigned as a director of ABC Events in November 2014 after he was disqualified for 6 years.

Linn Rooney was appointed as the de jure director of the events company in November 2016 but left the day-to-day running of the business to her husband, despite knowing he was banned from doing so.

Steven Rooney initially acknowledged to investigators he worked for ABC Events, which would have been allowed, but denied acting as a director.

Former employees, however, confirmed that Linn Rooney left the day-to-day running of the company to her husband. Employees told investigators that Steven Rooney authorised all of the company's expenses, dealt with wages and held full responsibility for ABC Event's bank accounts.

Suppliers confirmed employees' accounts about who was really running ABC Events when they told investigators they believed Steven Rooney was the director and that he also dealt with payment disputes.

Steven Rooney initially rejected claims that he acted as a director of ABC Events after he was disqualified in 2014 and proceedings were issued in the court. But on 28 September 2020, the Secretary of State accepted an 11-year disqualification undertaking from Steven Rooney after he did not dispute that he acted as a director of ABC Events (Scotland) Ltd in contravention of his

previous disqualification.

Linn Rooney had her 6-year disqualification undertaking accepted by the Secretary of State in December 2019 after she did not dispute that she allowed a person to act as director of ABC Events (Scotland) Ltd whilst knowing they were disqualified.

Rob Clarke, Chief Investigator for the Insolvency Services, said:

Steven Rooney's misconduct finally caught-up with him when his events company collapsed, shining a light on the fact that he was running the company despite his disqualification. Not only did he totally disregard his previous ban but his wife, Linn Rooney, was fully aware of his misconduct.

The length of this ban for Steven Rooney and the disqualification of his wife, demonstrates that we will tackle those who try to get around their bans by appointing their spouse as director, while continuing to run the business themselves behind the scenes.

Steven Charles Rooney is from Falkirk and his date of birth is May 1968.

Linn Rooney is from Falkirk and her date of birth is April 1980.

ABC Events (Scotland) Ltd (Company Number SC409400)

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings. Persons subject to a disqualification order are bound by a [range of restrictions](#).

[Further information about the work of the Insolvency Service, and how to complain about financial misconduct.](#)

You can also follow the Insolvency Service on:

[Government outlines approach to protect future of cash](#)

- government sets out plans to protect the UK's future cash system and ensure people have easy access to cash
- proposals would see cashback offered at shops without consumers having to make a purchase
- the Financial Conduct Authority would also be given overall responsibility for the UK's retail cash system to protect consumers and SMEs

Under the government proposals, cashback without a purchase could be widely available from retailers of all sizes in local communities across the UK.

Although cash use is declining, with people increasingly choose cards, mobile and e-wallets to make payments, it remains crucial for groups across the UK – including the elderly and vulnerable. Many find that cash is more accessible than digital payments methods or that it helps them to budget and manage their finances.

These proposals, which also include making the Financial Conduct Authority (FCA) responsible for ensuring the cash system benefits consumers and SMEs, are the latest step in the Government's effort to support the millions of people and business who rely on cash day to day.

John Glen, Economic Secretary to the Treasury, said:

We know that cash is still really important for consumers and businesses – that's why we promised to legislate to protect access for everyone who needs it.

We want to harness the same creative thinking that has driven innovation in digital payments to maintain the UK's cash system and make sure people can easily access cash in their local area.

To ensure no one is left behind by the transition to digital payments, the government announced at the March 2020 Budget that it would legislate to protect access to cash and ensure that the UK's cash infrastructure is sustainable in the long-term.

Today it is seeking views on its approach to this legislation from consumer organisations, businesses, financial institutions, providers of ATM and payment services and others through a call for evidence.

One proposal under consideration is cashback without a purchase, which could help to keep cash widely available by reducing cash infrastructure costs.

When local shops accept and dispense cash, it is recycled through local communities and there is less need to transport and distribute notes and coins via cash centres, which reduces the associated costs.

Last year, consumers received £3.8 billion of cashback when paying for items at a till – making it the second most used method for withdrawing cash in the UK behind ATMs.

Current EU law makes it difficult for businesses to offer cashback when people are not paying for goods and this has been a barrier to widespread adoption. The Government is now considering scrapping these rules once the transition period ends on 31 December 2020.

The government is also considering giving the FCA overall responsibility for maintaining a well-functioning retail cash system given its existing

regulatory role and consumer protection objective.

At present, The Bank of England, Financial Conduct Authority, Payment Systems Regulator, and HM Treasury each have specific roles and responsibilities for oversight of the cash system. Close coordination between these authorities has been highly effective, particularly in managing risks to cash through Covid-19, but there may be significant benefits to giving a single authority overall responsibility for setting requirements to meet the cash needs of consumers and SMEs.

The call for evidence opens today (15 October 2020) and will run for six weeks. It will seek views on how to ensure industry continues to offer ways to withdraw and deposit cash, how to improve cashback, what affects cash acceptance, and where regulatory responsibility should sit.

Further information

More detail on the government's proposals is available in the [Access to Cash Call for Evidence document](#).

The Call for evidence will close on 25 November 2020.

Cashback without a purchase: Unlike cashback with a purchase, cashback without a purchase is not explicitly exempted from the definition of a payment service under the EU's Second Payment Services Directive. Cashback without a purchase constitutes a regulated payment service and generally only suitably registered or authorised businesses such as banks and payment institutions are permitted to provide payment services in the UK. Without legislative changes, the provision of cashback without a purchase would require that retailers are registered or authorised to provide the regulated service, or act as an agent of a payment service provider, such as the acquirer or the customer's card issuer.

Regulatory oversight of the cash system: The Bank of England, FCA, PSR, and HM Treasury each have various roles and responsibilities for the cash system (set out below) and coordinate closely through the Joint Authorities Cash Strategy (JACS) Group:

- HM Treasury is the UK's economics and finance ministry, with responsibility for financial services public policy and financial legislation, including setting the objectives and remits for the financial regulators.
- The Bank of England has primary functions to maintain monetary stability and oversee financial stability of the UK financial system. Its responsibilities for monetary stability include monetary policy, the issuing of bank notes, and maintaining confidence in the physical currency.
- The Financial Conduct Authority is the conduct regulator for regulated financial services firms. The FCA has statutory objectives to protect and enhance the integrity of the UK financial system, to ensure an appropriate degree of protection for consumers of financial services (including when the acceptance of cash deposits or a cash withdrawal

service is a regulated activity or payment service), and to promote effective competition in the interest of consumers.

- The Payment Systems Regulator is an economic regulator, and an operationally independent subsidiary of the FCA. It has statutory responsibilities to promote the interests of business and consumers that use payments systems, as well as to promote competition and innovation within payments. In line with this, the PSR is responsible for regulating the ATM network as overseen by LINK.

Whilst the JACS Group has been an important and highly beneficial initiative, it is not a decision-making body, and it remains the case at present that no single authority has overall responsibility for overseeing the maintenance of a well-functioning UK cash system for the benefit of consumers. Whilst effective coordination between the financial authorities will continue to be critical, the government considers there may be significant benefit in giving a single authority overall responsibility for setting requirements to ensure that the retail distribution of cash meets the needs of consumers and SMEs.