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CIVIL AVIATION (INVESTIGATION OF AIR ACCIDENTS AND INCIDENTS) REGULATIONS 2016



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S. I. No. 4 of 2016

**CIVIL AVIATION (INVESTIGATION OF AIR ACCIDENTS
AND INCIDENTS) REGULATIONS, 2016**

PART 1—ESTABLISHMENT

1. The Minister, in exercise of the powers conferred by Sections 29 (10) Civil Aviation Act, 2006 and of all other powers enabling the Minister in that behalf hereby makes the following Regulations prescribing for :

Enabling
powers.

(a) the manner of exercising and carrying out the Bureau's powers, duties and functions under the Civil Aviation Act ; and

(b) the standards that the aviation system needs to achieve compliance with the provisions of the Act.

2. These Regulations may be cited as the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2016 and shall come into force on the 25th day of February, 2016.

Citation and
Commence-
ment.

3. The following expressions except where the context otherwise requires, shall have the following meaning :

Interpretations.

“*Accident*”—An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, in which :

(a) a person suffers a fatal or serious injury as a result of :

(i) being in or upon the aircraft ;

(ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft ; or

(iii) direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew, or

(b) the aircraft sustains damage or structural failure which :

(i) adversely affects the structural strength, performance or flight characteristics of the aircraft ; and

(ii) would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires,

brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

(c) the aircraft is missing or is completely inaccessible;

“Accredited Representative”—A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. Where the State has established an accident investigation authority, the designated accredited representative would normally be from that authority;

“Act”—The Civil Aviation Act 2006;

“Adviser”—A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation;

“Aerodrome”—A defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“Aircraft”—means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;

“Approved Training Organisations (ATO)”—An organization approved by the Authority in accordance with the requirements to perform airman and similar aviation related trainings operating under the supervision of the Authority;

“Authority”—The Nigerian Civil Aviation Authority;

“Authorised Personnel”—Persons permitted or allowed to participate in an investigation through appointment or nomination in accordance with ICAO SARPs;

“Bureau”—The Accident Investigation Bureau;

“Causes”—Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident. The identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability;

“Contracting State”—Any State (including Nigeria) which is party to the Convention on International Civil Aviation;

“Contributory Factors”—Actions, omissions, events, conditions, or a combination thereof, which if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification

of contributory factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability ;

“*Crew*”—includes every person employed or engaged in an aircraft in flight on the business of the aircraft ;

“*Commissioner*”—The Chief Executive Officer of Accident Investigation Bureau appointed under the Civil Aviation Act, 2006 ;

“*Competent Authority*”—Any person or organization that has the legally delegated or invested authority, capacity or power to perform a designated function. If an organization, it shall be a constituted body or agency of the Federal Republic of Nigeria or Sovereign Government of another country, military or para-military brought into being by an Act of Establishment ;

“*Dangerous goods*”—Articles or substances which are capable of posing a risk to health, safety, property or the environment ;

“*Draft Final Report*”—A report sent to the relevant State, Authority and other interested parties in the investigation, inviting their significant and substantiated comments on the report within sixty (60) days from transmittal date ;

“*Fatal injury*”—An injury resulting in death within thirty days of the date of the accident ;

“*Final Report*”—The Bureau’s conclusive report on the investigation into an aircraft accident or incident which includes the pertinent factual information, analysis, conclusions and when appropriate, associated safety recommendations issued by the Bureau ;

“*Flight recorder*”—Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation ;

“*Incident*”—An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation ;

“*Investigation*”—A process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and/or contributory factors and, when appropriate, the making of safety recommendations ;

“*Interim Statement*”—The communication issued by the Bureau to the public on each anniversary of the accident or incident for informing those having a direct interest in the investigation regarding the progress of an ongoing investigation and any safety issues raised during the investigation ;

“*Investigator-in-charge*”—A person charged, on the basis of his or her qualifications, with the responsibility for the organisation, conduct and control of an investigation ;

“*Maximum mass*”—Maximum certificated take-off mass ;

“*Minister*”—The Minister responsible for Nigerian Civil Aviation ;

“*Observer*”—A representative of a concerned department who is authorised by the Bureau to attend an investigation as an observer, or the Bureau’s investigator authorised to attend an investigation being conducted by the concerned department ;

“*Operator*”—A person, organisation or enterprise engaged in or offering to engage in an aircraft operation ;

“*Pilot-in-Command*”—A pilot designated by the operator, or in the case of general aviation, the owner as being in command and charged with the safe conduct of a flight ;

“*Police officer*”—Any person who is a member of the Nigerian Police Force ;

“*Preliminary Report*”—The communication used for the prompt dissemination of data obtained during the early stages of the investigation ;

“*Regulations*”—Civil Aviation (Investigation of Air Accidents and Incidents) Regulations of Nigeria, made pursuant to the Civil Aviation Act, 2006 ;

“*Relevant record*”—Any item in the possession, custody or power of the Commissioner which is of a kind referred to above ;

“*Safety recommendation*”—A proposal of the Accident Investigation authority based on information derived from the investigation made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies ;

“*Serious incident*”—An incident involving circumstances indicating that there was a high probability of an accident, and is associated with the operation of an aircraft which :

(i) in case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked ; or

(ii) in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down ;

“*Serious injury*”—An injury which is sustained by a person in an accident and which :

(i) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received ; or

(ii) results in a fracture of any bone (except simple fractures of fingers, toes, or nose) ; or

(iii) involves lacerations which cause severe hemorrhage, nerve, muscle or tendon damage ; or

(iv) involves injury to any internal organ ; or

(v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface ; or

(vi) involves verified exposure to infectious substances or harmful radiation ;

(vii) involves the loss of a limb ;

“*State*”—A contracting State of the International Civil Aviation Organisation ;

“*State of Design*”—The State having jurisdiction over the organisation responsible for the type design ;

“*State of Manufacture*”—The State having jurisdiction over the organisation responsible for the final assembly of the aircraft ;

“*State of Occurrence*”—The State in the territory of which an accident or incident occurs ;

“*State of the Operator*”—The State in which the Operator s principal place of business is located or, if there is no such place of business, the operator s permanent residence ;

“*State of Registry*”—The State on whose register the aircraft is entered ;

“*State Safety Programme (SSP)*”—An integrated set of regulations and activities aimed at improving safety ;

“*Statement*”—The whole or any part of an oral, written or recorded statement relating to an aircraft accident given by the author of the statement to the Bureau ;

“*The Annex*”—Annex 13 to the Convention on International Civil Aviation, Chicago 1944 ;

“*Witness*”—A person require to attest to matters of facts, for this purpose, all statements taken from persons in the cause of accident investigation processes before the Commissioner or any of his designated officer there of which an affirmation may be required.

4.—(1) Any notice, document, consent, approval, or other communications required or authorised by any provision of these Regulations to be served on or given to any person shall be in writing and may be served or given :

- (a) by delivering it to that person ;
- (b) by leaving it at his usual or last-known residence or place of business, whether in Nigeria or elsewhere ;
- (c) by sending it to that person by registered or recorded delivery mail, at that address ; any Notice sent by mail shall be deemed to have been duly served five working days after the date of posting or ;
- (d) by sending it to that person at that address by telex, email, airmail, by facsimile transmission or other electronic means in a form generating a record copy to the party being served at the relevant address ; in which event the document shall be regarded as served when it is received.

(2) In any case, any delivery made in accordance with the provisions of regulation 4(1)(b)-(d) shall be deemed served after 7 (Seven) days of the date of dispatch.

PART 2—APPLICABILITY

Applicability.

5.—(1) These Regulations apply only to Accidents and Incidents Investigation activities wherever they occurred in Nigeria ;

(2) In these Regulations, the specifications concerning the State of the Operator apply only when an aircraft is leased, chartered or interchanged and when that State is not a State of Registry and if it discharges, in respect of these Regulations in part or in whole, the functions and obligations of the State of Registry.

Functions of the Accident Investigation Bureau.

The Bureau and its Functions.

6.—(1) An agency is hereby established, pursuant to the Civil Aviation Act 2006 known as Accident Investigation Bureau.

(2) The functions of the Bureau shall include, but not be limited to :

(a) the conduct of investigation into any accident or incident arising out of or in the course of air navigation and either occurring in or over Nigeria or occurring elsewhere as applicable to an aircraft registered in Nigeria or operated by Nigerian operator ;

(b) the gathering, recording and analysis of all relevant information on air safety data, in particular, for accident or incident prevention purposes, in so far as those functions do not affect its independence and entail no responsibility in regulatory, administrative or standards matters ;

(c) if appropriate, the issuance of safety recommendations ;

(d) if possible, the determination of the causes and/or contributory factor(s) ;

(e) the compilation, completion and publication of the Final Report.

PART 3—GENERAL

7.—(1) The sole objective of the investigation of an accident or incident under these Regulations shall be the prevention of accidents and incidents. It shall not be the purpose of such an investigation to apportion blame or liability.

Objective.

(2) The Bureau shall have independence in the conduct of the investigation and unrestricted authority over its conduct in accordance with the provisions of the *Annex 13* to the Chicago Convention.

State Safety Programme for Accident Prevention

8.—(1)(a) In pursuance of accident and incident investigations, the Bureau shall co-operate with the Authority to maintain and implement a safety programme to achieve an acceptable level of safety in civil aviation.

Incident Reporting and Systems Accident and Incident Database.

A database to facilitate the effective analysis and management of information on actual or potential safety deficiencies and to determine any preventive action required in accordance with the relevant Regulations shall similarly be maintained.

(b) The Database shall include: serial number, aircraft operator and type of aircraft involved, registration mark, and place of occurrence, date of occurrence, fatalities and nature of accident/incident.

(c) In addition to safety recommendations arising from accident and incident investigations ; where safety recommendations may result : from diverse sources including safety studies, and where safety recommendations are addressed to an organisation in another State, such recommendations shall be transmitted to that State s investigation authority.

(2)—(a) The Bureau shall support the process of mandatory incident reporting system of the relevant authority to facilitate collection of information on actual or potential safety deficiencies.

(b) The Bureau shall support a voluntary incident reporting system of the relevant authority to facilitate the collection of information that may not be captured by a mandatory incident reporting system.

(c) A voluntary incident reporting system shall be non-punitive and afford protection to the sources of the information.

Notification of Aircraft Accidents or Serious Incidents

9.—(1) The Bureau shall forward a notification of an aircraft accident or incident with a minimum of delay and by the most suitable and quickest means available to :

Responsibility of the Bureau as a State of Occurrence.

(a) The State of Registry ;

(b) The State of the Operator ;

(c) The State of Design ;

(d) The State of Manufacture ; and

(e) The International Civil Aviation Organisation, when the aircraft involved is of a maximum mass of over 2,250 kg or is a turbojet-powered aeroplane.

(2) When the State of occurrence is not aware of a serious incident of an aircraft registered in Nigeria or operated by a Nigerian Operator, the Bureau as appropriate shall forward a notification of an incident to the State of Design, the State of Manufacture and State of Occurrence when the Bureau is a State of Occurrence.

(3) *Accidents or Serious incidents in the territory of the State of Registry, in a Non-Contracting State or outside the Territory of any State.*

Responsibility of the State of Registry.

When the State of Registry institutes the investigation of an accident or serious incident, that State shall forward a notification in accordance with regulations 10 paragraphs 3 and 4 with a minimum of delay and by the most suitable and quickest means available to :

(a) The State of the Operator ;

(b) The State of Design operated by ;

(c) The State of Manufacture ; and

(d) The International Civil Aviation Organisation, when the aircraft involved is of a maximum mass of over 2,250 kg or is a turbojet-powered aeroplane ;

Response on Notification.

(4) The Bureau shall acknowledge receipt of any notification of an accident or serious incident received from another State.

(5) Upon receipt of a notification, the Bureau shall upon request, provide the State conducting the investigation with any relevant information available regarding the flight crew and the aircraft involved in the accident or serious incident. The Bureau shall also inform the State conducting the investigation whether it intends to appoint an accredited representative and if such an accredited representative is appointed, the name and contact details; as well as the expected date of arrival if the accredited representative will be present at the investigation.

(6) Upon receipt of a notification, the Bureau shall within a minimum of delay and by the most suitable and quickest means available, as much as possible provide the State conducting the investigation with details of dangerous goods on board the aircraft.

10.—(1) Where an accident or incident occurs in respect of which, by virtue of regulation 14(2), the Commissioner is required to carry out, or to cause an officer to carry out an investigation, the relevant person or any other person having knowledge of an accident or incident and, in the case of an aerodrome accident or an incident occurring on or adjacent to an aerodrome, the authority or Operator of the Airport shall forthwith give notice thereof, within twenty four hours, to the Bureau by the quickest means of communication available and, in the case of an accident occurring in or over Nigeria, shall also notify forthwith a police officer for the area where the accident occurred, of the accident and of the place where it occurred.

(2) In these Regulations, the expression “relevant person” means :

(a) in the case of an accident or serious incident occurring in or over Nigeria or occurring elsewhere to an aircraft registered in Nigeria, the Pilot-in-Command of the aircraft involved at the time of the accident or serious incident or, if he or she is fatally injured or incapacitated, the quality assurance/safety personnel, Owner or the Operator of the aircraft ;

(b) Other crew members, if physically able at the time the report is submitted shall attach a statement setting forth the facts, conditions and circumstances relating to the accident or incident as they appear to him or her. If any of the crew members is incapacitated, he or she shall submit the statement as soon as he or she is physically able ; and

(c) in the case of a serious incident occurring in or over any country or territory other than a member State or a Contracting State to an aircraft registered elsewhere than in Nigeria but operated by an undertaking established in Nigeria, that undertaking ;

(d) In the event of any occurrence, the operator shall notify the Bureau via its accident/incident reporting form available on its website (www.aib.gov.ng) not later than 24 hours of the occurrence.

(3) The notification shall contain as much of the following information as is available but its dispatch shall not be delayed due to lack of complete information :

(a) in the case of an accident, the identifying abbreviation “ACCID” or, in the case of a serious incident, the identifying abbreviation “INCID” ;

(b) the manufacturer, model, nationality and registration marks and serial number of the aircraft ;

(c) the name of the owner, operator and hirer (if any) of the aircraft ;

(d) the qualification of the Pilot-in-Command of the aircraft and nationality of the crew and passengers ;

(e) the date (local or Co-ordinated Universal Time of the accident or serious incident ;

(f) the last point of departure and the point of intended landing of the aircraft ;

(g) the position of the aircraft with reference to some easily defined geographical point and latitude and longitude ;

(h) the number of :

(i) crew on board the aircraft at the time of the accident or serious incident and, in the case of an accident, the number of them killed or seriously injured as a result of the accident ;

(ii) passengers on board the aircraft at the time of the accident or serious incident and, in the case of an accident, the number of them killed or seriously injured as a result of the accident ;

(iii) other persons killed or seriously injured as a result of the accident ;

(i) the nature of the accident or serious incident and the extent of the damage to the aircraft as far as is known ;

(j) an indication to what extent the investigation will be conducted or is proposed to be delegated by the State of Occurrence ;

(k) the physical characteristics of the accident or serious incident area as well as an indication of access difficulties or special requirements to reach the site ;

(l) the identification of the originating authority and means to contact the investigator in charge and the accident investigation authority of the State of Occurrence at any time ;

(m) Presence, description and location of dangerous goods on board the aircraft.

Language of
Communication.

(4) Notification(s) by the Bureau or by any person or persons pursuant to regulations 10 sub-paragraphs (1-3) shall be in plain English language.

Additional
Information.

(5)—(a) As soon as it is possible to do so, the Bureau shall dispatch the details omitted from notification as well as other known relevant information ;

(b) Where the facilities or services of any State of which have been, or would normally have been, used by an aircraft prior to an accident or incident and which has information pertinent to the investigation on request by the State of Occurrence by the Bureau shall provide such information on the activities which may have directly or indirectly influenced the operation of the aircraft ;

(c) When an aircraft involved in an accident or a serious incident occurred in another lands in Nigeria, the Bureau shall on request by the State of Occurrence, the Bureau shall furnish it with the flight recorders records and, if necessary, the associated flight recorders ;

(d) The Bureau shall provide on the request of the State of occurrence pertinent information on any organisation whose activities may have directly or indirectly influenced the operation of the aircraft ;

(e) Any organisation whose activities may have directly or indirectly influenced the operation of the aircraft shall provide on request by the Bureau, with all pertinent information related to the operation of the aircraft.

(6)—(1) Where an incident, other than a serious incident, takes place :

(a) in or over Nigeria ; or

(b) otherwise than in or over Nigeria to an aircraft registered in Nigeria; the Owner, Operator, Pilot-in-Command or hirer of the aircraft, if so required by notice given to such a person by the Commissioner, shall send to the Commissioner such information as is in his or her possession or control with respect to the incident in such form and at such times as may be specified in the notice.

2. The decision as to the extent of investigation shall be as stated in regulations 18.

(7)—(a) The State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall acknowledge receipt of the notification of an accident or serious incident sent to it by the Bureau ;

Response on
Notification.

(b) Upon receipt of the notification, the States of Registry, Operator, Design or Manufacture shall as soon as possible, provide the Bureau with any relevant information available to them regarding the aircraft and flight crew involved in the accident or serious incident. Each State shall also inform the Bureau whether it intends to appoint an accredited representative and if such an accredited representative is appointed, the name and contact details; as well as the travel date expected of arrival of the accredited representative to Nigeria ;

(c) When the Bureau State conducting an investigation of an accident to a Nigerian aircraft of a maximum mass of over 2,250 kg and specifically requests participation Nigeria, the Bureau shall appoint an Accredited Representative and this shall not preclude the State conducting the investigation from requesting the Bureau additional information if the State believes that useful contribution can be made to the investigation or may result in increased safety.

11.—(1) Subject to paragraph (2) below and regulation 14 where an accident or a serious incident which results in the withdrawal from service of an aircraft occurs in or over Nigeria no person, other than an authorised person, shall have access to the aircraft involved and neither the aircraft nor its contents shall, except under the authority of the Commissioner, be removed or otherwise interfered with. Where it is necessary to move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible,

Removal of
Damaged
Aircraft.
Custody and
Preservation
of Evidence.

of the original positions and condition of the wreckage and any significant impact marks.

(2) The Bureau shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation. Protection of evidence shall include the preservation, by photographic or other means of any evidence which might be removed, effaced, lost or destroyed. Safe custody shall include protection against further damage, access by unauthorised persons, pilfering and deterioration.

(3) Subject to the provisions of Customs and Excise Management Act—

(a) the aircraft may be removed or interfered with so far as may be necessary for the purpose of :

(i) extricating persons or animals ;

(ii) removing any mail, valuables or dangerous goods carried by the aircraft for the purpose of preservation ;

(iii) preventing destruction by fire or other cause ;

(iv) preventing any danger or obstruction to the public, air navigation or other transport ; or

(v) removing any other property from the aircraft under the supervision of an Investigator or with the agreement of an Investigator or of a Police Officer ;

(b) if an aircraft is wrecked on water, the aircraft or any of its contents may be removed to such extent as may be necessary for bringing it to a place of safety.

Request from States of Registry, the Operator, Design or Manufacture.

12. If a request is received from the State of Registry, the States of the Operator, Design or Manufacture that the aircraft, its contents, and any other evidence remain undisturbed pending investigation by an accredited representative of the requesting State, the Bureau shall take all necessary steps to comply with such request, so far as this is reasonably practicable and compatible with the proper conduct of the investigation, and shall observe the provisions of regulations 11 (2) and (3) above.

Release of Aircraft from Custody by State of Occurrence.

13.—(1) The Bureau shall release custody of the aircraft, its contents or any part(s) thereof as soon as they are no longer required in the investigation, to any authorised person or persons duly designated by the State of Registry or the State of the Operator, as may be applicable, and shall observe the provisions of regulations 11 paragraph 4. For this purpose, the Bureau shall facilitate access to the aircraft, its contents ; or any part thereof lying in an area within which it finds it impracticable to grant such access, otherwise, it shall itself effect removal to a point where access can be given.

(2) In these Regulations the expression "authorised person" means :

(a) any person authorised by the Commissioner either generally or specially to have access to any aircraft involved in an accident or serious incident ;

(b) any Police Officer ;

(c) any officer of Customs and Excise.

PART 4—INVESTIGATION

14.—(1) For the purpose of carrying out investigations into accident and incidents to which these Regulations apply, the Commissioner shall, subject to paragraph (2) below, appoint persons as Investigators of Accidents, one of whom shall be appointed by the Commissioner as Investigator-In-Charge (IIC) ;

Investigators
of Air
Accidents.

(2) Subject to paragraphs (5) and (6) below, the Commissioner shall carry out, or cause an Investigator to carry out, an investigation into :

(a) accidents or serious incidents which occur in or over Nigeria ;

(b) accidents and serious incidents which occur in or over any country or territory which is not an ICAO contracting State to aircraft registered in Nigeria when such an investigation is not carried out by another State ;

(c) accidents and serious incidents which occur in or over any country or territory which is not an ICAO contracting State to aircraft which are registered elsewhere than in Nigeria but which are operated by an undertaking established in Nigeria when such an investigation is not carried out by another State ;

(d) accidents and serious incidents which occur in or over any country or territory which is not an ICAO contracting State to aircraft which are registered elsewhere than in Nigeria, which does not intend to conduct an investigation in accordance with *Annex 13*, the State of Registry or, failing that, the Bureau as the State of the Operator, may institute an investigation in cooperation with such a State of Occurrence but failing such cooperation the Bureau shall itself conduct the investigation with such information as is available ; and

(e) accidents and serious incidents to aircraft registered in Nigeria when the location of the accident or serious incident cannot definitely be established as being in the territory of any State ;

(f) where an accident or serious incident occurs in international waters nearest to Nigeria, the Bureau shall provide such assistance as it is able and shall, likewise, respond to requests by the State of Registry.

(3) Subject to paragraphs (5) and (6) below, the Commissioner may, when he expects to draw air safety lessons from it, carry out, or cause an Investigator to carry out, an investigation into an incident, other than a serious incident, which occurs :

(a) in or over Nigeria ; or

(b) otherwise than in or over Nigeria to an aircraft registered in Nigeria.

(4) The Commissioner may delegate the whole or part of an investigation into an accident or a serious incident to another Contracting State or a regional accident investigation agency by mutual arrangement and consent where the aircraft is of a maximum mass of over 2,250kg.

(5) Where the Commissioner delegates the whole or part of an investigation pursuant to paragraph (4) above, he shall so far as possible, facilitate inquiries by the investigator appointed by the relevant State.

(6) The Commissioner may carry out, or cause an Investigator to carry out, an investigation into an accident or incident where the investigation has been delegated to Nigeria by another State.

(7) Without prejudice to the power of an Investigator to seek advice or assistance as he may deem necessary in making an investigation, the Commissioner may appoint persons to assist an Investigator in a particular investigation and such persons shall for the purpose of so doing have such of the powers of an Investigator under these Regulations or as may be specified in their appointment.

(8) The Commissioner may arrange for any of his powers and obligations under these Regulations to be performed on his behalf by any officer of the Bureau designated by him.

Power to
Develop and
approve
Policy and
Procedures
Manual.

15. The Commissioner in the exercise of his powers may develop and approve Policy and Procedures Manual (PPM) to implement the provisions and future amendments of ICAO *Annex 13*.

Powers of
Investigators.

16.—(1) For the purpose of enabling the investigator to carry out an investigation into any accident or incident in the most efficient and effective manner within the shortest time, an investigator-in-charge shall have unrestricted control, where appropriate in cooperation with all competent authorities involved in the investigation, to :

(a) have free access to the site of the accident or incident as well as to the aircraft, its contents or its wreckage ;

(b) ensure an immediate listing, photographing or copying of evidence thereof and controlled removal of debris, or components for examination or analysis purposes or preparing a study for the purpose of prevention of accidents ;

(c) have immediate unhampered access to and control over all relevant materials, including the detailed examination and use of the flight recorders, Air Traffic Services and any other recordings without delay and shall not be

impeded by authorised personnel participating in the investigation or administrative or judicial investigations or proceedings ;

(d) ensure the detailed examination and effective use of the contents of the flight recorders, Air Traffic Services and any other recordings in the investigation of an accident or an incident and shall arrange for the read-out of the flight recorders without delay ;

(e)—(i) arrange expeditious conduct of investigation into a fatal accident and complete autopsy examination of fatally injured flight crew and subject to particular circumstances, of fatally injured passengers, and cabin attendants preferably by a pathologist experienced in accident investigation ;

(ii) arrange for medical examination of the crew member(s), passengers and the aviation personnel involved in the accident preferably by a physician experienced in accident investigation where the investigator believes on reasonable grounds that the information derived from the examination is, or may be relevant to the conduct of the investigation. The notice of request shall be made in writing and signed by the IIC or his designate ;

(f)—(i) the investigator shall in pursuance of the above Regulations have access to the results of examination of the bodies of victims or of tests made on samples taken from the bodies of victims ;

(ii) shall have immediate access to the results of examinations of the people involved in the operation of the aircraft or of tests made on samples taken from such people ;

(iii) No person having been involved in the operation of the aircraft shall refuse or fail to produce information to an investigator, or to appear before an investigator and give statement or to provide information, to submit to a medical examination.

(g) examine and take statements from witnesses ;

(h) have free access to, or request from any State any relevant information or records held by the owner, the operator or the manufacturer of the aircraft and by the authorities responsible for civil aviation or airport operation ;

(i) enter into agreements to provide for the coordination of the activities between the Bureau and the relevant authorities noted in regulations 16 (1) above ; and

(2) For the purpose of paragraph (1) above, the investigator shall have the following unrestricted power :

(a) to invite and take such positive steps to call before him, to examine from all such persons as he thinks fit, to require such persons to answer any question or furnish any information or produce books, papers, documents and articles which the Investigator may consider relevant and to retain any such books, papers, documents and articles until the completion of the investigation ;

(b) to take statements from all such persons as the Investigator may think fit and to require any such person to make and sign a declaration of the truth of the statement made by such declarant ;

(c) on production, if required of his credentials, to enter and inspect any place, building or aircraft, where it appears to the Investigator to be necessary for the purposes of the investigation ;

(d) on production, if required of his or her credentials, to remove, test, take measures for the preservation of or otherwise deal with any aircraft other than an aircraft involved in the accident or incident where it appears to the Investigator requisite for the purposes of the investigation, and

(e) to take such measures for the preservation of any evidence as the investigator considers appropriate ;

(f)—(i) where the circumstances so require, particularly in cases where a witness becomes hostile or stubborn, the Investigator shall cause a summons to be issued under the hand of a competent legal Officer to secure the attendance of such a witness(s) ;

(ii) in cases where a party refuses access to or does not provide necessary information when required or impedes investigation, affirmations of findings may be made on the basis of the facts available ;

(iii) when it is determined that any person or party has supplied false information, the information shall be disregarded and use may be made of the facts available.

(3) Every person invited by an Investigator under paragraph (2)(a) above shall be entitled to reimbursement on such reasonable expense(s) as the Commissioner may determine.

(4) When requested to do so by the investigating body or entity of another member State, the Commissioner may provide assistance to that body or entity by supplying :

(a) installations, facilities and equipment for :

(i) the technical investigation of wreckage and aircraft equipment and other objects relevant to the investigation ;

(ii) the evaluation of information from flight recorders, Air Traffic Services recorder and the computer storage and evaluation of air accident data ; and

(b) accident investigation experts to undertake specific tasks but only when an investigation is opened following a major accident.

17.—(1) The Bureau shall pursuant to regulations 16 sub paragraph 1 (c) above make effective use of flight recorders in the investigation of an accident or serious incident and shall arrange for the read-out of the flight recorders without delay ;

(2) Where the Bureau does not have adequate facilities to read out the flight recorders, recorders, it shall use the facilities made available to it by other States, giving consideration to the following :

- (a) the capabilities of the read-out facility ;
- (b) the timeliness of the read-out ; and
- (c) the location of the read-out facility.

18.—(1) The extent of investigations and the procedure to be followed in carrying out investigations required or authorised under these Regulations, shall be determined by the Commissioner taking account of the purpose and objective of the investigation as stated in regulation 7 of these Regulations and the lessons the Commissioner expects to draw from the accident or incident for the improvement of safety. There shall be provisions for the participation of States having suffered fatalities/serious injuries to its citizens.

Form and
Conduct of
Investigations.

(2) If the State of Registry is a non-Contracting State and does not intend to conduct investigation in accordance with *Annex 13*, the State of the Operator or, failing that, the State of Design or Manufacture shall institute and conduct investigation. Such State or the Bureau may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.

19.—(1) On completion of an investigation into an accident or incident, the Investigator- In-Charge shall and with a minimum of delay prepare a report of the investigation in a form appropriate to the type and seriousness of the accident or incident.

Investigator's
Report.

(2) If it appears to the Investigator- In-Charge that the investigation of any accident or incident :

- (a) involving a collision between a civil aircraft and a military aircraft ; or
- (b) occurring while a civil aircraft was on, or in the course of taking off from or landing on, an aerodrome controlled by any Approved Training Organisation(s) (ATO), or an aerodrome controlled by the military forces of any country has been completed but for the investigation of matters affecting the discipline or internal administration of any of those forces which are more appropriate for the investigation by some other person or body, the investigation may be treated for the purposes of paragraph (1) above as if it had been completed without such matters being investigated under these Regulations. In such a case the report of the investigation into the accident or incident shall state those matters to which the investigation has not extended by reason of this paragraph.

(3) The report of an investigation into an accident shall state the sole objective of the investigation as described in regulation 7 above and, where appropriate, contain safety recommendations.

- (4) The report of an investigation into an accident or incident shall :
- (a) where appropriate, contain relevant safety recommendations ;
 - (b) protect the anonymity of the persons involved in the accident or incident ; and
 - (c) be circulated by the Commissioner to the parties likely to benefit from its findings with regards to safety.

(5) An investigator shall not be compelled to give evidence on issues that apportion blame or liability or to disclose technical information that could affect the outcome of its investigation.

(6) A safety recommendation shall in no case create a presumption of blame or liability for an accident or incident.

(7) The Commissioner shall forward a copy of the report prepared pursuant to paragraph (1) above through the Minister for onward transmission without delay to the President.

PART 5—REPORTS

20.—(1) No report, which is required by these Regulations, to be published shall be so published if, in the Commissioner's opinion, it is likely to affect adversely the reputation of any person, until the Commissioner has :

(a) Where it appears to him to be practicable to do so, served a notice under these Regulations upon that person, or if that person is a deceased individual, upon the person who appears to the Commissioner, at the time he proposes to serve notice pursuant to this paragraph, to represent best the interest of the deceased in the matter ; and

(b) made such changes to the report as he thinks fit following due consideration of any representations which may be made to him in accordance with regulation 20 (3) below by or on behalf of the person served with such notice.

(2) The notice referred to in regulation 20 (1) (a) above, shall include particulars of any proposed analysis of facts and conclusions as to the cause or causes of the accident or incident which may affect the persons on whom or in respect of whom the notice is served.

(3) Any representations made pursuant to regulation 20 (1) (b) above, shall be in writing and shall, subject to paragraph (6) below, be served on the Commissioner within 60 days of service of the notice referred to in Regulation 20 (1) (a) above.

(4) A copy of the report submitted to the President through the Minister under regulation 19 (7) above shall be served by the Commissioner on any person who has been served with a notice pursuant to regulation 20 (1) above.

(5) It shall be unlawful for anyone or organisation to disclose, or permit to be disclosed, use, circulate, publish or give access to a draft report or any part thereof, or any document obtained during an investigation of an accident or incident or tender in any proceedings whatsoever any privileged information contained in any notice or report served on him pursuant to regulation 20(1) or (4) above or release to any other person without the prior consent in writing of the Commissioner duly obtained, unless the report has already been published.

(6) The Commissioner shall have power to extend the period of 60 days prescribed in regulation 20(3) above and this power shall be exercisable notwithstanding that the period has expired.

21.—(1) Subject to the provisions of regulations 19(4)(b) above and 29 below, the Commissioner may at any time publish, or cause to be published, information relating to an accident or incident whether or not such accident or incident is the subject of an investigation by the Bureau.

Publication
of
Information.

(2) The Bureau should release at least during the first year of the investigation, established factual information and indicate the progress of the investigation in a timely manner.

22.—(1) Subject to regulation 19 (1) above, the Commissioner shall cause the report of an investigation into an accident or incident, to be made public in the shortest time possible and in such manner as he thinks fit.

Publication
of the
Reports.

(2) The Commissioner in pursuance of regulations 19 (1) and 22 (1) above shall cause the Final Report to be made publicly available as soon as possible with a minimum of delay and if possible within twelve months on its investigation ; Provided the Final Report shall have been made available to :

- (i) the relevant authorities ;
- (ii) States having a direct interest in the accident or incident investigation or other organisation or persons who in the opinion of the Bureau have a direct interest and if applicable to ICAO where the accident or incident involves an aircraft of a maximum mass of over 5,700kg ;
- (iii) the States of Registry, Operator, Design, and Manufacture ;
- (iv) States having suffered fatalities or serious injuries to its citizens ;
- (v) and other organisation or persons who in the opinion of the Bureau have a direct interest in the investigation ;
- (vi) any State that provided relevant information, significant facilities or experts.

(3) A Report posted on the internet of the Bureau s website shall be deemed to be publicly available as the Final Report and hard-copy of the publication may not necessarily be required.

(4) If the report cannot be made publicly available within twelve months, the Bureau shall make an Interim Statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

Accessibility
of the
Bureau's
Circulars,
Guidance
Materials.

23. The Bureau shall make available its establishing Act, Regulations, Policy and Procedures Manual, Directives, Orders, and other Guidance Materials available to the public by means of uploading such on its website.

Consultation.

24.—(1) The Bureau shall send a copy of the draft Final Report to the following States inviting their significant and substantiated comments on the Report as soon as possible :

(a) the State that instituted the investigation ;

(b) the State of Registry ;

(c) the State of the Operator ;

(d) the State of Design ;

(e) the State of Manufacture ; and

(f) any State that participated in the investigation as per the States of Occurrence.

(2) If the Bureau receives comments within sixty days of the date of transmittal letter, it shall either amend the draft Final Report to include the substance of the comments received as deemed appropriate or, if desired by the State that provided the comments, append the comments to the Final Report.

(3) The Bureau in pursuance of paragraph (1) above shall send a copy of the draft Final Report on the investigation through the State of the Operator, States of Design and Manufacture, to the organisations responsible for the type design and the final assembly of the aircraft to enable them submit comments on the report.

(4) If the Bureau receives no comments within sixty days of the date of the first transmittal letter, it shall issue the Final Report with a minimum of delay, and forward same to the President through the Minister, and publish unless an extension of that period has been agreed with the State or States concerned.

(5) If the Bureau receives no comments within the agreed extension period it shall issue the Final Report with a minimum of delay, and forward same to the President through the Minister, and publish.

Safety
Recommendations
and
follow-up.

25.—(1) At any stage of an investigation carried out under these Regulations, the Commissioner shall, in a dated transmittal letter, where appropriate—

(a) make recommendation to the appropriate aviation authorities, including those in other States, of any preventive action(s) that the Investigator-in-Charge considers necessary to be taken promptly to enhance aviation safety ;

(b) address, as soon as possible, any safety recommendation arising out of the investigation to the accident investigation authorities of the States concerned and to ICAO ; and

(c) continually assess the effectiveness of its work by keeping records of the hazards discovered, safety Recommendations or notifications issued, the responses received and the numbers of hazards considered eliminated. The records shall provide a measure of the effectiveness of the prevention effort and assist the Bureau in the follow-up of those hazards for which no or an inadequate response was received in line with the ICAO Doc. 9422: Accident Prevention Manual and section 6.12 of ICAO *Annex 13*.

(2) An undertaking or authority to whom a safety recommendation has been addressed shall, without delay :

(a) take that recommendation into consideration and, where appropriate, act upon it ;

(b) send to the Commissioner :

(i) full details of the measures, if any, it has taken or proposes to take to implement the recommendation and, in a case where it proposes to implement measures, the timetable for securing that implementation ; or

(ii) a full explanation as to why no measures will be taken to implement the recommendation ; and

(c) give notice to the Commissioner if at any time any information provided to the Commissioner in pursuance of paragraph 2(b)(i) above concerning the measures it proposes to take or the timetable for securing their implementation is rendered inaccurate by any change of circumstances.

(3) Where any recommendation for preventive action or safety recommendation is forwarded to the Commissioner by another State, the Commissioner shall convey to that State within ninety days of the notification of the preventive action(s) taken or under consideration, or the reason why no action will be taken.

26.—(1) The Commissioner shall cause the investigation of any accident or incident to be reopened, either generally or as to any part of the investigation, and shall do so :

(a) where new and significant evidence becomes available, after the investigation has been closed ; or

(b) if for any other reason there is, in his opinion, ground for suspecting that the reputation of any person has been unfairly and adversely affected.

Reopening of
Investigation.

(2) When the State, which conducted the investigation, did not institute it, the Commissioner shall first obtain the consent of that State which instituted the investigation.

(3) Any investigation reopened shall be subject to and conducted in accordance with the provisions of these Regulations.

(4) The Commissioner shall set up a five member ad-hoc committee to determine the investigations identified and issue terms of reference. The Committee shall deliberate and submit the Report within the shortest reasonable time as may be prescribed by the commissioner.

Accredited
Representatives Rights
and
Privileges.

27.—(1) Where an investigation of an accident or serious incident is being carried out by an Investigator-in-Charge pursuant to regulation 14 above, the following States shall be entitled to appoint an accredited representative :

- (a) the State of Registry ;
- (b) the State of Design ;
- (c) the State of Manufacture ;
- (d) the State of the Operator ;

(e) a Contracting State which has, on request, furnished information, facilities or experts to the Commissioner in connection with the accident or incident may take part in the investigation.

(2) The accredited representative shall be permitted to visit the scene of the accident, examine the wreckage, obtain witness information, receive copies of all pertinent documents (saving all such just exceptions as may be determined by the Commissioner), have access to all relevant evidence as soon as possible, make submissions, participate in readouts of recorded media, participate in any off-scene investigative activities.

(3) An accredited representative appointed under these Regulations may be accompanied by such technical and other advisers as may be considered necessary by the authorities of the State by which he is appointed. The degree of participation of such advisers in the investigation shall be decided by the investigator-in-charge in consultation with the accredited representative.

(4) Notwithstanding the provision of regulations 26(1) above, the Commissioner shall, upon receipt of a request from a State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens, permit the State to appoint an Expert who shall have the following entitlements :

- (a) Visit the scene of the accident ;
- (b) Have access to the relevant factual information, which is approved for public release by the State conducting the investigation and information on the progress of the investigation ;
- (c) Assist in the identification of victims ;

(d) May meet with surviving passengers who are citizens of the experts States ; and

(e) Receive a copy of the final report.

28.—(a) Accredited representatives and their advisers shall provide the Bureau with all relevant information available to them and shall not divulge information on the progress and the findings of the investigation without the express consent of the Bureau on whose behalf the investigation is conducted ;

Obligations of Accredited Representatives and Advisers.

(b) The advisers assisting accredited representatives shall be permitted under the accredited representatives supervision, to participate in the investigation to the extent necessary to enable the accredited representatives to make their participation effective.

29.—(1) The Commissioner may appoint a Nigerian accredited representative to participate in the investigation into an accident or incident which occurs in another State and one or more advisers to assist the accredited representative where :

Appointment of Accredited Representative, Adviser, Observer and Expert by the Commissioner.

(a) is the State of Registry, State of the Operator, State of Manufacture or State of Design of the aircraft involved in the accident or incident ; or

(b) has, at the request of the State conducting the investigation, provided information, facilities or experts to that State in connection with the investigation.

(2) The Commissioner may appoint an expert to participate in the investigation into an accident or incident which occurs in another State where the Bureau has a special interest in the accident or incident by virtue of fatalities or injuries to citizens of Nigeria.

(3) A representative of a State or an air accident investigation body from a State other than the States specified in regulation 27 (1) may, upon a request made and with written permission of the Commissioner in consultation with the investigator-in-charge, participate in an investigation as an observer.

30.—(1) No person shall obstruct or impede an investigator or any person acting under the authority of the Commissioner in the exercise of any powers or duties under these Regulations.

Obstruction of Investigation.

(2) No person shall, without reasonable cause, fail to comply with any summons of an investigator conducting an investigation.

(3) The onus of proving reasonable cause for failing to comply with the summons shall lie on the person relying on such cause.

(4) No person shall refuse to make available the body of the deceased person or other human remains involved in an accident for the performance of an autopsy or medical examination required in this regulation, and the autopsy report therefrom shall be made available to the Bureau upon its request in writing.

(5)—(i) Investigators appointed under regulations 14 of this Regulation may apply for a court order from the competent authority to compel compliance with orders or directives issued under this regulation when necessary ;

(ii) In pursuance of the Regulations, the Bureau may have an understanding with the Nigerian Police Force or the Department of State Security Services for the purpose of facilitating an expeditious performance of accident investigation.

(6) Notwithstanding the provisions of paragraph 5(i) above, if in the course of investigation it becomes known, or any act of unlawful interference is discovered or suspected, the Investigator-in-Charge shall immediately initiate an action to ensure that the aviation security and appropriate authorities are informed.

Non
Disclosure of
Relevant
Records.

31.—(1) Subject to paragraphs (2) (4) (5) and (6) below, the commissioner shall not make available to any person or relevant record within his possession for purposes other than accident or incident investigation.

(2) Nothing in the foregoing paragraph (1) above shall preclude the Commissioner from disclosing a relevant record to any person as hereunder contained :

(a) where that person is a party to or otherwise entitled to appear at judicial proceedings and the relevant court has ordered that the relevant record shall be made available to him or her for the purposes of those proceedings ; or

(b) in any other circumstances where the relevant court has ordered that the relevant record shall be made available to him or her for the purpose of those circumstances.

(3) In these Regulations :

“*judicial proceedings*” includes any proceedings before any court, tribunal or person having by law power to hear, receive and examine evidence on oath ;

“*relevant court*” in the case of judicial proceedings or an application for disclosure made in Nigeria means the Federal High Court ;

“*relevant record*” means any item in the possession, custody or power of the commissioner which is of a kind referred to below :

(a) all statements taken from persons by the Bureau in the course of their investigation ;

(b) records revealing the identity of persons who have given evidence in the context of the investigation ;

(c) information collected during the investigation which is of particular sensitive and personal nature, including information concerning the health of individuals ;

(d) materials subsequently produced during the course of the investigation such as notes, drafts, opinions written by the investigators, opinions expressed in the analysis of information, including flight recorder information ;

(e) information and evidence provided by investigators from other States in accordance with international Standards and Recommended Practices, where so requested by their investigation authority ;

(f) draft preliminary and Final Reports or Interim statements ;

(g) Cockpit voice and image recordings and their transcripts, as well as voice recordings inside air traffic control unit ;

(h) all communications between persons having been involved in the operation of the aircraft ;

(i) written or electronic recordings, and transcriptions of recordings from air traffic control units, including reports and results made for internal purposes ;

(j) covering letters for the transmission of safety recommendations from any investigating authority to the addressee, where so requested by the investigating authority issuing the recommendation ;

(k) Occurrence reports filed under mandatory/voluntary occurrence reporting.

Provided that the records under paragraph (h), (i), (j) and (k) may be used for purposes aimed at the improvement of aviation safety ;

(4) Subject to paragraph 6 below, no order shall be made under paragraph 2 above, unless the relevant court is satisfied that the interest of justice in the judicial proceedings or circumstances in question outweighs any adverse domestic and international impact the disclosure may have on the investigation into the accident or incident to which the record relates or any future accident or incident investigation undertaken in Nigeria.

(5) A relevant record or part thereof shall not be treated as having been made available contrary to paragraph (1) above , only when pertinent to the accident or incident in any case where that record or part is pertinent and included in the Final Report of the accident or incident, or to the appendices to the Final Report.

(6) The provisions of these Regulations shall be without prejudice to any rule of law which authorises or requires the withholding of any relevant record or part thereof on the ground that its disclosure would be injurious to the public interest, unless such record or part thereof is deemed necessary by the Commissioner for inclusion in the Final Report under regulation 22.

32.—(1) Where the President exercises his powers under the Tribunals of Inquiry Act and constitutes a Judicial Panel or Tribunal of Inquiry to inquire into the causes and circumstances of any air accidents in or over Nigeria, the investigations relating to the accident by the Commissioner may be suspended and the Commissioner and his investigators shall render such assistance within their powers to the Judicial Panel or Tribunal of Inquiry for the purpose of achieving the objectives for which the Panel or Tribunal is constituted.

(2) The Bureau while conducting the investigation shall recognise the need for coordination between the Investigator-in-Charge and the judicial authorities. Particular attention shall be given to evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and read-outs of flight recorders recordings.

(3) Any investigation conducted in accordance with the provisions of these regulations shall conform to Annex 13 and particularly regulation 7 above and shall be separate from any judicial or administrative proceeding to apportion blame or liability.

33.—(1) When the aircraft involved in an accident is of a maximum mass of over 2,250 kg, the Bureau shall send the Preliminary Report to :

- (a) the State of Registry or the State of Occurrence as appropriate ;
 - (b) the State of the Operator ;
 - (c) the State of Design ;
 - (d) the State of Manufacture ;
 - (e) any State that provided relevant information, significant facilities ;
- and
- (f) the ICAO.

(2) When an aircraft, not covered by paragraph (1) above, is involved in an accident that is 2,250kg or less, and airworthiness or matters considered to be of interest to other States are involved, the Bureau shall forward the Preliminary Report to :

- (a) the States of Registry, or the State of Occurrence, as appropriate ;
- (b) the State of Operator, Design, Manufacture ; and
- (c) any State that provided relevant information, significant facilities or experts.

(3)—(a) The Preliminary Report shall be submitted in English language to the appropriate State and the ICAO by facsimile, email, or airmail within thirty days of the date of the accident unless the accident/incident Data Report has been sent by that time ;

(b) when matters directly affecting safety are involved, it shall be sent as soon as the information is available and by the most suitable and quickest means available.

(4) When the aircraft involved is of a maximum mass of over 2,250 kg, the Bureau shall send, as soon as practicable, in these format : the Accident Data Report (ADREP) or European Coordination Centre for Aviation Incident Reporting Systems (ECCAIRS) to the ICAO after the investigation.

(5) The Bureau may upon request provide other States pertinent information additional to that made available in the Accident/ Incident Data Report.

(6) When the Bureau is conducting an investigation into an incident to an aircraft of a maximum mass of over 5,700 kg, the Bureau shall send, as soon as practicable, in these format: the Accident Data Report (ADREP) or European Coordination Centre for Aviation Incident Reporting Systems (ECCAIRS) to the ICAO after the investigation.

34.—(1)(a) Any person dissatisfied with the contents of an aircraft accident investigation report, may by petition in writing, appeal to the Minister for a review ;

Accident
Investigation
Report
Review
Committee.

(b) The Petitioner shall obtain the support and signatures of at least five other persons ;

(c) The petitioner's request shall conform to the objectives of the Bureau as stipulated in Regulation 7.

(2) The Minister, if satisfied that a prima facie case has been established, may refer the petition to an Accident Investigation Report Review Committee (hereafter referred to as "the Committee"), to be constituted by the Minister.

(3) The Committee shall be an ad-hoc, made up of a chairman and four members, who shall be persons of integrity and having specialised knowledge in aircraft accident investigation and related profession.

(4) The Committee shall review the accident investigation report and may adopt procedures which it deems fit, to resolve the issues raised by the petition.

(5) The Minister shall publish the report of the Committee within thirty days upon submission of same.

35.—(1) These Regulations shall be amended from time to time to conform to the Civil Aviation Act, the provisions of ICAO *Annex 13* and any amendment thereto.

Procedures
for
Amendment
of
Regulations.

(2) There shall be established for the Bureau a Regulations committee. The committee shall be an ad-hoc committee made up of not more than five members of staff of the Bureau appointed by the Commissioner and a representative of the Minister who shall serve as an Observer.

(3) The Committee shall be responsible for :

(a) Monitoring amendments to the Standards and Recommended Practices contained in the Annexes to the Convention on International Civil Aviation ;

(b) Incorporating the amendments into these Regulations ;

(c) Consideration of proposals for amendment to these Regulations made by stakeholders and other members of the Public by way of meetings prior to adoption and incorporation ;

(d) Proposing on its motion, amendments to the Regulations ;

(e) Compliance with the ICAO SARPs and if not possible, notification of differences to ICAO.

(4)(a) The Committee shall send Notices of Proposed Amendments (NPA) to operators and other stakeholders and request their comments thereto within a period of 30 (thirty) days.

(b) Upon receipt of comments, the Committee may consider and incorporate same into the Regulations.

(c) The Committee shall keep a record of such comments and its deliberations thereon.

(5) *Submission of Proposal* :

(a) Any interested person may submit to the Regulations Committee, a proposal on the introduction, amendment or withdrawal of a Regulation or technical standard ;

(b) The proposal shall be in writing and shall ;

(i) state the name and address of the proposer ;

(ii) state the contents of the Regulation, technical standard or amendment proposed or specify the Regulation or technical standard which the proposer wishes to be withdrawn ;

(iii) explain the interests of the proposer ; and

(iv) contain any information, views or arguments supporting the proposal.

36. This Civil Aviation (Investigation of Air Accidents and Incidents) Regulations hereby repeals the Civil Aviation (Accidents Investigation) Regulations, 2006. Any investigation commenced under those Regulations where, in the case of a field investigation has not been completed or, in the case of a formal investigation has not been the subject of a report submitted to the Minister, shall continue as if it had been commenced under these Regulations.

SCHEDULE 1

EXAMPLES OF SERIOUS INCIDENTS

1. A near collision requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or where an avoidance action would have been appropriate.
2. A controlled flight into terrain only marginally avoided.
3. An aborted take-off on a closed or engaged runway.
4. A take-off from a closed or engaged runway with marginal separation from an obstacle.
5. A landing or an attempted landing on a closed or engaged runway.
6. A gross failure to achieve predicted performance during take-off or initial climb.
7. Fire or smoke in the passenger compartment, in the cargo compartment or engine fire, even though such a fire was extinguished by the use of extinguishing agents.
8. An event requiring the emergency use of oxygen by the flight crew.
9. An aircraft structural failure or engine disintegration not classified as an accident.
10. Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.
11. Flight crew incapacitation during flight.
12. Fuel quantity requiring the declaration of an emergency by the pilot.
13. A take-off or landing incident such as undershooting, overrunning or running off the side of runways.
14. A system failure, weather phenomenon, an operation outside the approved flight envelope or other occurrence which could have caused difficulties controlling the aircraft.
15. A failure of more than one system in a redundancy system mandatory for flight guidance or navigation.

SCHEDULE 2

ICAO Annex 13 – Aircraft Accident and Incident Investigation.

ICAO Document 9756 – Manual for Accident and Incident Investigation, Part 1 to 4.

ICAO Document 9859 (2013) ICAO Safety Management Manual, (3rd Edition).

ICAO Circular 298 – Training Guidelines for Aircraft Accident Investigators.

ICAO Document 9962 (2011) – Manual on Accident and Incident Investigation Policies and Procedures.

ICAO Document 8984 (2012) – Manual of Civil Aviation Medicine (Third Edition).

ICAO Document 9973 (2013) – Manual on Assistance to Aircraft Accident Victims and their Families.

ICAO Document 9998 (2013) – ICAO Policy on Assistance to Aircraft Accident Victims and their Families.

Model Aircraft Accident and Incident Investigation (AIG) Act First Edition – November, 2013.

Model Aircraft Accident and Incident Investigation (AIG) Regulations First Edition – Nov, 2013.

DATED the 25th day of February, 2016.

SEN. HADI SIRIKA

Honourable Minister of State-Aviation