

LEGAL NOTICE No. 148

REPUBLIC OF TRINIDAD AND TOBAGO

THE CIVIL AVIATION ACT, CHAP. 49:03

REGULATIONS

MADE BY THE AUTHORITY WITH THE APPROVAL OF THE MINISTER
UNDER SECTION 33 OF THE CIVIL AVIATION ACT AND SUBJECT TO
NEGATIVE RESOLUTION OF PARLIAMENT

THE CIVIL AVIATION [(NO. 14) AIRCRAFT ACCIDENT
AND INCIDENT INVESTIGATION] (AMENDMENT)
REGULATIONS, 2011

1. These Regulations may be cited as the Civil Aviation [(No. 14) Citation
Aircraft Accident and Incident Investigation] (Amendment)
Regulations, 2011.

2. In these Regulations, “the Regulations” means the Civil Aviation Interpretation
[(No. 14) Aircraft Accident and Incident Investigation]
Regulations, 2006.

3. Regulation 2 of the Regulations is amended—

Regulation 2
amended

(a) in the definition of “accident” by—

- (i) inserting after the words “the operation of an aircraft which,” the words “in the case of a manned aircraft,”;
- (ii) inserting after the words “all those persons have disembarked that aircraft” the words “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,”; and
- (iii) deleting the words “the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin” and substituting the following words “a single engine, including its

cowlings or accessories, to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windcreens, the aircraft skin such as small dents or puncture holes, or 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”;

- (b) in the definition of “accredited representative” by inserting after the words “designated by a State,” the words “normally from an accident investigating authority, where such authority has been established by the State,”;
- (c) in the definition of “investigation” by inserting after the words “determination of causes” the words “or contributing factors”;
- (d) by deleting the definition of “safety recommendation” and substituting the following definition:

“safety recommendation” means a proposal—

- (i) of the accident investigation authority of the State conducting the investigation, based on information derived from an investigation; or
- (ii) from diverse sources, including safety studies 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;”;

- (e) by deleting the definition of “serious incident” and substituting the following definition:

“serious incident” means an incident involving circumstances indicating that there was a high probability of an accident and is 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;”;

(f) by inserting after the definition of “State of Registry” the following definition:

““State safety programme” means an integrated set of regulations and activities aimed at improving safety;” and

(g) in the definition of “cause” by inserting after the words “accident or incident” the words “but does not imply the assignment of fault or the determination of administrative, civil or criminal liability”.

4. Regulation 4 of the Regulations is amended by inserting after subregulation (3), the following subregulations: Regulation 4
amended

“ (4) The Director General shall have independence in the conduct of the aircraft accident and serious incident investigation and have unrestricted authority over its conduct, consistent with the provisions of these Regulations.

(5) The aircraft accident and serious incident investigation referred to in this regulation shall include—

(a) the gathering, recording and analysis of all relevant information on the accident or serious incident;

(b) where appropriate, the issuance of safety recommendations;

(c) where possible, a determination of the causes or contributing factors; and

(d) the completed final report.

(6) Where feasible, the scene of the accident shall be visited and wreckage examined and statements taken from witnesses.”.

Regulation 5
amended

5. Regulation 5 of the Regulations is amended—

- (a) by renumbering regulation 5 as regulation 5(1); and
- (b) inserting after regulation 5(1) as renumbered, the following subregulations:

“ (2) The Director General shall determine the extent of the investigation and the procedures to be followed in carrying out an investigation under regulation 4, depending on the lessons expected to draw from the investigation for the improvement of safety.

(3) An investigation conducted in accordance with these Regulations shall be separate from any judicial or administrative proceedings to apportion blame or liability.”.

Regulation 5A
inserted

6. The Regulations are amended by inserting after regulation 5, the following regulation:

“State Safety Programme

State Safety Programme 5A. The Director General shall establish a State Safety Programme, in order to achieve an acceptable level of safety in civil aviation in Trinidad and Tobago.”.

Regulation 8
amended

7. Regulation 8 of the Regulations is amended—

- (a) in subregulations (2)(e), by inserting after the words “over 2250 kg” the words “or is a turbojet-powered aeroplane”; and
- (b) in subregulations (5)(f), by inserting after the words “over 2250 kg” the words “or is a turbojet-powered aeroplane”.

Regulation 11
amended

8. Regulation 11 of the Regulations is amended by deleting subregulation (1) and substituting the following subregulation:

“ (1) Where an accident or a serious incident of an aircraft of a maximum mass of over 2250 kg occurs in Trinidad and Tobago, the Director General shall—

- (a) institute an investigation into the circumstances of the accident or serious incident and shall be responsible for the conduct of the investigation; or

(b) make mutual arrangements for the conduct of the entire investigation or part of the investigation by another State or regional accident investigation authority and consent to such arrangements.”.

9. Regulation 13 of the Regulations is amended—

Regulation 13
amended

- (a) in subregulation (3), by deleting the words “subregulation (3)” and substituting the words “(1)(b)”; and
- (b) in subregulation (4), by deleting the words “(3), such a State is expected to be responsible for the conduct of the investigation, including the final report and the incident/accident data report” and substituting the words “(1)(b), such State shall be responsible for the conduct of the investigation, but the Director General shall retain the responsibility for the Final Report and the Accident/Incident Data Report”.

10. Regulation 22 of the Regulations is amended—

Regulation 22
amended

- (a) in subregulation (1), by deleting paragraphs (e) and (f) and substituting the following paragraphs:
 - “(e) recording and transcriptions of recordings from air traffic control units;
 - (f) cockpit airborne image recordings and any part or transcripts from such recordings; and
 - (g) opinions expressed in the analysis of information including flight recorder information.”; and
- (b) by inserting after subregulation (2), the following subregulation:
 - “ (3) The Director General shall ensure that the names of persons involved in an aircraft accident or serious incident are not disclosed to the public.”.

11. Regulation 26 of the Regulations is amended in subregulation (5)(d) by deleting the words “the State of the expert” and substituting the words “Trinidad and Tobago”. Regulation 26
amended

12. Regulation 27 of the Regulations is amended—

Regulation 27
amended

- (a) in subregulation (8)(b), by deleting the words “factual information;” and substituting the words “factual information which is approved for public release by the Director General and information on the progress of the investigation; and”;

- (b) by deleting paragraphs 8(c) and (d);
- (c) by renumbering paragraph 8(e) as paragraph 8(c); and
- (d) by inserting after subregulation (8), the following subregulation:

“ (9) A State under this regulation may assist in the identification of victims and also meet with survivors from that State.”.

Regulation 28
amended

13. Regulation 28 of the Regulations is amended in subregulation (2)(b), by inserting after the words “over 2250 kg” the words “or a turbojet-powered aeroplane”.

Regulation 29
amended

14. Regulation 29 of the Regulations is amended in subregulation (1)(a) by inserting after the words “over 2250 kg” the words “or a turbojet-powered aeroplane”.

Regulation 30
amended

15. Regulation 30 of the Regulations is amended—

- (a) by deleting subregulation (4) and substituting the following subregulation:

“ (4) On receipt of the draft of the Final Report under subregulation (3), the Director General shall forward the report to—

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) any State that participated in the investigation under these Regulations, inviting their significant and substantiated comments on that draft Final Report, to be submitted within sixty days.”;

- (b) in subregulation (10), by deleting paragraphs (a), (b), (c), (d) and (e) and substituting the following paragraphs:

- “(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;
- (f) any State that participated in the investigation;

- (g) any State having suffered fatalities or serious injuries to its citizens; and
- (h) any State that provided relevant information, significant facilities or experts.”;
- (c) in subregulation (13), by inserting after the words “issue such recommendations” the words “in a dated transmittal correspondence”;
- (d) in subregulation (14), by inserting after the words “out of his investigations” the words “in a dated transmittal correspondence”; and
- (e) in subregulation (15), by deleting the words “Contracting State, he shall inform the Contracting State” and substituting the words “proposing State, he shall inform the proposing State, within ninety days from the date of the transmittal correspondence.”.

16. The Regulations is amended by inserting after regulation 30, Regulation 30A amended the following regulations:

“Release of the Final Report

Release of the Final Report 30A. In the interest of accident prevention, the Director General shall make the Final Report publicly available as soon as possible and where possible, within twelve months.

30B. Where the report cannot be made publicly available within twelve months, the State conducting the investigation shall make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issue raised.”.

17. Regulation 34 of the Regulations is amended—

Regulation 34 amended

(a) by deleting subregulation (1) and substituting the following subregulation:

“ (1) The Director General shall establish and maintain an accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies obtained, including that from its incident reporting systems under regulations 32 and 33 and to determine any preventive actions required.”;

(b) in subregulation (2), by inserting after the words “data exchange” the words “with ICAO and upon a request, another Contracting State”; and

(c) by inserting after subregulation (2), the following subregulation:

“ (3) The Director General shall take such necessary steps to protect all data in the accident and incident database under this regulation, exclusively obtained and collected to improve aviation safety.”.

Schedule 1
amended

18. Schedule 1 of the Regulations is amended in clause (d), by deleting the word “name” and substituting the word “qualification”.

Schedule 2
amended

19. Schedule 2 of the Regulations is amended, by deleting the words “No. 6920” and substituting the words “No. 9756—Manual of Aircraft Accident and Incident Investigation”.

Schedule 3
amended

20. Schedule 3 of the Regulations is amended, by deleting the words “9156. An example of a completed Preliminary Report is provided in Appendix 8 of ICAO Document 9156” and substituting the words “9756—Manual of Aircraft Accident and Incident Investigation”.

Schedule 4
amended

21. Schedule 4 of the Regulations is amended, by deleting the words “9156. An example of a completed Preliminary Report is provided in Appendix 8 of ICAO Document 9156” and substituting the words “9756—Manual of Aircraft Accident and Incident Investigation”.

Schedule 5
amended

22. Schedule 5 of the Regulations is amended, by deleting the words “6920, Part IV, chapter 4” and substituting the words “9756—Manual of Aircraft Accident and Incident Investigation”.

Made by the Civil Aviation Authority this 8th day of July, 2011.

R. LUTCHMEDIAL
Civil Aviation Authority

Approved by the Minister of Works and Transport this 8th day of July, 2011.

J. WARNER
Minister of Works and Transport