

REPUBLIC OF TRINIDAD AND TOBAGO

THE CIVIL AVIATION ACT, 2001

REGULATIONS

MADE BY THE AUTHORITY WITH THE APPROVAL OF THE MINISTER
UNDER SECTION 62 OF THE CIVIL AVIATION ACT

THE CIVIL AVIATION [(NO. 14) AIRCRAFT ACCIDENT AND
INCIDENT INVESTIGATION] REGULATIONS, 2006

1. These Regulations may be cited as the Civil Aviation [(No. 14) Aircraft Accident and Incident Investigation] Regulations, 2006. Citation

PART I

GENERAL

2. In these Regulations— Interpretation

“accident” means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as those persons have disembarked that aircraft, in which—

(a) a person is fatally or seriously injured as a result of—

(i) being in 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 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; or

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

“accredited representative” means a person designated by a Contracting State, on the basis of his qualifications, for the purpose of participating in an investigation conducted by another Contracting State;

No. 11 of
2001

“Act” means the Civil Aviation Act, 2001;

“adviser” means a person appointed by a Contracting State, on the basis of his qualifications, for the purpose of assisting its accredited representative in an investigation;

“aircraft” means a machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the surface of the earth;

“cause” means an action, an omission, an event, a condition, or a combination thereof, which led to an accident or incident;

“Final Report” means a document prepared under Part V;

“flight recorder” means any type of recorder installed in the aircraft for the purpose of complementing accident and incident investigation;

“foreign aircraft” means a civil aircraft registered in a State other than Trinidad and Tobago;

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft that affects or could affect the safety of operations and may include a serious incident;

“investigation” means a process conducted for the purpose of accident prevention, which includes the gathering and analysis of information, the drawing of conclusions, such as the determination of the causes of an accident or incident and, when appropriate, the making of safety recommendations;

“investigator in charge” means the person designated the responsibility to organize, conduct and control an investigation;

- “maximum mass” means the maximum certified take-off mass;
- “missing” when used in respect of an aircraft means that the official search has been terminated and the wreckage has not been located;
- “national air operator” means a person who has been issued a Trinidad and Tobago Air Operator Certificate under the Act or regulations made thereunder;
- “preliminary report” means a document for the prompt dissemination of data obtained during the early stages of an investigation;
- “pro tem investigator” means a person designated under regulation 17 to assist the investigator in charge in the initial investigation of an accident, serious incident or incident;
- “safety recommendation” means a proposal of the accident investigation authority of the State conducting the investigation, based on information derived from the investigation, made with the intention of preventing accidents or incidents;
- “serious incident” means an incident involving circumstances indicating that an accident nearly occurred;
- “serious injury” means damage that is sustained by a person in an accident and which—
- (a) requires hospitalization for more than forty-eight hours, commencing within seven days from the date the injury was received;
 - (b) results in a fracture of any bone except simple fractures of fingers, toes or nose;
 - (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
 - (d) involves injury to any internal organ;
 - (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
 - (f) involves verified exposure to infectious substances or injurious radiation;
- “State” means a Contracting and Non-Contracting State to the Chicago Convention;

“State of Design” means the Contracting State having jurisdiction over the organization responsible for the type design;

“State of Manufacture” means the Contracting State having jurisdiction over the organization responsible for the final assembly of the aircraft;

“State of Occurrence” means the Contracting State in the territory of which an accident, serious incident or incident occurs;

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

“State of Registry” means the Contracting State on whose register the aircraft is entered; and

“Trinidad and Tobago aircraft” means a civil aircraft registered in Trinidad and Tobago under the Act or Regulations made thereunder.

Applicability of Regulations

Applicability of
Regulations

3. These Regulations shall apply to—

(a) the reporting and investigation of accidents, serious incidents and incidents of—

(i) civil aircraft within the territory of Trinidad and Tobago;

(ii) Trinidad and Tobago aircraft, wherever the accident or incident occurs; and

(iii) civil aircraft, in which Trinidad and Tobago has a safety-related or legal obligation, wherever the accident or incident occur; and

(b) measures to prevent aircraft accidents and incidents.

Responsibility to Investigate Aircraft Accident and Incidents

Director
General
responsible to
investigate

4. (1) The Director General shall be responsible for the investigation under Part III of any accident or incident, arising out of, or in the course of air navigation and occurring—

(a) in or over Trinidad and Tobago; or

(b) in a non-Contracting State to—

- (i) a foreign aircraft operated by a national air operator where the State of Registry does not intend to conduct the investigation in accordance with International Civil Aviation Organization, Annex 13 to the Chicago Convention; or
 - (ii) a Trinidad and Tobago aircraft where the non- Contracting State does not intend to conduct the investigation in accordance with International Civil Aviation Organization, Annex 13 to the Chicago Convention.
- (2) The Director General may, as he considers necessary, designate in writing, any number of persons in such positions as necessary to carry out the requirements of these Regulations.
- (3) No personal liability shall attach to the Director General or any person designated by him under subregulation (2), in respect of any act done, permitted to be done or omitted in good faith, for the purpose of carrying out the requirements of these Regulations.

Objective of an Investigation

5. The Director General shall ensure that the prevention of accidents and incidents is the sole objective of the investigation of an accident, serious incident or incident under these Regulations.

Objective of an investigation

Measures to Protect Evidence

6. (1) Where an accident or incident has occurred in respect of an aircraft in Trinidad and Tobago, the Director General shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such period as may be necessary for the purpose of an investigation.

Measures to protect evidence

(2) For the purpose of this regulation—

“measures to protect the evidence” shall include the preservation, by photographic or other means of any evidence that may be removed, effaced, lost or destroyed; and

“safe custody” shall include protection against—

- (a) further damage;
- (b) access by unauthorized persons;
- (c) pilfering; and
- (d) deterioration.

(3) The Director General shall ensure that in an accident or incident, the recovery and handling of a flight recorder and its recordings are assigned only to qualified personnel to ensure the protection of the flight recorder evidence.

(4) Where an accident or incident has occurred in respect of an aircraft in Trinidad and Tobago and a request is received from—

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

that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, the Director General 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.

(5) Notwithstanding subregulation (4), the aircraft involved in an accident or incident may be moved—

- (a) to the extent necessary to extricate persons, animals, mail and valuables;
- (b) to prevent destruction by fire or other causes; or
- (c) to eliminate any danger or obstruction to air navigation, to other transport or to the public; and
- (d) provided that the removal of the aircraft does not result in undue delay in returning it to service, where this is practicable.

Release of aircraft, its contents or any part from custody

Release of Aircraft, its contents or any part from custody

7. (1) Subject to the requirements of regulations 5 and 6, the Director General shall release custody of an aircraft, its contents or any part thereof as soon as the aircraft, its contents or any part thereof is no longer required in the investigation, to any person duly designated by the State of Registry or the State of the Operator, as applicable.

(2) For the purpose of subregulation (1), the Director General shall facilitate access to the aircraft, its contents or any part thereof.

(3) Where an aircraft, its contents or any part thereof lie in an area within which the Director General finds it impracticable to grant access, he shall effect removal of the aircraft, its contents or any part thereof to a point where access can be given.

(4) Where an accident or serious incident involving a Trinidad and Tobago registered aircraft or an aircraft operated by a national operator occurs in another State, the Director General may request that State to have the aircraft, its contents and any other evidence remain undisturbed pending inspection by an accredited representative of Trinidad and Tobago.

(5) The Director General shall designate a person or persons to take possession of the aircraft, its contents or any part thereof when the State of Occurrence releases custody of such aircraft, its contents or any part thereof.

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