

PART III

INVESTIGATION

Responsibility for Instituting and Conducting an Investigation of Accident or Incident occurring in Trinidad and Tobago

11. (1) Where an accident or serious incident occurs in Trinidad and Tobago, the Director General shall institute and—

Investigation of accident or incident occurring in Trinidad and Tobago

- (a) conduct 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 to another State.

(2) The Director General shall, where he retains responsibility for the conduct of an investigation under subregulation (1)(a), designate an investigator in charge in accordance with regulation 14, to conduct the investigation under subregulation (1).

(3) Where the Director General designates a part of the investigation to another State in accordance with subregulation (1)(b), he shall retain responsibility for the investigation.

(4) Where the Director General designates the whole investigation to another State under subregulation (3), he shall notify that State that it will be responsible for the conduct of the investigation, including the Final Report and the Accident/Incident Data report specified in regulations 28 to 30 inclusive.

(5) The Director General shall use every means available to facilitate the investigation required by subregulation (1).

(7) The investigation in subregulation (1) shall be conducted in accordance with the standards specified in Schedule 2.

Schedule 2

Investigation of an Accident or Serious Incident of a Trinidad and Tobago Aircraft or a Foreign Aircraft operated by a National Air Operator which occurred in a non-Contracting State

12. (1) Where a Trinidad and Tobago aircraft or a foreign aircraft operated by a national air operator is involved in an accident or serious incident in the territory of a non-Contracting State which does not intend to conduct an investigation in accordance with ICAO Annex 13, the Director General shall endeavour to—

Investigation of an accident or serious incident which occurred in a non-Contracting State

- (a) institute or conduct; or

(b) make mutual arrangements with a State to conduct, an investigation in co-operation with the State of Occurrence.

(2) Where the Director General receives no co-operation from the State of Occurrence under subregulation (1)(b) or is unable to make mutual arrangements with a State to conduct an investigation, he shall conduct an investigation using such information that is available to him.

Investigation of an Accident or Serious Incident of a Trinidad and Tobago Aircraft or a Foreign Aircraft operated by a National Air Operator occurred outside the Territory of any State

Investigation
accident or
serious
incident
outside the
territory of
any State

13. (1) Where a Trinidad and Tobago aircraft is involved in an accident or serious incident in a location that cannot definitely be established as being in the territory of any State, the Director General shall—

(a) institute or conduct; or

(b) make mutual arrangements with a State to conduct an investigation, where necessary, of the accident or serious incident.

(2) Where a foreign aircraft operated by a national air operator is involved in an accident or serious incident in a location that cannot definitely be established as being in the territory of any State and where the State of Registry of the aircraft is a non-contracting State which does not intend to institute and conduct an investigation into the accident or serious incident in accordance with ICAO Annex 13, the Director General shall—

(a) institute or conduct; or

(b) make mutual arrangements with a State to conduct an investigation, where necessary, of the accident or serious incident.

(3) Where the Director General designates a part of the investigation to another State in accordance with subregulation (3), he shall retain responsibility for the conduct of the investigation.

(4) Where the Director General designates the whole investigation to another State in accordance with subregulation (3), such a State is expected to be responsible for the conduct of the investigation, including the Final Report and the Accident/Incident Date report specified in regulations 28 to 30 inclusive.

(5) In meeting the requirements of subregulations (1) and (2), the Director General may request such assistance from States located nearest to the scene of the accident or serious incident in international waters, as they are able to provide.

(6) Where a foreign aircraft is involved in an accident or serious incident in international waters just outside the territory of Trinidad and Tobago, the Director General shall provide such assistance, as he is able to provide and respond to requests for assistance from the State of Registry.

Investigator In Charge

14. (1) The Director General may designate a person to be an investigator in charge to investigate an accident or serious incident in accordance with these Regulations and to where possible, visit the scene of the accident or serious incident, examine wreckage and take statements from witnesses.

Investigator
in charge

(2) An investigator in charge under subregulation (1), shall, subject to the provisions of these Regulations—

- (a) have unhampered access to and unrestricted control of an aircraft which has been involved in an accident or incident, the wreckage, the place where the aircraft wreckage is located and the places where marks resulting from the accident or incident which may be of assistance in an investigation, are located;
- (b) preserve an aircraft which has been involved in an accident or serious incident or the wreckage and any marks resulting from the accident or incident which may be of assistance in the investigation, by any means available, including photographic means;
- (c) examine an aircraft involved in an accident or incident, the wreckage, any part or component thereof or anything transported therein or any marks resulting from the accident or incident which may be of assistance in the investigation, and to remove any such aircraft, wreckage, or any part or component thereof or anything transported therein for the purpose of the investigation;
- (d) compile reports required by these Regulations in connection with the investigation;
- (e) have unhampered access to all documents, books, notes, photographs, recordings and transcripts which the investigator in charge may consider necessary for the investigation, which documents, books, notes, photographs, recordings and transcripts shall be produced without delay by the possessor thereof when so requested; and
- (f) obtain information from any person that may be necessary for the investigation.

(3) The Director General shall sign and issue to an investigator in charge designated in subregulation (1), a document which shall contain his full name and a statement indicating that the investigator in charge—

(a) has been designated in accordance with subregulation (1); and

(b) is empowered to exercise any power entrusted to him in accordance with these Regulations.

(4) The investigator in charge shall co-ordinate with the relevant authorities in the investigation of an aircraft accident or incident with particular attention given to evidence that requires prompt recording and analysis, such as the examination and identification of victims and the read-out of flight recorder recordings.

Investigators

Investigators

15. (1) The Director General may designate such numbers of persons to be investigators for the purpose of assisting an investigator in charge in the investigation of an accident or incident.

(2) An investigator may exercise all the powers granted to and imposed on an investigator in charge, which are assigned to such investigator by the investigator in charge.

(3) The Director General shall sign and issue to each investigator designated under subregulation (1), a document which shall contain his full name and a statement indicating that the investigator—

(a) has been designated in accordance with subregulation (1); and

(b) is empowered to exercise any power entrusted to him in accordance with these Regulations.

Designation of Advisers

Designation
of advisers

16. The Director General may designate any number of persons proposed by the operator of the aircraft to be advisers for the purpose of advising the investigator in charge under regulation 14 on matters relating to the investigation of an accident or incident.

Designation of Pro tem Investigator

Designation
of pro tem
investigator

17. (1) The Director General may designate a person to be a pro tem investigator for the purpose of assisting the investigator in charge in the initial investigation of an accident or incident where the designated investigator in charge is physically unable to reach the location of an accident or incident promptly.

(2) A pro tem investigator may exercise all the powers granted to and imposed on an investigator in charge in regulation 14(2), which are assigned to such pro tem investigator by the Director General.

(3) A pro tem investigator shall, as soon as practicable after the arrival of the investigator in charge on the scene of an accident or incident, report on his initial investigation to such investigator in charge.

(4) The Director General shall sign and issue to a pro tem investigator designated under subregulation (1), a document which shall state his full name and a statement indicating that such pro tem investigator—

(a) has been designated in terms of subregulation (1); and

(b) is empowered to exercise any power entrusted to him in accordance with these Regulations.

Effective use of Flight Recorders

18. (1) The investigator in charge shall make effective use of flight recorders in the investigation of an accident or incident by arranging to have flight recorders read-out produced without delay.

Effective use
of flight
recorders

(2) Where adequate facilities to read-out the flight recorders are not available in Trinidad and Tobago, the investigator in charge under regulation 14 may use the facilities made available by a Contracting State giving consideration to the following:

(a) the capabilities of the read-out facilities;

(b) the timeliness of the read-out; and

(c) the location of the read-out facility.

Arrangement for Autopsy Examination of fatally injured Crew and Passengers

19. Where a fatal accident involving an aircraft occurs in Trinidad and Tobago, the Director General shall arrange for the expeditious and complete autopsy examination of fatally injured flight crew and subject to the particular circumstances, of fatally injured passengers and cabin attendants, by a pathologist, preferably experienced in accident investigation.

Autopsy
examination
of fatally
injured crew
and
passengers

Arrangement for Medical Examination of Crew and Passengers

Medical examination of crew and passengers

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20. The Director General shall, where appropriate, arrange for the expeditious conduct of medical examination of the crew, passengers and involved aviation personnel, by a medical practitioner registered under the Medical Board Act and preferably experienced in accident investigation.

Notification of the Authority where suspected unlawful interference was involved

Notification where suspected unlawful interference was involved

21. Where during the course of an investigation the investigator in charge under regulation 14, becomes aware of, or suspects that an act of unlawful interference was involved, the investigator in charge shall ensure that the Authority is immediately informed of the unlawful interference or its suspicion thereof.

Security of Accident and Incident Investigation Documents, Reports and Records

Security of accident and incident documents, reports and records

22. (1) When conducting an investigation, the Director General shall ensure that the following records which are not already published or released are not made available for purposes other than accident and incident investigation:

- (a) all statements taken from persons by the investigator in charge in the course of the investigation;
- (b) all communications between persons having been involved in the operation of the aircraft;
- (c) medical and private information regarding persons involved in the accident or incident;
- (d) cockpit voice recording and transcripts from such recordings;
- (e) recording and transcriptions of recordings from air traffic control units; and
- (f) opinions expressed in the analysis of information including flight recorder information.

(2) Notwithstanding the requirements of subregulation (1), the Director General shall disclose the reports specified in that subregulation—

- (a) on the order of the Court;
- (b) on the request of the Tribunal appointed by the Minister under the Act for the purpose of investigating an accident or incident.

Provision of Relevant Information of Aircraft Involved in an Accident or Incident to State of Occurrence

23. (1) The Director General shall, upon request from a Contracting or non-Contracting State conducting an investigation of an accident or incident, provide that State with the relevant information available to him.

Provision of information to State of occurrence

(2) The Director General shall ensure that where facilities or services in Trinidad and Tobago have been used or would normally have been used by an aircraft prior to an accident or serious incident involving that aircraft, such information and any other information pertinent to the investigation is provided to the Contracting or non-Contracting State conducting the investigation.

Provision of Flight Recorder Information to a State conducting Investigation into an Accident or Incident involving an Aircraft operated by a National Operator

24. Where a Trinidad and Tobago aircraft or an aircraft operated by a national air operator involved in an accident or serious incident lands in a Contracting or non-Contracting State other than the State of Occurrence, the Director General, upon request from the State of Occurrence shall furnish or arrange to have that State furnished with the flight recorder records and where necessary, the associated flight recorders.

Provision of flight recorder information to State conducting investigation

Provision of Information to a State conducting an Investigation of an Accident or Incident on an Organization in Trinidad and Tobago

25. The Director General shall, on request from a Contracting or non-Contracting State conducting an investigation of an accident or serious incident, provide pertinent information on any organization in Trinidad and Tobago whose activities may have directly or indirectly influenced the operation of the aircraft involved in an accident or serious incident.

Provision of information to a State conducting an investigation

Accredited Representatives and Advisers where Accident occurs outside of Trinidad and Tobago

26. (1) The Director General may designate an accredited representative to participate in the investigation of an accident or serious incident of a Trinidad and Tobago aircraft or a foreign aircraft operated by a national air operator occurring in the territory of another Contracting or non-Contracting State.

Accredited representatives and advisers where accident occurs outside of Trinidad and Tobago

(2) The Director General shall appoint one or more advisers, proposed by the operator to assist the accredited representative appointed under subregulation (1).

(3) When the Director General designates an accredited representative and advisers under subregulations (1) and (2), he shall inform the State of Occurrence of their names and contact details, as well as the expected date of their arrival to the State of Occurrence if the accredited representative will travel to the State of Occurrence.

(4) Accredited representatives and their advisers participating in an investigation of an accident or incident shall—

- (a) provide the State conducting the investigation with all relevant information available to them; and
- (b) not divulge information on the progress and the findings of the investigation without the express consent of the State conducting the investigation.

(5) The Director General shall, where another State institutes and conduct an investigation of an accident which involves fatalities or serious injuries to citizens of Trinidad and Tobago, request permission from that State to appoint an expert to represent the special interest of Trinidad and Tobago to—

- (a) visit the scene of the accident;
- (b) have access to the relevant factual information;
- (c) participate in the identification of the victims;
- (d) assist in questioning surviving passengers who are citizens of the State of the expert; and
- (e) receive a copy of the Final Report.

(6) An accredited representative designated in accordance with subregulation (1), may participate in the investigation of the accident or incident under the control of the investigator in charge.

(7) An accredited representative designated in subregulation (1) may, under the control of the investigator in charge—

- (a) visit the scene of the accident;
- (b) examine the wreckage;
- (c) obtain witness information and suggest areas of questioning;
- (d) have access to all relevant evidence;
- (e) receive copies of all relevant documents, books, notes, photographs, recordings and transcripts;

- (f) participate in readouts of recorded media;
- (g) participate in component examinations, technical briefings, tests and simulations and other investigative activities;
- (h) participate in deliberations on the analysis, findings, or causes and safety recommendations; and
- (i) make submissions in respect of the various elements of the investigation.

Accredited Representatives and Advisers requested for an accident occurring in Trinidad and Tobago

27. (1) Where the Director General institutes the conduct of an investigation of an accident or incident in or over Trinidad and Tobago of an aircraft—

Accredited representatives and advisers requested for an accident occurring in Trinidad and Tobago

- (a) of a maximum mass of over 2250 kg, the Director General shall specifically request participation of the—
 - (i) State of Registry;
 - (ii) State of the Operator;
 - (iii) State of Design; and
 - (iv) State of Manufacture;
- (b) he shall accept the appointment of accredited representatives from—
 - (i) the State of Design;
 - (ii) the State of Manufacture of the aircraft, power plant or major components of the aircraft;
 - (iii) the State of the Operator of a Trinidad and Tobago aircraft;
 - (iv) any State which on request by the Director General provides information, facilities or experts; and
 - (v) any State that provides an operational base for field investigation, or is involved in search and rescue or wreckage recovery operations, or is involved as a State of a code-share or alliance partner of the operator;

(c) and neither the State of Registry, nor the State of the Operator appoints an accredited representative, the Director General may invite the operator of the aircraft to participate in the investigation of the accident or incident, subject to the requirements of these Regulations.

(d) and neither the State of Design, nor the State of Manufacture appoints an accredited representative, the Director General may invite the organizations for the type design and the final assembly of the aircraft, to participate subject to the requirements of these Regulations.

(2) The Director General shall accept the appointment of one or more advisers to assist their accredited representatives appointed under subregulation (1).

(3) Advisers specified in subregulation (2), shall be permitted, under the supervision of the accredited representatives, to participate in the investigation to the extent necessary to enable the accredited representatives to make their participation effective.

(4) Where the Director General invites—

(a) the State of the Operator;

(b) the State of Design; and

(c) the State of Manufacture,

under this regulation to appoint accredited representatives and advisers, he shall also request the submission of their names and contact details, as well as the expected date of their arrival, if he will travel to the state of Occurrence for the purpose of participating in the investigation of an accident or serious incident of an aircraft.

(5) Participation in the investigation of an accident or serious incident, under this regulation shall confer entitlement to participate in all aspects of the investigation under the control of the investigator in charge, in particular to—

(a) visit the scene of the accident;

(b) examine the wreckage;

(c) obtain witness information and suggest areas of questioning;

(d) have full access to all relevant evidence as soon as possible;

(e) receive copies of all pertinent documents;

(f) participate in read-out of recorded media;

- (g) participate in off-scene investigative activities such as component examinations, technical briefing, tests and simulations;
- (h) participate in investigation progress meetings including deliberations related to analysis, findings, causes and safety recommendations; and
- (i) make submissions in respect to the various elements of the investigation.

(6) Notwithstanding the requirement of subregulation (1)(d), the Director General may limit the participation of accredited representatives appointed under subregulation (1)(b), to those matters which entitled such States to participate.

(7) Notwithstanding subregulation (6), accredited representatives and their advisers may report to their respective States in order to facilitate appropriate safety actions.

(8) Where the Director General institutes and conducts an investigation of an accident, he shall, upon receiving a request, permit a State which has a special interest in that accident by virtue of fatalities or serious injuries to its citizens, to appoint an expert to—

- (a) visit the scene of the accident;
- (b) have access to the relevant factual information;
- (c) participate in the identification of the victims;
- (d) assist in questioning surviving passengers who are citizens of the expert's State; and
- (e) receive a copy of the Final Report.

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