

LEGAL NOTICE NO. 306

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) Citation  
Aircraft Accident and Incident Investigation] Regulations, 2006.

PART I

GENERAL

2. In these Regulations—

“accident” means an occurrence associated with the operation <sup>Interpretation</sup>  
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;

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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***

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—

Director  
General  
responsible to  
investigate

- (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***

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.

***Measures to Protect Evidence***

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.

(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***

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.

## PART II

## NOTIFICATION

***Responsibility for Reporting Accidents and Incidents***

Reporting  
accidents or  
incidents

8. (1) The pilot in command of an aircraft involved in an accident or serious incident in Trinidad and Tobago, or if he has died or is incapacitated, a flight crew member, or if there are no surviving flight crew members or if they are incapacitated, the operator of the aircraft, as the case may be, shall, as soon as possible, notify—

- (a) the Director General; or
- (b) an air traffic control unit; and
- (c) the aerodrome manager, where the accident or serious incident occurred at an aerodrome,

of such accident or serious incident.

(2) Where the Director General receives information under subregulation (1) or institutes an investigation under Part III, he shall cause a notification to be forwarded with minimum delay and by the most suitable and quickest means available to—

- (a) the State of Registry, for a foreign registered aircraft;
- (b) the State of the Operator, for a foreign operated aircraft;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2 250 kg.

(3) The pilot in command of a Trinidad and Tobago aircraft or a foreign aircraft operated by a national air operator, involved in an accident or serious incident outside the territory of Trinidad and Tobago, or where he has died or is incapacitated, a flight crew member, or where there are no surviving flight crew members, or where they are incapacitated, the operator or owner, as the case may be, shall, as soon as possible, notify—

- (a) the appropriate authority in the territory where the accident or serious incident occurred, directly or through any air traffic control unit; and

(b) the Director General,

of the accident or serious incident.

(5) Where the Director General receives information under subregulation (4), he shall cause a notification to be forwarded with the minimum of delay and by the most suitable and quickest means available to—

- (a) the State of Occurrence, where such State is not aware of the occurrence;
- (b) the State of the Operator, for a Trinidad and Tobago registered aircraft operated by another State;
- (c) the State of Registry, for a foreign aircraft operated by a national operator;
- (d) the State of Design;
- (e) the State of Manufacture; and
- (f) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2250 kg.

(6) Where the Director General has been informed that an aircraft in which Trinidad and Tobago has a legal obligation has been involved in an accident or serious incident in another State that is not aware of the accident or serious incident, he shall forward a notification by the most suitable and quickest means available, of such occurrence to—

- (a) the State of Registry, for a foreign registered aircraft;
- (b) the State of the Operator; for a foreign operated aircraft;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) the State of Occurrence.

(7) The dispatch of the notification under this regulation shall not be delayed due to lack of complete information.

(8) Where the particulars of a notification under this regulation was issued with omissions, the Director General shall, as soon as possible after the information becomes available, cause the details

omitted from the notification as well as other relevant information to be dispatched to the recipient of the earlier notification which contained an omission.

(9) Where the Director General is in receipt of notification that a Trinidad and Tobago aircraft or an aircraft operated by a national air operator is involved in an accident or serious incident, he shall with a minimum of delay and by the most suitable and quickest means available provide the State of Occurrence with—

- (a) any relevant information available to him regarding the aircraft and the flight crew involved in the accident or serious incident; and
- (b) details of any dangerous goods on board the aircraft.

(10) For the purpose of this regulation “the most suitable and quickest means available” includes telephone, facsimile, e-mail or the Aeronautical Fixed Telecommunication Network (AFTN).

### ***Format and Content of Notification***

Format and  
content of  
Notification  
Schedule 1

9. The notification required by this Part, shall be in plain language and contain the information set out in Schedule 1 and shall, as far as practicable, be in one of the working languages of ICAO, taking into account the language of the recipient, whenever it is possible to do so without causing undue delay.

### ***Acknowledgement of Receipt of Notification***

Acknowledge-  
ment of  
receipt of  
Notification

10. The Director General shall acknowledge receipt of a notification from a State of Occurrence, of an accident or serious incident of a Trinidad and Tobago aircraft or a foreign aircraft operated by a national air operator.

## PART III

### INVESTIGATION

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

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—

- (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 <sup>Investigator</sup> investigator in charge to investigate an accident or serious incident in <sup>in charge</sup> accordance with these Regulations and to where possible, visit the scene of the accident or serious incident, examine wreckage and take statements from witnesses.

(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***

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***

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.

(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***

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.

***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***

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:

Security of  
accident and  
incident  
documents,  
reports and  
records

- (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***

Provision of flight recorder information to State conducting investigation

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

Provision of information to a State conducting an investigation

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.

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

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.

(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***

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—

- (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.

#### PART IV

##### PRELIMINARY REPORT AND ACCIDENT OR INCIDENT DATA REPORT

##### ***Preliminary Report***

Preliminary  
report  
Schedule 3

28. (1) Where the Director General institutes and conducts an investigation into an accident or incident, he shall prepare a preliminary report in accordance with Schedule 3.

(2) The Director General shall send the preliminary report referred to in subregulation (1) to—

- (a) for aircraft of a maximum mass of 2250 kg or less,—
  - (i) the State of Registry or the State of Occurrence, as appropriate;

- (ii) the State of the operator;
  - (iii) the State of Design;
  - (iv) the State of Manufacture;
  - (v) any State that provided relevant information, significant facilities or experts; and
- (b) for aircraft of a maximum mass of over 2 250 kg—
- (i) the States specified under subregulation (2)(a); and
  - (ii) the International Civil Aviation Organization.

(3) The Director General shall ensure that the preliminary report referred to in subregulation (1), is in the English language and sent by facsimile, e-mail or airmail within thirty days of the accident.

(4) Notwithstanding subregulation (3), when matters directly affecting safety are involved, the preliminary report referred to in subregulation (1), shall be sent as soon as the information is available and by the most suitable and quickest means available.

### ***Accident/Incident Data Report***

29. (1) Where the Director General institutes and conducts an investigation into—

Accident/  
incident data  
report

- (a) an accident of an aircraft of a maximum mass of over 2 250 kg; or
- (b) an incident of an aircraft of a maximum mass of over 5 700 kg,

he shall prepare and send, as soon as practicable after the investigation, in the English Language, an Accident Data Report to the International Civil Aviation Organization in accordance with Schedule 4.

Schedule 4

(2) The Director General may, upon request, provide other States with pertinent information additional to that made available in the Accident/Incident Data Report.

## **PART V**

### **FINAL REPORT**

30. (1) The Director General shall ensure that the requirements of this Part are satisfied with respect to the Final Report of an investigation of an accident or incident that he is responsible for under regulation 4.

Schedule 5 (2) A Final Report under subregulation (1) shall be in the format set out in Schedule 5 with such necessary adaptations as the investigator in charge determines necessary having regard to the circumstances of the accident or incident.

(3) An investigator in charge who conducts an investigation of an accident or serious incident instituted by the Director General shall prepare a draft of the Final Report and submit it to the Director General.

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

- (a) all the States that participated in the investigation;
- (b) the operator of the aircraft, through the State of the operator;
- (c) the organizations responsible for the type design and the final assembly of the aircraft, the State of Design and the State of Manufacture, respectively,

inviting their significant and substantiated comments on that draft Final Report to be submitted within sixty days.

(5) The Director General, when sending copies of the draft Final Report under subregulation (4), shall send such report under confidential cover forbidding the recipients from circulating or publishing the draft Final Report or any part thereof.

(6) On receipt of any comments under subregulation (4), the Director General shall forward the comments to the Investigator in charge to—

- (a) amend the draft Final Report to include the substance of the comments received; or
- (b) append the comments to the Final Report, where it is desired by the State that made the comments.

(7) Where the investigator in charge makes an amendment or appends the comments under subregulation (6), he shall forward the amended draft of the Final Report to the Director General who shall release it as the Final Report.

(9) The Director General, where he is in receipt of a draft Final Report from another State, shall not circulate or publish the draft Final Report or any part thereof, or any document obtained during the investigation of the accident or incident without the express consent of the State that conducted the investigation.

(10) The Director General shall, with a minimum of delay and in the interest of accident prevention, release the Final Report of an accident or incident to the States that appointed accredited representatives, advisers and experts in the investigation of the accident or incident, including—

- (a) the State of the Operator;
- (b) the State of Design;
- (c) the State of Manufacture;
- (d) any State having fatalities or serious injuries to its citizens; and
- (e) any State that provided relevant information, significant facilities or experts.

(11) Where it is not possible to release a Final Report under subregulation (10), within twelve months of the date of occurrence, the Director General shall release an interim report on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

(12) The Director General shall, in releasing a Final Report under subregulation (10), for an aircraft of a maximum mass of over 5700 kg, send a copy of that Final Report to the International Civil Aviation Organization.

(13) The Director General shall, where during the investigation of an accident or incident considers it necessary for certain prompt preventive actions to be taken to enhance aviation safety, issue such recommendations to the appropriate authorities including those authorities in other States.

(14) The Director General shall address, when appropriate, any safety recommendations arising out of his investigations to the accident investigation authorities of other State(s) concerned and, to ICAO when ICAO documents are involved.

(15) Where the Director General is in receipt of safety recommendations arising out of an accident or incident investigation from a Contracting State, he shall inform the Contracting State of the preventive action taken or under consideration, or reasons why no action will be taken.

(16) The investigator in charge shall include only the relevant parts of the records referred to in subregulation (1), in the final report or its appendices, only when pertinent to the analysis of the accident or incident.

### ***Measures to re-open an Investigation***

Measures to  
re-open an  
investigation

31. Where new and significant evidence becomes available after the investigation into an accident or incident constituted and conducted by the Director General has been closed, the Director General shall take measures to re-open that investigation.

## PART VI

### ACCIDENT PREVENTION MEASURES

#### ***Establishment of a Mandatory Incident Reporting System***

Mandatory  
incident  
reporting  
system

32. The Director General shall establish a mandatory incident reporting system to facilitate collection of information on actual or potential safety deficiencies.

#### ***Establishment of a Voluntary Incident Reporting System***

Voluntary  
incident  
reporting  
system

33. (1) The Director General shall establish a voluntary incident reporting system to facilitate the collection of information that may not be captured by a mandatory incident reporting system.

(2) The Director General shall, in establishing the voluntary incident reporting system referred to in subregulation (1), ensure that the system is non-punitive and affords protection to the sources of the information.

(3) A person observing any hazard or discrepancies that may affect aviation safety, may notify the Director General of such hazard or discrepancy under the voluntary incident reporting system.

#### ***Establishment of an Accident and Incident Database***

Accident and  
incident  
database

34. (1) The Director General may establish an accident and incident database to facilitate the effective analysis of information obtained, including that from its mandatory and voluntary incident reporting systems under regulations 32 and 33 respectively.

(2) The Director General shall ensure that the accident and incident database referred to in subregulation (1), use standardized formats to facilitate data exchange.

***Analysis of Information in the Accident and Incident Database***

35. (1) The Director General shall analyze the information contained in the accident/incident reports and the database established in regulation 34, to determine any preventive actions required.

Analysis of  
information  
in the  
accident and  
incident  
database

(2) Where the Director General identifies safety matters considered to be of interest to other States,—

(a) in the analysis of the information contained in the database referred to in regulation 35; or

(b) which were received from diverse sources, including safety studies,

he may forward such safety information to the States as soon as possible.

***Establishment of Safety Information Sharing Network***

35. The Director General may establish a system to promote the establishment of safety information sharing networks among all users of the aviation system and may facilitate the free exchange of information on actual and potential safety deficiencies.

Safety  
information  
sharing  
network

***Procedures Manual***

36. The Director General shall ensure that a Procedures Manual for the implementation of these Regulations is developed and maintained, and distributed to all personnel who are required to know and participate in aircraft accident and incident investigations.

Procedures  
manual

SCHEDULE 1

(Regulation 9)

- (a) for accidents the identifying abbreviation ACCID, for serious incidents INCID;
- (b) manufacturer, model, nationality and registration marks, and serial number of the aircraft;
- (c) name of owner, operator and hirer, if any, of the aircraft;
- (d) name of the pilot-in-command, and nationality of crew and passengers;
- (e) date and time (local time or UTC) of the accident or serious incident;
- (f) last point of departure and point of intended landing of the aircraft;
- (g) position of the aircraft with reference to some easily defined geographical point and latitude and longitude;

- (h) number of crew and passengers on aboard and the number who have been killed or seriously injured;
- (i) number of persons killed and seriously injured;
- (j) description of the accident or serious incident and the extent of damage to the aircraft so far as is known;
- (k) an indication to what extent the investigation will be conducted or is proposed to be delegated by the State of Occurrence;
- (l) physical characteristics of the accident or serious incident area, as well as an indication of access difficulties or special requirements to reach the site;
- (m) identification of—
  - (i) the Authority;
  - (ii) and the means to contact at any time—
    - (A) the investigator in charge;
    - (B) the accident investigation authority or body of the State of Occurrence;
- (n) presence and description of any dangerous goods on board the aircraft.

#### SCHEDULE 2

(Regulation 11)

The investigator in charge shall use the standards set out in ICAO Document No. 6920 for the conduct of an investigation of an aircraft accident or serious incident.

#### SCHEDULE 3

(Regulation 35)

The format of the Accident/Incident Data Report shall be in the manner set out in ICAO Document 9156. An example of a completed Preliminary Report is provided in Appendix 8 of ICAO Document 9156.

#### SCHEDULE 4

(Regulation 34)

The format of the Preliminary Report shall be in the manner set out in ICAO Document 9156. An example of a completed Preliminary Report is provided in Appendix 8 of ICAO Document 9156.

#### SCHEDULE 5

(Regulation 32)

The investigator in charge shall use the standards set out in ICAO Document No. 6920, Part IV, Chapter 4 when preparing the Final Report.

Made by the Authority this 1st day of December, 2006.

R. LUTCHMEDIAL  
*Civil Aviation Authority*

Approved by the Minister of Works and Transport.

C. IMBERT  
*Minister of Works and Transport*