

PART 17

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DIVISION 1 - ACCIDENT AND SERIOUS INCIDENT INVESTIGATION**17.1 INTERPRETATION**

In this part unless the context otherwise requires "accident" includes a serious incident and a reportable accident;

"Investigator" means a person appointed as an Accident Investigator under Regulation 17.9;

"Investigation" means a process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and, when appropriate, the making of safety recommendations.

"Owner" means where an aircraft is registered, the registered owner;

"Reportable accident" means an occurrence associated with the operation of an aircraft which takes place between the time when any person boards the aircraft with the intention of flight and such time as all persons have disembarked therefrom, in which:-

- (a) any person suffers death or serious injury while in or upon the aircraft or by direct contact with any part of the aircraft (including any part which has become detached from the aircraft) or by direct exposure to jet blast, except when the death or serious injury is from natural causes, is self-inflicted or is inflicted by other persons or when the death or serious injury is suffered by a stowaway hiding outside the areas normally available in flight to the passengers and members of the crew of the aircraft; or
- (b) the aircraft incurs damage or structural failure, other than:-
 - (i) engine failure or damage, when the damage is limited to the engine, its cowling or accessories,
 - (ii) damage limited to propellers, wing tips, antennae, tyres, brakes, fairings, small dents or punctured holes in the aircraft skin,

which adversely affects its structural strength, performance or flight characteristics and which would normally require major repair or replacement of the affected component; or

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

"serious incident" An incident involving circumstances indicating that an accident nearly occurred.

"serious injury" means an injury which is sustained by a person in a reportable accident and which:-

- (a) requires his stay in hospital for more than 48 hours commencing within seven days from the date on which the injury was received; or
- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- (c) involves lacerations which cause nerve, muscle or tendon damage or severe haemorrhage; or
- (d) involves injury to any internal organ; or
- (e) involves second or third degree burns or any burns affecting more than five percent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation.

17.2 APPLICATION OF THIS DIVISION

The provisions of this Division apply to accidents arising out of or in the course of air navigation which occur to civil aircraft in the Republic or elsewhere to Maldivian aircraft.

17.3 PURPOSE OF ACCIDENT INVESTIGATION

The purpose of investigating accidents shall be to determine the circumstances and causes of the accident with a view to the preservation of life and the avoidance of accidents in the future, it is not the purpose to apportion blame or liability. The provisions of this Division shall be construed and applied accordingly.

17.4 NOTIFICATION OF ACCIDENTS OR SERIOUS INCIDENTS

(a) Where a reportable accident or serious incident occurs:-

- (1) The pilot in command of the aircraft involved at the time of the accident; or
- (2) If he is killed or incapacitated, then the operator of the aircraft; and
- (3) If the accident occurs in the vicinity of an aerodrome, the person in charge thereof,

shall immediately give a notice to the Director containing so far as possible the following particulars:-

- (a) The identifying abbreviation ACCID; or INCID for serious incidents
- (b) The type, model and nationality and registration marks of the aircraft.
- (c) The name of the owner, operator and hirer (if any) of the aircraft;
- (d) The name of the pilot in command of the aircraft;
- (e) The date and time (local time or UTC) of the accident; or serious incident
- (f) The last point of departure and the next point of intended landing of the aircraft;
- (g) The position of the aircraft by reference to some easily defined geographical point and latitude and longitude;
- (h) The number of crew and the number of passengers on board the aircraft, the number of crew and the number of passengers killed or seriously injured as a result of the accident and the number of other persons killed or seriously injured as a result of the accident;
- (i) The nature of the accident or serious incident and the damage to the aircraft so far as it is known.

17.5 PROVISION OF INFORMATION BY OWNER ETC. OF AIRCRAFT

Where an accident or serious incident to which this Division applies occurs, whether in the Republic or elsewhere, the owner, operator, pilot in command or hirer of the aircraft shall, if so required by notice in writing by the Director, send to the Director such information as is in his possession or control with respect to the accident or the serious incident.

17.6 PUBLICATION OF INFORMATION ABOUT THE ACCIDENT OR SERIOUS INCIDENT

The Director may at any time publish information relating to an accident whether or not such an accident

or serious incident is the subject of an investigation.

17.7 CUSTODY OF DAMAGED AIRCRAFT

- (a) Subject to Regulation 17.10 where a reportable accident occurs in the Republic, no person other than an authorized person, shall have access to the aircraft involved in the accident and neither the aircraft nor its contents shall except under the Authority of the Director be removed or interfered with.
- (b) Notwithstanding paragraph (a):-
 - (1) The aircraft may be removed or interfered with so far as may be necessary for the purpose of
 - (aa) extricating persons or animals;
 - (bb) removing any mails, valuables and dangerous goods;
 - (cc) preventing destruction by fire or other cause or preventing danger or obstruction to the public, air navigation or to other transport; or
 - (dd) removing any other property as long as an inspector consents thereto and supervises its removal.
 - (2) If the aircraft is wrecked on the water, the aircraft or any of its contents may be removed to such extent as may be necessary to bring it to a place of safety.
- (c) In this Regulation, "authorized person" means any person authorized by the Director either generally or specially to have access to any aircraft involved in an accident or serious incident.

17.8 DECISION TO INVESTIGATE

The Director determines whether or not an investigation shall be carried out into any accident or serious incident to which this Division applies.

17.9 APPOINTMENT OF ACCIDENT INVESTIGATORS

The Director appoints persons as Accident Investigators for the purpose of carrying out investigating the circumstances and causes of accidents and he may appoint persons to assist any Investigator in a particular investigation and persons so appointed shall have such power of an Inspector as may be specified in their appointment.

17.10 POWERS OF INVESTIGATORS

For the purpose of the investigation of an accident to which this Division applies or any inquiries with a view to determining whether an investigation should be undertaken, an Investigator shall have power:-

- (1) By summons under his hand to call before him and examine all such persons as he thinks fit, to require such persons to answer any question or furnish any information or produce any books, papers, documents or articles which the Investigator considers relevant and to retain the aforesaid until the completion of the investigation or any inquiry thereafter or, as the case maybe, it is determined that an investigation shall not be carried out;

- (2) To take such statements from all such persons as he thinks fit and sign a declaration of the truth of the statement made by him;
- (3) To have access to and examine any aircraft involved in any such accident and the place where the accident or serious incident occurred and to require any such aircraft or any part or equipment thereof to be preserved unaltered pending investigation;
- (4) To examine, remove, test, take measures for the preservation of, or otherwise deal with:-
 - (i) the aircraft involved in the accident; or
 - (ii) any other aircraft,

or any part of such aircraft or anything contained in the aircraft.

- (5) To enter and inspect any place, building or aircraft.
- (6) To take such measures for the preservation of evidence as he considers appropriate.

17.11 INVESTIGATION AND REPORT

- (a) Public notice that an investigation by an Investigator is taking place shall be given in such manner as the Director may think fit.
- (b) An Investigator's investigation shall be held in private.
- (c) An Investigator may permit any person to appear before him and call evidence and examine witnesses.
- (d) The Director may determine that an investigation by an Investigator shall be discontinued and in that event no report shall be made.
- (e) The report of the Inspector shall be submitted to Director and shall state the facts relating to the accident or serious incident followed by an analysis of the facts and conclusions as to the cause or causes of the accident or serious incident with any recommendations which the Investigator thinks fit to make.
- (f) The Director may, if it is practicable to do so, cause such parts of the Investigator's report as he considers fit to be served upon the operator and the pilot in command of the aircraft in the accident and on any person whose reputation is, in the opinion of the Director, likely to be adversely affected by the report and in the light of any representations by the person aforesaid may return the report to Investigator for amendment.

17.12 PUBLICATION OF REPORTS

The Director unless there are good reasons to the contrary may publish the Investigator's report in whole or in part.

17.13 REOPENING OF INVESTIGATION

The Director may cause the investigation to be reopened if after completion of the investigation new and important evidence is discovered or if he suspects that a miscarriage of justice has occurred and any such reopened investigation shall be conducted in accordance with the provisions of this Division relating to an investigation.

17.14 ACCIDENTS OR SERIOUS INCIDENT TO AIRCRAFT REGISTERED ELSEWHERE

- (a) Where an accident or serious incident has occurred in the Republic to an aircraft possessing the nationality of another country, the Director may authorize an investigator appointed by the competent authority of that other country to carry out an investigation in the Republic and the Director shall so far as he is able to facilitate his inquiries.
- (b) In any investigation an accredited representative of the country in which aircraft is registered, or of any country in which the aircraft was manufactured or which has on request furnished information in connection with the accident or serious incident, may take part in the investigation, that is to say he shall be permitted:-
- (1) to visit the scene of the accident;
 - (2) to examine the wreckage;
 - (3) to question witnesses;
 - (4) to receive copies of all pertinent documents (save all just exceptions);
 - (5) to have access to all relevant evidence; and
 - (6) to make submissions;

and he may be accompanied by such technical and other advisers as may be considered necessary by the authorities of the country by which he is appointed.

17.15 OBSTRUCTION OF INVESTIGATION

A person shall not obstruct or impede an Investigator or any person acting under the authority of the Director in the exercise of any powers or duties under this Division.

17.16 POWERS OF DIRECTOR

The Director may in relation to an investigation exercise any power conferred upon an Investigator by the Regulations.

17.17 RESERVED**17.18 RESERVED****17.19 RESERVED****DIVISION 2 - MANDATORY REPORTING OF INCIDENTS DEFECTS AND MALFUNCTIONS.****17.20 INTERPRETATION**

In this Division:-

“aircraft system” includes the flight control, power plant, fuel, hydraulic, pneumatic, pressurisation, electrical, navigation and any other system of the aircraft.

“Incident” means:- an occurrence other than an accident associated with the operation of an aircraft which affects or could affect the safety of operation.

17.21 MANDATORY REPORTING

- (a) Subject to the provisions of this Division every person who:-
- (1) is the operator or the pilot in command of a Maldivian public transport aircraft which has a maximum total weight authorised of more than 2,230kg; or
 - (2) carries on the business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof; or
 - (3) signs a certificate of maintenance review, or of release to service in respect of such an aircraft, part or equipment; or
 - (4) performs a function for which he requires an air traffic controller's licence; or
 - (5) is the licensee or manager of a licensed aerodrome,

shall make a report to the Director of any reportable occurrence of which he knows in such form and containing such information as the Director requires and within the time specified in Regulation 17.23.

- (b) The Director may require any person to whom paragraph (a) applies to make a report to the Director in accordance with paragraph (a) containing information in his possession and control relating to a reportable occurrence which has been reported by him or another person.

17.22 REPORTABLE INCIDENTS

- (a) The Director shall define the list of reportable incidents and other occurrences which must be reported to him.
- (b) Notwithstanding paragraph (a) an accident notified under Division 1 is not a reportable occurrence.

17.23 REPORTING TIME

A report under Regulation 17.21 (a) shall be dispatched in writing by the quickest means available within 48 hours of the reportable occurrence coming to the knowledge of the person making the report.

17.24 INCIDENTS/OCCURENCES ALREADY REPORTED

Subject to Regulation 17.21 (b), nothing in this Division shall require a person to report any incident/occurrence which he has reason to believe has been or will be reported by another person in accordance with this Division.

17.25 FALSE REPORTS

A person shall not make any report under this Division if he knows or has reason to believe that the report is false in any particular.

17.26 PRESERVATION OF FDR, CVR INFORMATION

The operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this Division, preserve any data from a flight data recorder or cockpit voice recorder relevant to the reportable occurrence for fourteen days from the date on which a report of that occurrence is made to the Director or for such longer period as the Director may in a particular case direct.

17.27 INVESTIGATION OF REPORTABLE INCIDENTS

The Director may cause a reportable occurrence to be investigated under the provisions of Division 1 as if the reportable incident is a reportable accident or serious incident