

THE SIERRA LEONE CIVIL AVIATION REGULATIONS



PART 13 – AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATIONS

APRIL 2023

ESTABLISHMENT

ENABLING POWERS

The Commissioner in exercise of the powers conferred by the Civil Aviation Act 2023 – Part IX Aircraft Accident and Incident Investigations, Section 74 (3) shall perform such acts, - including the conduct of investigations, to issue and amend orders, rules, regulations and procedures.

The Commissioner shall make Regulations prescribing for:

- (a) the manner of exercising and carrying out the Bureau’s powers, duties and functions under Part IX of the Civil Aviation Act, 2023;
- (b) the standards that the aviation system needs to achieve compliance with the provisions of the Act.

WHEREAS, The Commissioner shall have power to publish all reports, orders, decisions, rules, and regulations issued under Civil Aviation Act 2023 – Part IX Aircraft Accident and Incident Investigations in such form and manner as may be best adapted for public information and use.

NOW THEREBY, The Commissioner in exercise of the powers conferred by the Civil Aviation Act 2023 – Part IX Aircraft Accident and Incident Investigations, issues these regulations which supersedes previous regulations on Aircraft Accident and Incident Investigations.

CITATION AND COMMENCEMENT

1. Short Title

These Regulations may be cited as the Sierra Leone Civil Aviation Regulations, 2023, Part 13 – Aircraft Accident and Incident Investigations. “SLCAR Part 13”.

2. Effective Date

These Regulations shall come into force as of the **26th** day of **April, 2023**.



Olubumi Roderick Wellington
Commissioner

Sierra Leone Aircraft Accident and Incident Investigation Bureau

ARRANGEMENT OF REGULATIONS

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ACRONYMS

ACCID	-	Accident
BAGAIA	-	Banjul Accord Group Accident Investigation Agency
ICAO	-	International Civil Aviation Organization
INCID	-	Incident
IS	-	Implementing Standard
RAIO	-	Regional Accident and Incident Investigation Organization
SINCID	-	Serious Incident
SL-AAIIB	-	Sierra Leone Aircraft Accident and Incident Investigation Bureau
SLCAA	-	Sierra Leone Civil Aviation Authority
SLCAR	-	Sierra Leone Civil Aviation Regulations

RECORD OF AMENDMENT(S)

AMENDMENTS				
<i>No.</i>	<i>Date Applicable</i>	<i>Date Entered</i>	<i>Entered by</i>	<i>Corresponding Annex 13</i>
0			Commissioner	Amendment 17 and 18 - 12 Edition – 05/11/2020

1. DEFINITIONS

When the following terms are used in this Regulation for Aircraft Accident and Incident Investigation, they have the following meanings:

- 1.1 Accident.** An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:
- a) a person is fatally or seriously injured as a result of:
 - i. being in the aircraft, or
 - 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 a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the aerodrome); or
 - c) the aircraft is missing or is completely inaccessible.
- 1.2 Accident investigation authority.** The authority designated by a State as responsible for aircraft accident and incident investigations within the context of this Regulation. In the case of Sierra Leone, the Sierra Leone Aircraft Accident and Incident Investigation Bureau, (herein referred to as the *Bureau*) is the Accident Investigation Authority.
- 1.3 Accredited representative.** A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. The accredited representative would normally be from the State's accident investigation authority.
- 1.4 Adviser.** A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.
- 1.5 Aircraft.** Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

- 1.6 Causes.** Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident. The identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability.
- 1.7 Contributing factors.** Actions, omissions, events, conditions, or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.
- 1.8 Flight recorder.** Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.
- 1.8.1 Automatic deployable flight recorder (ADFR).** A combination flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft.
- 1.9 Incident.** An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.
- 1.10 Investigation.** 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/or contributing factors and, when appropriate, the making of safety recommendations.
- 1.11 Investigator-in-charge.** A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.
- 1.12 Maximum mass.** Maximum certificated take-off mass.
- 1.13 Operator.** The person, organization or enterprise engaged in or offering to engage in an aircraft operation.
- 1.14 Preliminary Report -** The communication used for the prompt dissemination of data obtained during the early stages of the investigation.
- 1.15 Safety recommendation -** A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.
- 1.16 Safety Recommendation of Global Concern (SRGC) -** A safety recommendation regarding a systemic deficiency having a probability of recurrence, with significant consequences at a global level, and requiring timely action to improve safety.

- 1.17 Serious incident** - An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.
- 1.18 Serious injury** - An injury which is sustained by a person in an accident and which:
- a) requires hospitalization for more than 48 hours, commencing within seven days from the date 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 severe haemorrhage, nerve, muscle or tendon damage; or
 - d) involves injury to any internal organ; or
 - 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.
- 1.19 State of Design** - The State having jurisdiction over the organization responsible for the type design.
- 1.20 State of Manufacture** - The State having jurisdiction over the organization responsible for the final assembly of the aircraft, engine or propeller.
- 1.21 State of Occurrence** - The State in the territory of which an accident or incident occurs.
- 1.22 State of the Operator** - The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.
- 1.23 State of Registry** - The State on whose register the aircraft is entered.
- 1.24 State Safety Programme (SSP)** - An integrated set of regulations and activities aimed at improving safety.

Miscellaneous Definitions

- 1.25 Act** – the Civil Aviation Act of Sierra Leone;
- 1.26 Aerodrome** – a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;
- 1.27 Air Safety Investigator** – Personnel to be trained to become an Investigator;
- 1.28 Annex 13** - the Annex to the Convention on International Civil Aviation that contains the International Standards and Recommended Practices related to aircraft accident and incident investigation;

- 1.29 Approved Training Organizations (ATO)** - an organization approved by the Authority, in accordance with the requirements to perform airman training and operating under the supervision of the Authority;
- 1.30 Balancing Test** - the determination whereby the competent authority(ies) assesses competing public interests and decides which interest should prevail leading to the determination referred to in Chapter 5, 5.12 of Annex 13 of the impact the disclosure or use of accident and incident investigation records may have on current or future investigations;
- 1.31 Commissioner** - the head of the Sierra Leone Aircraft Accident and Incident Investigation Bureau appointed pursuant to the Act;
- 1.32 Competent Authority** - the government entity(ies) empowered to administer the balancing test. In the case of Sierra Leone, it is the Court in accordance with the Laws of Sierra Leone;
- 1.33 Contracting State** - means any state (including Sierra Leone) which is a party to the Convention on International Civil Aviation;
- 1.34 Crew Member** - a person assigned by an Operator to duty on an aircraft during a flight duty period;
- 1.35 Dangerous Goods** - articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in ICAO Technical Instructions for Safe Transportation of Dangerous Goods by Air or which are classified according to those instructions;
- 1.36 Draft Final Report** - a report sent to the relevant State, Authority and other interested parties in the investigation, inviting their significant and substantiated comments on the report;
- 1.37 Fatal Injury** - an injury resulting in death within thirty (30) days of the date of the accident;
- 1.38 Final Report** - the Bureau's conclusive report on the investigation into an aircraft accident or incident which includes the pertinent factual information, analysis, conclusions and when appropriate, associated safety recommendations issued by the Bureau.
- 1.39 Interim Statement** - the communication issued by the Bureau to the public on each anniversary of the accident or incident for informing those having a direct interest in the investigation regarding the progress of an on-going investigation and any safety issues raised during the investigation.
- 1.40 Policy and Procedures Manual (PPM)** - the Bureau's internal working document drawn by the Commissioner to achieve the Bureau's objectives;
- 1.41 Judicial Proceeding** - a proceeding before a judicial authority involving a determination, including criminal and civil liability;

- 1.42 Material Fact in Question** - a fact that is significant or essential to the matter at hand; where one party alleges and the other controverts; and is to be determined by the competent authority administering the balancing test;
- 1.43 Minister** - the minister responsible for Transport and Aviation;
- 1.44 Next of kin** - the immediate family or other persons closely connected with the victim of an accident;
- 1.45 Observer** - a representative of a concerned organization or another State who is authorized by the Bureau to attend an investigation as an observer, or the Bureau’s investigator authorized to attend an investigation being conducted by another State;
- 1.46 Occurrence** - includes accidents, serious incidents, incidents or other safety related events;
- 1.47 Pilot-in-Command** - a pilot designated by the Operator, or in the case of general aviation, the Owner as being in command and charged with the safe conduct of a flight;
- 1.48 Police Officer** - any person who is a member of the Sierra Leone Police;
- 1.49 Regulations** - Sierra Leone Civil Aviation Regulations, Part 13 – Aircraft Accident and Incident Investigations, made pursuant to Part IX of the Civil Aviation Act in Sierra Leone;
- 1.50 Safety** - the state in which risks associated with aviation activities, related to, or in support of the operation of aircraft, are reduced and controlled to an acceptable level.
- 1.51 Safety data** - a defined set of facts or set of safety values collected from various aviation-related sources, which is used to maintain or improve safety.
- 1.52 Safety data Collection and Processing System (SDCPS)** - the processing and reporting systems, safety databases, schemes for exchange of information, and recorded information including but not limited to:
- (a) data and information pertaining to accident and incident investigations;
 - (b) data and information related to safety investigations by State authorities or aviation service providers;
 - (c) mandatory safety reporting systems as indicated in 5.1.2 of Annex 19;
 - (d) voluntary safety reporting systems as indicated in 5.1.3 of Annex 19; and
 - (e) self-disclosure reporting systems, including automatic data capture systems, as described in Annex 6, Part I, Chapter 3, as well as manual data capture systems.

Note 1.— Guidance related to SDCPS is contained in the Safety Management Manual (SMM) (Doc 9859).

Note 2.— The term “safety database” may refer to a single or multiple database(s).

Note 3.— SDCPS may include inputs from State, industry and public sources, and may be based on reactive and proactive methods of safety data and safety information collection.

Note 4.— Sector-specific safety reporting provisions are contained in other Annexes, PANS and SUPPs. There is a recognized benefit to the effective implementation of an SSP in having an integrated approach for the collection and analysis of the safety data and safety information from all sources.

1.53 Safety Information - safety data processed, organized or analysed in a given context so as to make it useful for safety management purposes.

1.54 Witness - means a person required to attest to matters of facts, for this purpose, all statements taken from persons in the cause of accident investigation processes before the Commissioner or any of his designated officer there of which an affirmation may be required.

2. APPLICABILITY

2.1 These Regulations shall apply in respect of aircraft accidents and serious incidents, occurred

- (a) in or over Sierra Leone;
- (b) when Sierra Leone is the State of Registry and
 - (i) the location of the accident or the serious incident cannot definitely be established as being in the territory of any other state; or
 - (ii) the accident or the serious incident occurred in the territory of a non-contracting state which does not intend to conduct an investigation in accordance with International Civil Aviation Organisation Annex 13 to the Chicago Convention.
- (c) where an accident or serious incident involves a state aircraft and a civil aircraft, a civil aircraft used principally for state aircraft or occurs while a state aircraft used for purposes of civil aviation.

2.2 The specifications concerning the State of the Operator apply only when an aircraft is leased, chartered or interchanged and when a State is not the State of Registry and if it discharges in respect of these Regulations in part or whole, the functions and obligations of the State of Registry.

2.3 The Bureau shall ensure that its investigation procedures and practices are compatible with the Convention on International Civil Aviation, and the Standards and Recommended Practices contained in International Civil Aviation Organisation Annex 13 to the Chicago Convention.

3. GENERAL

OBJECTIVE OF THE INVESTIGATION

3.1 The sole objective of the investigation of an accident or incident under these Regulations shall be the prevention of accidents and incidents. It is not the purpose of such an investigation to apportion blame or liability.

INDEPENDENCE OF INVESTIGATIONS

- 3.2** The Bureau shall have independence in the conduct of the investigation and unrestricted authority over its conduct consistent with the provisions of Part IX of the Civil Aviation Act of Sierra Leone and in line with Annex 13 to the Convention on International Civil Aviation. The Bureau shall be independent from the civil aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation.

PROTECTION OF EVIDENCE, CUSTODY AND REMOVAL OF AIRCRAFT RESPONSIBILITY OF THE STATE OF OCCURRENCE

General

- 3.3** Where an accident or a serious incident occurs in Sierra Leone, The Bureau shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation. Protection of evidence shall include the preservation, by photographic or other means, of any evidence which might be removed, effaced, lost or destroyed. Safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration. Recovery and handling of flight recorder and its recordings shall be assigned to qualified personnel.

- 3.3.1** Notwithstanding subsection 3.3 above:

- (a) The aircraft involved in an accident or serious incident may be removed or interfered with to such extent as may be necessary for all or any of the following purposes:
 - (i) extricating persons or animals;
 - (ii) removing any mail, valuables or dangerous goods carried by the aircraft for the purpose of preservation;
 - (iii) preventing destruction by fire or other cause;
 - (iv) preventing any danger or obstruction to the public, air navigation or other transport;or
- (b) if an aircraft is wrecked in water, the aircraft or any content thereof may be removed to such extent as may be necessary for bringing the aircraft or its contents to a place of safety.

- 3.3.2** Where the Commissioner or investigator-in-charge has authorized any person to remove any goods or passenger baggage from the aircraft or to release any goods or passenger baggage from the custody of the Commissioner or investigator-in-charge, the person may:

- (a) remove the goods or passenger baggage or any other property from the aircraft under the supervision of a Senior Officer.
- (b) release the goods or passenger baggage from the custody of the Commissioner or investigator-in-charge, subject to clearance by or with the consent of the Sierra Leone Custom Service, if the aircraft has come from a place outside Sierra Leone.

- 3.3.3** Where the Commissioner or investigator-in-charge is of the opinion that the aircraft involved in the accident or serious incident is likely to be in danger or obstruction to the public, air navigation,

or other transport, the Commissioner or Investigator-In-Charge may order the Owner, Operator or Hirer of such aircraft to remove the aircraft to such a place as indicated.

3.3.4 In the absence of the Owner, Operator or Hirer, or in the event of non-compliance with the order in sub-section 3.3.3 above, the Commissioner or investigator in-charge shall be empowered to remove or cause the removal of the aircraft.

3.3.5 The expenses incurred in removing such aircraft shall:

- (a) be borne by the Owner, Operator or Hirer of the aircraft; and
- (b) where the aircraft is removed by the Commissioner or investigator in-charge under sub-section 3.3.4 above, be borne by the Owner, Operator or Hirer or all of them.

Request from State of Registry, State of the Operator, State of Design or State of Manufacture

3.4 If a request is received from the State of Registry, the State of the Operator, the State of Design or 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, with Sierra Leone as the State of Occurrence, the Bureau 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; provided that the aircraft may be moved to the extent necessary to extricate persons, animals, mail and valuables, to prevent destruction by fire or other causes, or to eliminate any danger or obstruction to air navigation, to other transport or to the public, and provided that it does not result in undue delay in returning the aircraft to service where this is practicable.

Release from custody

3.5 Subject to the provisions of 3.3 and 3.4, the Bureau shall release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable. For this purpose, the Bureau shall facilitate access to the aircraft, its contents or any parts thereof, provided that, if the aircraft, its contents, or any parts thereof lie in an area within which Sierra Leone finds it impracticable to grant such access, it shall itself effect removal to a point where access can be given.

4. NOTIFICATION

Reporting of Occurrence

4.0.1 Where an aircraft accident or incident takes place subject to the provisions of these Regulations, the owner, operator, pilot-in-command, crew members, operator of an airport, air traffic controller, or any other person having knowledge of an accident or incident shall immediately notify the Bureau and provide as much information as soon as possible and by the quickest means available. Emergency hotline; +232-76-738632, email; info@sl-aaib.com - all available on the Bureau's website; www.sl-aaib.com.

4.0.1.1 The notification to the Bureau shall be in plain English language and contain as much of the information as is readily available; but, the dispatch of the notification shall not be delayed due to the lack of complete information. Further details of the occurrence can be submitted by the operator in a form and manner prescribed by the Bureau.

The types of incidents are of main interest to the Bureau are listed in IS 3.6.

Forwarding notification of accidents or incidents to other States

4.1 The Bureau shall forward a notification of an aircraft accident, serious incident, or an incident to be investigated within the context of these Regulations with a minimum delay and by the most suitable and quickest means available to:

- (a) the State of Registry;
- (b) the State of the Operator;
- (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 or is a turbojet-powered aeroplane.

However, when the State of Occurrence is not aware of a serious incident or an incident to be investigated by the Bureau of an aircraft registered in Sierra Leone or operated by a Sierra Leonean Operator, the Bureau shall forward a notification of the serious incident or an incident to the State of Design, the State of Manufacture and State of Occurrence.

Format and content of Notification

4.2 The Bureau shall ensure that notification is/are in plain language and contain as much of the following information as is readily available, but its dispatch shall not be delayed due to the lack of complete information:

- (a) in the case of an accident, the identifying abbreviation “ACCID” or in the case of a serious incident, the identifying abbreviation “SINCID” or in the case of incident, the identifying abbreviation “INCID”;
- (b) the manufacturer, model, nationality and registration marks and serial number of the aircraft;
- (c) the name of the Owner, Operator and Hirer (if any) of the aircraft;
- (d) the qualification of the Pilot-in-Command of the aircraft and nationality of the crew and passengers;
- (e) the date and time (local or coordinated universal time) of the accident or serious incident;
- (f) the last point of departure and the point of intended landing of the aircraft;
- (g) the position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
- (h) the number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured;

- (i) the nature of the accident or serious incident and the extent of the damage to the aircraft as far as is known;
- (j) an indication to what extent the investigation will be conducted or is proposed to be delegated by the Bureau;
- (k) the physical characteristics of the accident or serious incident area as well as an indication of access difficulties or special requirements to reach the site;
- (l) the identification of the originating authority and means to contact the investigator in charge and the Sierra Leone Aircraft Accident and Incident Investigation Bureau at any time;
- (m) presence, description and location of dangerous goods on board the aircraft.

Language

4.3 The Bureau shall ensure that notification is prepared in English Language.

Additional information

4.4 As soon as it is possible to do so, the Bureau shall dispatch the details omitted from the notification as well as other known relevant information.

RESPONSIBILITY OF SIERRA LEONE AS THE STATE OF REGISTRY, THE STATE OF THE OPERATOR, THE STATE OF DESIGN AND THE STATE OF MANUFACTURE

Information — Participation

Response on Notification by other State to the Bureau

- 4.5** When Sierra Leone is the State of Registry or the State of the Operator of aircraft involved in an accident or serious incident, the Bureau shall acknowledge receipt of the notification of an accident or serious incident sent to it by the State of Occurrence.
- 4.6** Upon receipt of the notification, the Bureau shall as soon as possible, provide the State of Occurrence with any relevant information available to it regarding the aircraft and flight crew involved in the accident or serious incident. The Bureau shall also inform the State of Occurrence whether it intends to appoint an accredited representative and if such an accredited representative is appointed, the name and contact details; as well as the expected date of arrival of the accredited representative to the State of Occurrence.
- 4.7** Upon receipt of the notification, the Bureau shall, with a minimum of delay and by the most suitable and quickest means available, provide the State of Occurrence with details of dangerous goods on board the aircraft.

ACCIDENTS OR INCIDENTS OF THE STATE REGISTERED AIRCRAFT, IN A NON-CONTRACTING STATE OR OUTSIDE THE TERRITORY OF ANY STATE

RESPONSIBILITY OF SIERRA LEONE AS THE STATE OF REGISTRY

Forwarding

- 4.8** When Sierra Leone, as the State of Registry institutes the investigation of an accident or serious incident that occurs in a Non-Contracting State or outside the territory of any State, the Bureau shall forward a notification in accordance with 4.2 and 4.3 of these regulations, with a minimum delay and by the most suitable and quickest means available to:
- a) the State of the Operator;
 - b) the State of Design;
 - c) the State of Manufacture; and
 - d) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2,250 kg or is a turbojet-powered aeroplane.

RESPONSIBILITY OF THE STATE OF THE OPERATOR, THE STATE OF DESIGN AND THE STATE OF MANUFACTURE

Information — Participation

Response on Notification by the Bureau to other State

- 4.9** When Sierra Leone is the State of the Operator, the Bureau shall acknowledge receipt of any notification of an accident or serious incident.
- 4.10** Upon receipt of the notification, the Bureau shall as soon as possible, provide the State of Registry with any relevant information available to it regarding the aircraft and flight crew involved in the accident or serious incident. The Bureau shall also inform the State whether it intends to appoint an accredited representative and if such an accredited representative is appointed, the name and contact details; as well as the travel date expected of arrival if the accredited representative will be present at the investigation.
- 4.11** Upon receipt of a notification, Sierra Leone being the State of the Operator, the Bureau shall with a minimum of delay and by the most suitable and quickest means available, as much as possible provide the State of Registry with details of dangerous goods onboard the aircraft.

5. INVESTIGATION

RESPONSIBILITY FOR INSTITUTING AND CONDUCTING THE INVESTIGATION ACCIDENTS OR INCIDENTS IN THE TERRITORY OF SIERRA LEONE

Sierra Leone as the State of Occurrence

- 5.1** The Bureau shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation, but it may delegate the whole or any part of the conduct of such investigation to another State or a RAIO by mutual arrangement and consent. In any event, the Sierra Leone shall use every means to facilitate the investigation.
- 5.1.1** The Bureau shall institute an investigation into the circumstances of a serious incident. The Bureau may delegate the whole or any part of the conducting of such investigation to another State or a RAIO by mutual arrangement and consent. In any event the Sierra Leone shall use every means to facilitate the investigation.
- 5.1.2** Sierra Leone being the State of occurrence, the Bureau shall institute an investigation into the circumstances of a serious incident when the aircraft is of a maximum mass of over 2,250 kg. The Bureau may delegate the whole or any part of the conduct of such investigation to another State or a RAIO by mutual arrangement and consent. In any event the Sierra Leone shall use every means to facilitate the investigation.
- 5.1.3** When Sierra Leone is the State of Registry or the State of the Operator of aircraft involved in an accident or serious incident in another State and the State does not institute and conduct an investigation, and does not delegate the investigation to another State or a RAIO, the Bureau is entitled to request in writing the State to delegate the conduct of such investigation. If the State gives express consent or does not reply to such a request within 30 days, the Bureau shall institute and conduct the investigation with such information as is available.

ACCIDENTS OR INCIDENTS IN THE TERRITORY OF A NON-CONTRACTING STATE

Sierra Leone as the State of Registry

- 5.2** When an accident or serious incident to an aircraft registered in another State and operated by an Operator established in Sierra Leone, has occurred in or over any country or territory which is not an ICAO contracting State and does not intend to conduct an investigation in accordance with Annex 13, Sierra Leone as the State of the Operator shall institute and conduct an investigation in co-operation with the State of Occurrence, but failing such co-operation the Bureau should itself conduct the investigation with such information as is available.

ACCIDENTS OR INCIDENTS OUTSIDE THE TERRITORY OF ANY STATE

Sierra Leone as the State of Registry

- 5.3** When the location of the accident or the serious incident cannot definitely be established as being in the territory of any State, Sierra Leone being the State of Registry, the Bureau shall institute and conduct any necessary investigation of the accident or serious incident. However, it may delegate the whole or any part of the investigation to another State or a RAIO by mutual arrangement and consent.
- 5.3.1** Where an accident or serious incident occurs in international waters nearest to Sierra Leone, the Bureau shall provide such assistance as it is able and shall, likewise, respond to requests by the State of Registry.
- 5.3.2** When an accident or a serious incident has occurred to an aircraft operated by an Operator established in Sierra Leone, at a location which cannot definitely be established as being in the territory of any State, and the State of Registry neither institute and conduct an investigation nor delegate the investigation to another State or a RAIO, the Bureau may request in writing the State of Registry to delegate the conducting of such investigation. If the State of Registry gives express consent or does not reply to such a request within 30 days, the Bureau shall institute and conduct the investigation with such information as is available.
- 5.3.3** If the State of Registry is a non-Contracting State which does not intend to conduct an investigation, Sierra Leone being the State of the Operator, the Bureau shall institute and conduct an investigation in accordance with ICAO Annex 13. However, Sierra Leone may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.

ORGANIZATION AND CONDUCT OF THE INVESTIGATION

RESPONSIBILITY OF SIERRA LEONE WHEN CONDUCTING THE INVESTIGATION

General

- 5.4** The Bureau shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of these Regulations and Part IX of the Civil Aviation Act of Sierra Leone and Annex 13 to the Convention on International Civil Aviation. Any investigation to be conducted by the Bureau shall normally include:
- a) the gathering, recording and analysis of all relevant information on that accident or incident;
 - b) the protection of certain accident and incident investigation records in accordance with 5.12;
 - c) if appropriate, the issuance of safety recommendations;
 - d) if possible, the determination of the causes and/or contributing factors; and

- e) the completion of the Final Report.

Where feasible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses. The extent of the investigation and the procedure to be followed in carrying out such an investigation shall be determined by the Bureau, depending on the lessons it expects to draw from the investigation for the improvement of safety.

- 5.4.1 The Bureau shall ensure that any investigation conducted in accordance with the provisions of these Regulations shall be separate from any judicial or administrative proceedings to apportion blame or liability.
- 5.4.2 The Bureau shall develop documented policies and procedures detailing its accident investigation duties. These should include: organization and planning; investigation; and reporting.
- 5.4.3 Sierra Leone shall ensure that any investigations conducted by the Bureau in accordance with Part IX of the Civil Aviation Act of Sierra Leone have unrestricted access to all available evidential material without delay.
- 5.4.4 Sierra Leone shall ensure cooperation between the Bureau and the judicial authorities so that an investigation is not impeded by administrative or judicial investigations or proceedings.

Investigator-in-charge — Designation

- 5.5 The Commissioner shall designate an investigator-in-charge of the investigation and shall initiate the investigation immediately.

Investigator-in-charge — Access and control

- 5.6 The investigator-in-charge shall have unhampered access to the wreckage and all relevant material, including flight recorders and ATS records, and shall have unrestricted control over it to ensure that a detailed examination can be made without delay by authorized personnel participating in the investigation.

Recorded data — Accidents and incidents

Flight recorders

- 5.7 The Bureau shall make effective use of flight recorders in the investigation of an accident or an incident, and shall make arrangement for the read-out of the flight recorders without delay.
- 5.7.1 Where the Bureau does not have adequate facilities to read out the flight recorders, it shall use the facilities made available to it by other States, considering the following
 - a) the capabilities of the read-out facility;
 - b) the timeliness of the read-out; and
 - c) the location of the read-out facility.

Ground-based recordings

- 5.8** The Bureau shall make effective use of available ground-based recordings, including surveillance data and ATS communications in the investigation of an accident or an incident.

Autopsy examinations

- 5.9** When the Bureau is conducting an investigation into a fatal accident, it shall make arrangement for 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. These examinations shall be expeditious and complete.

Medical examinations

- 5.9.1** When appropriate, the Bureau shall arrange for expeditious medical examinations of the crew member(s), passengers and the aviation personnel involved in the accident preferably by a physician experienced in accident investigation.

Coordination — Judicial authorities

- 5.10** The Bureau while conducting an investigation shall recognize the need for coordination between the investigator-in-charge and the judicial authorities. Particular attention shall be given to evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and read-outs of flight recorders recordings.
- 5.10.1** Any possible conflict between the Bureau and judicial authorities regarding custody of the flight recorders and their recordings may be resolved by an official of judicial authority carrying the recordings to the place of read-outs of flight recorders.
- 5.10.2** Any possible conflict between the Bureau and judicial authorities regarding the custody of the wreckage may be resolved by an official of the judicial authority accompanying the wreckage to the place of examination and being present at such examination when a modification of the condition of the wreckage is required, thus maintaining custody.
- 5.10.3** Any investigation conducted in accordance with the provisions of these Regulations shall conform to *Annex 13* and particularly sections 3.1 and 3.2 of these Regulations above and shall be separate from any judicial or administrative proceedings to apportion blame or liability.
- 5.10.4** An Investigator shall not be compelled to appear or to give evidence to the judicial authority on issues that apportion blame or liability, or to disclose technical information that could affect the outcome of the investigation.

Informing aviation security authorities

5.11 If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the investigator-in-charge shall immediately initiate action to ensure that the aviation security authorities of Sierra Leone concerned are so informed.

Protection of accident and incident investigation records

5.12 When conducting the investigation, the Bureau shall ensure the non-disclosure of the following records to the public for purposes other than accident or serious incident investigation, unless the Court of Sierra Leone, in accordance with national laws of Sierra Leone and subject to I.S 5.12 and 5.12.5 of these Regulations determines that their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigations:

- a) cockpit voice recordings and airborne image recordings and any transcripts from such recordings; and
- b) records in the custody or control of the Bureau being:
 - 1) all statements taken from persons by the Bureau in the course of their investigation;
 - 2) all communications between persons having been involved in the operation of the aircraft;
 - 3) medical or private information regarding persons involved in the accident or incident;
 - 4) recordings and transcripts of recordings from air traffic control units;
 - 5) analysis of and opinions about information, including flight recorder information, made by the Bureau and accredited representatives in relation to the accident or incident; and
 - 6) the draft Final Report of an accident or incident investigation.

5.12.1 The Bureau shall determine whether any other records it obtained or generated as part of an accident or incident investigation need to be protected in the same way as the records in paragraphs 5.12 of these Regulations.

5.12.2 The records listed in 5.12 above shall be included in the Final Report or its appendices only when pertinent to the analysis of the accident or incident. Parts of the records not relevant to the analysis shall not be disclosed.

5.12.3 The Bureau shall ensure that names of the persons involved in the accident or incident shall not be disclosed to the public.

5.12.4 The Bureau shall direct requests for records in its custody or control to the original source of the information, where available.

5.12.4.1 The Bureau shall retain, where possible, only copies of records obtained in the course of an investigation.

5.12.5 The Bureau shall take measures to ensure the non-disclosure of audio content of cockpit voice recordings as well as image and audio content of airborne image recordings to the public.

5.12.6 The Bureau when issuing or receiving a draft Final Report, shall take measures to ensure that it is not disclosed to the public.

Reopening of investigation

5.13 (a) If, after the investigation has been closed, the Commissioner shall cause the investigation of any accident or incident to be reopened, either generally or as to any part of the investigation, and shall do so:

- i. where new and significant evidence becomes available after the investigation has been closed;
- ii. if for any other reason there is, in his opinion, ground for suspecting that the reputation of any person has been unfairly and adversely affected; and
- iii. where an aircraft which was considered missing, following an official search is subsequently located, consideration may be given to re-opening of the investigation.

(b) Where Sierra Leone is not the State that instituted the investigation, the Commissioner shall first obtain the consent of that State which instituted the investigation prior to reopening the investigation.

RESPONSIBILITY TO ANY OTHER STATE

Information — Accidents and incidents

5.14 The Bureau shall, on request from the State conducting the investigation of an accident or an incident, provide that State with all the relevant information available to it.

5.14.1 The Bureau shall cooperate with other States to determine the limitations on disclosure or use that will apply to information before it is exchanged between them for the purposes of an accident and incident investigation.

5.15 Where the facilities or services in Sierra Leone have been, or would normally have been, used by an aircraft prior to an accident or incident and, which the Bureau has information pertinent to the investigation, on request by the State conducting the investigation, the Bureau shall provide such information on the activities which may have directly or indirectly influenced the operation of the aircraft.

RESPONSIBILITY OF THE STATE OF REGISTRY AND THE STATE OF THE OPERATOR

Flight recorders — Accidents and serious incidents

5.16 When an aircraft involved in an accident or a serious incident lands in a State other than the State of Occurrence, the Bureau as the State of Registry or the State of the Operator shall, on request

from the State conducting the investigation, furnish the latter State with the flight recorder records and, if necessary, the associated flight recorders. In the event the Bureau does not possess the flight recorder records, the Bureau may request the cooperation of any other State in the retrieval of the flight recorder records.

Organizational information

- 5.17** Sierra Leone being the State of Registry or State of the Operator, the Bureau shall provide on the request of the State conducting the investigation, pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft involved in an accident or incident.

PARTICIPATION IN THE INVESTIGATION

PARTICIPATION OF THE STATE OF REGISTRY, THE STATE OF THE OPERATOR, THE STATE OF DESIGN AND THE STATE OF MANUFACTURE

Rights

- 5.18** Where an investigation of accident or serious incident is being carried out by the Bureau, the following States shall each be entitled to appoint an accredited representative to participate in the investigation:
- (a) the State of Registry;
 - (b) the State of the Operator;
 - (c) the State of Design;
 - (d) the State of Manufacture;
 - (e) any State which has, on request, furnished information, facilities or experts to the Commissioner in connection with the accident or the incident investigation.

Nothing in Sub-section 5.18 above, is intended to preclude the Bureau from requesting the State that designed or manufactured the Powerplant or major components of the aircraft and any State that provided an operational base for field investigations, or was involved in search and rescue or wreckage recovery operations, or was involved as a State of code-share or alliance of the Operator, to appoint an accredited representative whenever the Bureau believes that a useful contribution can be made to the investigation or when such participation might result in increased safety.

- 5.19** When Sierra Leone is the State of Registry or the State of the Operator, the Commissioner shall appoint one or more advisers, proposed by the operator, to assist its accredited representative.
- 5.19.1** When neither the State of Registry nor the State of the Operator appoint an accredited representative, the Bureau shall invite the operator to participate, subject to its procedures.
- 5.20** The State of Design and the State of Manufacture shall be entitled to appoint one or more advisers, proposed by the organizations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives.

5.21 When neither the State of Design nor the State of Manufacture appoint an accredited representative, the Bureau when conducting investigation(s) shall invite the organizations responsible for the type design and the final assembly of the aircraft to participate, subject to its procedures.

Obligations

5.22 When the State conducting an accident investigation of an aircraft of a maximum mass of over 2,250 kg registered in Sierra Leone or operated by an Operator registered in Sierra Leone, specifically requests participation by the Bureau, the Commissioner shall appoint an accredited representative.

PARTICIPATION OF OTHER STATES IN THE BUREAU'S INVESTIGATION

Rights

5.23 Any State which on request provides information, facilities or experts to the Bureau shall be entitled to appoint an accredited representative to participate in the investigation.

ENTITLEMENT OF ACCREDITED REPRESENTATIVES

Advisers

5.24 Any accredited representative appointed under these Regulations shall be entitled to appoint one or more advisers to assist the accredited representative in the investigation.

5.24.1 The adviser(s) assisting accredited representatives from the Bureau shall be permitted, under the accredited representatives' supervision, to participate in the investigation to the extent necessary to enable the accredited representatives to make their participation effective.

Participation

5.25 Participation in the investigation 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-outs of recorded media;
- g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;

- h) participate in investigation progress meetings including deliberations related to analysis, findings, causes, contributing factors and safety recommendations; and
- i) make submissions in respect of the various elements of the investigation.

However, participation of States other than the State of Registry, the State of the Operator, the State of Design and the State of Manufacture may be limited to those matters which entitled such States to participation under 5.23.

Obligations of accredited representatives and their advisers

5.26 The Accredited Representatives and their Advisers shall:

- a) provide the Bureau 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 Bureau on whose behalf the investigation is conducted.

STATES HAVING SUFFERED FATALITIES OR SERIOUS INJURIES TO THEIR CITIZENS

Rights and entitlement

5.27 Upon receipt of a request from any State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens, the Commissioner shall permit the State to appoint an expert who shall have the following entitlements:

- (a) Visit the scene of the accident;
- (b) Have access to the relevant factual information, which is approved for public release by the State conducting the investigation and information on the progress of the investigation;
- (c) Receive a copy of the final report
- (d) Assist in the identification of victims; and
- (e) Meet with surviving passengers who are citizens of the expert's States.

5.28 The Bureau shall release, at least during the first year of the investigation, established factual information and indicate the progress of the investigation in a timely manner.

6. FINAL REPORT

6.1 The Bureau shall use the format of the Final Report in IS 6.1 of these Regulations, which should be adapted to the circumstances of the accident or incident.

RESPONSIBILITY OF ANY STATE

Release of information — Consent

- 6.2** The Bureau shall not circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident, without the express consent of the State which conducted the investigation, unless such reports or documents have already been published or released by that latter State.
- 6.2.1** It shall be unlawful for anyone or Organization to disclose, or permit to be disclosed, use, circulate, alter, publish or give access to a draft report or any part thereof, or any document obtained during an investigation of an accident or incident or tender in any proceedings whatsoever any privileged information contained in any notice or report served on him or release to any other person without the prior consent in writing of the Commissioner duly obtained, unless the report has already been published.

RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION

Consultation

- 6.3** The Bureau when conducting the Investigation shall send a copy of the draft Final Report to the following States inviting their significant and substantiated comments on the report as soon as possible:
- a) the State that instituted the investigation;
 - b) the State of Registry;
 - c) the State of the Operator;
 - d) the State of Design;
 - e) the State of Manufacture; and
 - f) any State that participated in the investigation as per Chapter 5.

If the Bureau receives comments within sixty days of the date of the transmittal letter, it shall either amend the draft Final Report to include the substance of the comments received or, if desired by the State that provided comments, append the comments to the Final Report. If the Bureau receives no comments within sixty days of the date of the first transmittal letter, it shall issue the Final Report in accordance with 6.4, unless an extension of that period has been agreed by the States concerned.

- 6.3.1** The Bureau when conducting the Investigation shall send, through the State of the Operator, a copy of the draft Final Report to the operator to enable the operator to submit comments on the draft Final Report.
- 6.3.2** The Bureau when conducting the Investigation shall send, through the State of Design and the State of Manufacture, a copy of the draft Final Report to the organizations responsible for the

type design and the final assembly of the aircraft to enable them to submit comments on the draft Final Report.

Recipient States

- 6.4** The Bureau when conducting the Investigation, shall send the Final Report of the investigation to the following States with a minimum of delay:
- a) the State that instituted the investigation;
 - b) the State of Registry;
 - c) the State of the Operator;
 - d) the State of Design;
 - e) the State of Manufacture;
 - f) any State that participated in the investigation;
 - g) any State having suffered fatalities or serious injuries to its citizens; and
 - h) any State that provided relevant information, significant facilities or experts.

Release of the Final Report

- 6.5** In the interest of accident prevention, the Bureau when conducting the Investigation shall make the Final Report publicly available as soon as possible and, if possible, within twelve months.
- 6.5.1** A Final Report posted on the internet of the Bureau's website shall be deemed to be publicly available as the Final Report and hard-copy of the publication may not necessarily be required.
- 6.6** If the report cannot be made publicly available within twelve months, the Bureau when conducting the Investigation shall make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.
- 6.6.1** If the State conducting the investigation does not make the Final Report or an interim statement publicly available within a reasonable timeframe, the Bureau participating in the investigation is entitled to request in writing from the State Conducting the Investigation express consent to release a statement containing safety issues raised with such information as is available. If the State gives express consent or does not reply to such a request within 30 days, the Bureau shall release such a statement after coordinating with other participating States.
- 6.7** When the Bureau has conducted an investigation into an accident or an incident involving an aircraft of a maximum mass of over 5,700 kg has released a Final Report, Bureau shall send to the International Civil Aviation Organization a copy of the Final Report.

Safety recommendations

- 6.8** At any stage of the investigation of an accident or incident, the Bureau when conducting the investigation shall recommend in a dated transmittal correspondence(s) to the appropriate authorities, including those in other States, or other Accident Investigation Organizations, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.
- 6.8.1** Precedence for the issuance of safety recommendations from an accident or incident investigation is given to the State conducting the investigation; however, in the interest of safety, the Bureau participating in the investigation shall be entitled to issue safety recommendations after coordinating with the State Conducting the Investigation.
- 6.9** The Bureau when conducting investigation shall address, when appropriate, any safety recommendation arising out of the investigations in a dated transmittal correspondence to the accident investigation authorities of other State(s) concerned, entities, undertaking and to ICAO, when ICAO documents are involved.
- 6.9.1** The Bureau when issuing a Safety Recommendation of Global Concern (SRGC) shall inform ICAO of the issuance of that recommendation and its responses in dated transmittal correspondence, even when the SRGC is not addressed to ICAO.

RESPONSIBILITY OF THE STATE RECEIVING OR ISSUING SAFETY RECOMMENDATIONS

Action on safety recommendations

- 6.10** When the Bureau receives safety recommendations, it shall inform the proposing State within 90 days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why no action will be taken.
- 6.11** In the case where the Bureau is conducting the investigation or issuing a safety recommendation, it shall implement procedures to record the responses received under 6.10 to the safety recommendation it has issued.
- 6.12** Where the Bureau receives a safety recommendation, it shall implement procedures to monitor the progress of the action taken in response to that safety recommendation.

7. ADREP REPORTING PRELIMINARY REPORT

RESPONSIBILITY OF SIERRA LEONE AS THE STATE CONDUCTING THE INVESTIGATION

Accidents to aircraft over 2,250 kg

- 7.1** When the aircraft involved in an accident is of a maximum mass of over 2,250 kg, the Bureau shall send the Preliminary Report to:
- a) the State of Registry or the State of Occurrence, as appropriate;
 - b) the State of the Operator;
 - c) the State of Design;
 - d) the State of Manufacture;
 - e) any State that provided relevant information, significant facilities or experts; and
 - f) the International Civil Aviation Organization.

Accidents to aircraft of 2,250 kg or less

- 7.2** When an aircraft, not covered by 7.1, is involved in an accident and when airworthiness or matters considered to be of interest to other States are involved, the Bureau shall forward the Preliminary Report to:
- a) the State of Registry or the State of Occurrence, as appropriate;
 - b) the State of the Operator;
 - c) the State of Design;
 - d) the State of Manufacture; and
 - e) any State that provided relevant information, significant facilities or experts.

Language

- 7.3** The Bureau shall ensure that Preliminary Report is submitted to the appropriate States and to the International Civil Aviation Organization in English Language.

Dispatch

- 7.4** The Preliminary Report shall be sent by the Bureau through the means of facsimile, e-mail, or airmail within thirty days of the date of the accident unless the Accident/Incident Data Report has been sent by that time. When matters directly affecting safety are involved, it shall be sent as soon as the information is available and by the most suitable and quickest means available.

ACCIDENT/INCIDENT DATA REPORT

RESPONSIBILITY OF SIERRA LEONE AS THE STATE CONDUCTING THE INVESTIGATION

Accidents to aircraft over 2,250 kg

- 7.5** When the aircraft involved in an accident is of a maximum mass of over 2,250 kg, the Bureau shall send, as soon as practicable after the investigation, in this format: the Accident Data Report (ADREP) or European Coordination Centre for Aviation Incident Reporting Systems (ECCAIRS) the Accident Data Report to the International Civil Aviation Organization.

Additional information

- 7.6** The Bureau when conducting the investigation shall upon request, provide other States with pertinent information additional to that made available in the Accident/Incident Data Report/ECCAIRS.

Incidents to aircraft over 5,700 kg

- 7.7** When the Bureau is conducting an investigation of an incident to an aircraft of a maximum mass of over 5,700 kg, the Bureau shall send, as soon as practicable after the investigation, the Incident Data Report to the International Civil Aviation Organization using ADREP or European Coordination Centre for Aviation Incident Reporting Systems (ECCAIRS).

8. ACCIDENT PREVENTION MEASURES

Database and preventive actions

- 8.1** The Bureau in conjunction with the SLCAA and other relevant entities, shall establish and maintain a safety data collection and processing systems (SDCPS) to capture, store, aggregate and enable the analysis of safety data and safety information, as part of Sierra Leone's State Safety Program (SSP) to facilitate the effective analysis of information on actual or potential safety deficiencies and to determine any preventive actions required in order to achieve an acceptable level of safety performance.
- 8.1.1** The SDCPS database shall use an ICAO ADREP-compatible system for collection, sharing and exchange.
- 8.2** The Bureau and the SLCAA, being authorities responsible for the implementation of the State Safety Program (SSP) in Sierra Leone shall have access to the SDCPS referenced in section 8.1 above to support their safety responsibilities.
- 8.3** In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies. If safety

recommendations are addressed to an organization in another State, they shall also be transmitted to that State's accident investigation authority.

Principles of Exception

- 8.4** The Principles of Exception to the protection of safety data, safety information and related sources shall be granted when the Court:
 - 8.4.1** Determines that there are facts and circumstances reasonably indicating that the occurrence may have been caused by an act or omission considered, in accordance with national laws to conduct constituting gross negligence, willful misconduct or criminal activity;
 - 8.4.2** After reviewing the safety data or safety information, determines that its release is necessary for the proper administration of justice, and that the benefits of its release outweigh the adverse domestic and international impact such release is likely to have on the future collection and availability of safety data and safety information; or
 - 8.4.3** After reviewing the safety data or safety information, determines that its release is necessary for maintaining or improving safety, and that the benefits of its release outweigh the adverse domestic and international impact such release is likely to have on the future collection and availability of safety data and safety information.

Additional sources of safety recommendations

- 8.5** In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies. If safety recommendations are addressed to an organization in another State, they shall also be transmitted to that State's accident investigation Authority.

Mandatory Reporting System

- 8.6** The Bureau shall support the process of mandatory incident reporting system of the Authority to facilitate collection of information on actual or potential safety deficiencies.

Voluntary Reporting System

- 8.7** The Bureau shall support a voluntary incident reporting system of the Authority to facilitate the collection of information that may not be captured by a mandatory incident reporting system.
 - 8.7.1** A voluntary incident reporting system shall be non-punitive and afford protection to the sources of the information.

9. STATE SAFETY PROGRAMME (SSP) FOR ACCIDENT PREVENTION

Incident Reporting Systems and Accident and Incident Database:

- (a) In pursuance of accident and incident investigations, the Bureau shall coordinate with the Sierra Leone Civil Aviation Authority (SLCAA) to maintain and implement the State Safety Programme to achieve an acceptable level of safety performance in civil aviation;
- (b) A database to facilitate the effective analysis and management of information on actual or potential safety deficiencies and to determine any preventive action required in accordance with the relevant regulations shall similarly be maintained;
- (c) The database shall be in accordance with the ADREP compatible taxonomy;
- (d) SL-AAIIB is also responsible for the mandatory and voluntary reporting systems of Sierra Leone concerning accidents, serious incidents, and incidents related to the operation of aircraft. Its analytical and investigation functions are derived from this responsibility concerning the collection and management of aviation safety data.
- (e) A voluntary incident reporting system shall be non-punitive and afford protection to the sources of the information;
- (f) The Commissioner shall direct and deploy follow-up measures to monitor the implementation of the safety recommendations issued by the Bureau.

10. TRAINING OF AIR SAFETY INVESTIGATORS

- 10.1** Various levels and categories of training for competence and task performance requirements shall be provided, including advances in technologies for flight operations, engineering and other relevant aviation fields.
- 10.2** Airline Operator that acquires new aircraft type coming into Sierra Leonean register shall conduct familiarization training for, at least one Operations Investigator and Engineering Investigator.
- 10.3** The Air Safety Investigator shall be required to undertake and attend certification courses on such new equipment to acquire system knowledge of aircraft for accident prevention purposes.

11. POWER TO ESTABLISH POLICY AND PROCEDURES MANUAL (PPM), RULES, DIRECTIVES, ORDERS, CIRCULARS, PUBLICATIONS AND GUIDANCE MATERIALS.

The Commissioner in the exercise of his powers shall develop and approve a Policy and Procedures Manual (PPM) including organization and planning; investigation; and reporting;

rules; directives; orders; circulars; publications and guidance materials to implement the provisions and future amendments of these Regulations, ICAO *Annex 13*, any relevant provisions of ICAO SARPs, as well as technical standards detailing the Bureau's accident investigation duties.

12. ACCESSIBILITY OF THE BUREAU'S POLICY AND PROCEDURES MANUAL (PPM), RULES, DIRECTIVES, ORDERS, CIRCULARS, PUBLICATIONS AND GUIDANCE MATERIALS.

The Bureau shall make available its establishing Act, Regulations, Policy and Procedures Manual, Directives, Orders, Circulars, Publications and other Guidance Materials to the public by means of uploading such on its website.

IMPLEMENTING STANDARDS (IS)

IS 3.6 LIST OF EXAMPLES OF SERIOUS INCIDENTS

1. The term “serious incident” is defined in Chapter 1 as follows:

Serious incident. An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.

2. There may be a high probability of an accident if there are few or no safety defences remaining to prevent the incident from progressing to an accident. To determine this, an event risk-based analysis (that takes into account the most credible scenario had the incident escalated and the effectiveness of the remaining defences between the incident and the potential accident) can be performed as follows:

- a) consider whether there is a credible scenario by which this incident could have escalated to an accident; and
- b) assess the remaining defences between the incident and the potential accident as:
 - effective, if several defences remained and needed to coincidentally fail; or
 - limited, if few or no defences remained, or when the accident was only avoided due to providence.

2.1 Consider both the number and robustness of the remaining defences between the incident and the potential accident. Ignore defences that failed, and consider only those that worked and any subsequent defences still in place.

Note 1.— The most credible scenario refers to the realistic assessment of injury and/or damage resulting from the potential accident.

Note 2.— Defences include crew, their training and procedures, ATC, alerts (within and outside the aircraft), aircraft systems and redundancies, structural design of the aircraft and aerodrome infrastructure.

2.2 The combination of these two assessments helps to determine which incidents are serious incidents:

	<i>b) Remaining defences between the incident and the potential accident</i>
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		<i>Effective</i>	<i>Limited</i>
<i>a) Most credible scenario</i>	<i>Accident</i>	Incident	Serious Incident
	<i>No accident</i>	Incident	

3. The incidents listed are examples of what may be serious incidents. However, the list is not exhaustive and, depending on the context, items on the list may not be classified as serious incidents if effective defences remained between the incident and the credible scenario.

Near collisions requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate.

Collisions not classified as accidents.

Controlled flight into terrain only marginally avoided.

Aborted take-offs on a closed or engaged runway, on a taxiway¹ or unassigned runway.

Take-offs from a closed or engaged runway, from a taxiway¹ or unassigned runway.

Landings or attempted landings on a closed or engaged runway, on a taxiway 1, on an unassigned runway or on unintended landing locations such as roadways.

Retraction of a landing gear leg or a wheels-up landing not classified as an accident.

Dragging during landing of a wing tip, an engine pod or any other part of the aircraft, when not classified as an accident.

Gross failures to achieve predicted performance during take-off or initial climb.

Fires and/or smoke in the cockpit, in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents.

Events requiring the emergency use of oxygen by the flight crew.

Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident.

Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.

Flight crew incapacitation in flight:

- a) for single pilot operations (including remote pilot); or
- b) for multi-pilot operations for which flight safety was compromised because of a significant increase in workload for the remaining crew.

Fuel quantity level or distribution situations requiring the declaration of an emergency by the pilot, such as insufficient fuel, fuel exhaustion, fuel starvation, or inability to use all usable fuel on board.

Runway incursions classified with severity A. The *Manual on the Prevention of Runway Incursions* (Doc 9870) contains information on the severity classifications.

Take-off or landing incidents. Incidents such as under-shooting, overrunning or running off the side of runways.

System failures (including loss of power or thrust), weather phenomena, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties controlling the aircraft.

Failures of more than one system in a redundancy system mandatory for flight guidance and navigation.

The unintentional or, as an emergency measure, the intentional release of a slung load or any other load carried external to the aircraft.

IS 5.12 PROTECTION OF ACCIDENT AND INCIDENT INVESTIGATION RECORDS

1. INTRODUCTION

The disclosure or use of records listed in section 5.12 of these Regulations, in criminal, civil, administrative or disciplinary proceedings, or their public disclosure, can have adverse consequences for persons or organizations involved in accidents and incidents, likely causing them or others to be reluctant to cooperate with accident investigation authorities in the future. The determination on disclosure or use required by section 5.12 is designed to take account of these matters.

In accordance with section 5.12 of these Regulations, the provisions specified in this IS are intended to:

- a) assist States in developing national laws, regulations and policies to protect accident and incident investigation records appropriately; and
- b) assist the Court of Sierra Leone in making the determination as required by section 5.12 of these Regulations.

Throughout this IS:

- a) balancing test refers to the determination by the Court of Sierra Leone, in accordance with section 5.12 of these Regulations and of the impact the disclosure or use of accident and incident investigation records may have on current or future investigations; and
- b) record(s) refers to those listed in section 5.12 of these Regulations.

Provisions on the use and protection of safety information and related sources other than accident and incident investigation records are included in SLCAR Part 19 — Safety Management.

2. GENERAL

2.1 The Civil Aviation Act shall accord the protections in section 5.12 and this IS to the entire recording of the cockpit voice recorder and airborne image recorder, and any transcripts from such recordings. These protections shall apply from the time an accident or incident occurs and continue after the publication of the Final Report.

2.2 Part IX of the Civil Aviation Act of Sierra Leone contains provisions that accord protections in section 5.12 and this IS to the other records listed in section 5.12 (b). These protections shall apply from the time they come into the custody or control of the Bureau and continue after the publication of the Final Report.

Non-disclosure of audio or image recordings to the public

2.3 The Bureau shall take action to achieve the non-disclosure of audio content of cockpit voice recordings as well as image and audio content of airborne image recordings to the public, as per section 5.12.5, such as:

- a) prevention of disclosure through the adoption of Part IX of the Civil Aviation Act, SLCAR Part 13 and the SL-AAIIB Policy and Procedures Manual;

- b) adoption of authoritative safeguards such as protective orders, closed proceedings or in-camera review; and
- c) prevention of disclosure of recordings through technical means, such as encrypting or overwriting, before returning the cockpit voice recorders or airborne image recorders to the owners.

3. COMPETENT AUTHORITY

- 3.1 In accordance with section 5.12 of these Regulations, Sierra Leone has designated the Court as the competent authority appropriate to the task of administering the balancing test.

4. ADMINISTRATION OF THE BALANCING TEST

- 4.1 Where the request is for a record to be disclosed or used in a criminal, civil, administrative or disciplinary proceeding, the Court of Sierra Leone shall be satisfied that a material fact in question in the proceedings cannot be determined without that record, before administering the balancing test.
- 4.2 When administering the balancing test, the Court of Sierra Leone shall take into consideration factors such as:
 - a) the purpose for which the record was created or generated;
 - b) the requester's intended use of that record;
 - c) whether the rights or interests of a person or organization will be adversely affected by the disclosure or use of that record;
 - d) whether the person or organization to whom that record relates has consented to make that record available;
 - e) whether suitable safeguards are in place to limit the further disclosure or use of that record;
 - f) whether that record has been or can be de-identified, summarized or aggregated;
 - g) whether there is an urgent need to access that record to prevent a serious risk to health or life;
 - h) whether that record is of a sensitive or restrictive nature; and
 - i) whether that record reasonably indicates that the accident or incident may have been caused by an act or omission considered, in accordance with national laws and regulations, to be gross negligence, willful misconduct, or done with criminal intent.

5. RECORDS OF THE DECISIONS

The Court of Sierra Leone shall record the reasons for its determination when administering the balancing test. The reasons shall be made available and referred to as necessary for subsequent decisions.

6. FINAL REPORT

In order to limit the use of the Final Report for purposes other than the prevention of accidents and incidents, Sierra Leone shall consider:

- a) instituting a separate investigation for those other purposes; or
- b) differentiating between the parts of the Final Report in order to allow the use of factual information contained therein while preventing use of analysis, conclusions and safety recommendations for apportioning blame or liability; or
- c) preventing the use of the Final Report as evidence in proceedings to apportion blame or liability.

In accordance with section 6.5 of these Regulations, Final Reports are publicly available in the interest of accident prevention and are not subject to protection under section 5.12 of these Regulations. However, the use of portions of the Final Report, in particular the analysis, conclusions and safety recommendations, as evidence before national courts in view of assigning blame or determining liability is against the purposes for which the investigation was undertaken.

7. ACCIDENT AND INCIDENT INVESTIGATION PERSONNEL

In the interest of safety and in accordance with section 3.1 of these Regulations the Bureau personnel shall not be compellable to give an opinion on matters of blame or liability in civil, criminal, administrative or disciplinary proceedings.

IS 6.1 FORMAT OF THE FINAL REPORT

PURPOSE

The purpose of this format is to present the Final Report in a convenient and uniform manner. Detailed guidance on completing each section of the Final Report is found in the ICAO Manual of Aircraft Accident and Incident Investigation (ICAO Doc 9756).

FORMAT

Title.

The Final Report begins with a title comprising:

- 1) Name of the operator;
- 2) Manufacturer,
- 3) Model,
- 4) Nationality and registration marks of the aircraft; and
- 5) Place and date of the accident or incident.

Synopsis.

Following the title is a synopsis describing briefly all relevant information regarding:

- 1) Notification of accident to national and foreign authorities;
- 2) Identification of the accident investigation authority and accredited representation;
- 3) Organization of the investigation;
- 4) Authority releasing the report and date of publication; and
- 5) Concluding with a brief résumé of the circumstances leading to the accident.

Body.

The body of the Final Report comprises the following main headings:

- 1) Factual information
- 2) Analysis
- 3) Conclusions
- 4) Safety recommendations

Each heading consisting of a number of subheadings as outlined in the following.

In preparing a Final Report, using this format, ensure that:

- a) all information relevant to an understanding of the factual information, analysis and conclusions is included under each appropriate heading;

- b) where information in respect of any of the items in 1. — Factual information is not available, or is irrelevant to the circumstances leading to the accident, a note to this effect is included under the appropriate subheadings.

1. FACTUAL INFORMATION

1.1 History of the flight.

A brief narrative giving the following information:

- i. Flight number, type of operation, last point of departure, time of departure (local time or UTC), point of intended landing.
- ii. Flight preparation, description of the flight and events leading to the accident, including reconstruction of the significant portion of the flight path, if appropriate
- iii. Location (latitude, longitude, elevation), time of the accident (local time or UTC), whether day or night.

1.2 Injuries to persons.

Completion of the following (in numbers):

Injuries	Crew	Passengers	Others
Fatal			
Serious			
Minor/None			

Fatal injuries include all deaths determined to be a direct result of injuries sustained in the accident. Serious injury is defined in 1.

1.3 Damage to aircraft.

Brief statement of the damage sustained by aircraft in the accident (destroyed, substantially damaged, slightly damaged, no damage).

1.4 Other damage.

Brief description of damage sustained by objects other than the aircraft.

1.5 Personnel information:

- a) Pertinent information concerning each of the flight crew members including: age, validity of licenses, ratings, mandatory checks, flying experience (total and on type) and relevant information on duty time.
- b) Brief statement of qualifications and experience of other crew members.

- c) Pertinent information regarding other personnel, such as air traffic services, maintenance, etc., when relevant.

1.6 Aircraft information:

- a) Brief statement on airworthiness and maintenance of the aircraft (indication of deficiencies known prior to and during the flight to be included, if having any bearing on the accident).
- b) Brief statement on performance, if relevant, and whether the mass and centre of gravity were within the prescribed limits during the phase of operation related to the accident. (If not and if of any bearing on the accident give details.)
- c) Type of fuel used.

1.7 Meteorological information:

- a) Brief statement on the meteorological conditions appropriate to the circumstances including both forecast and actual conditions, and the availability of meteorological information to the crew.
- b) Natural light conditions at the time of the accident (sunlight, moonlight, twilight, etc.).

1.8 Aids to navigation.

Pertinent information on navigation aids available, including landing aids such as;

- 1) ILS,
- 2) MLS,
- 3) NDB,
- 4) PAR,
- 5) VOR,
- 6) visual ground aids, etc., and
- 7) their effectiveness at the time.

1.9 Communications.

Pertinent information on aeronautical mobile and fixed service communications and their effectiveness.

1.10 Aerodrome information.

Pertinent information associated with the aerodrome, its facilities and condition, or with the take-off or landing area if other than an aerodrome.

1.11 Flight recorders.

Location of the flight recorder installations in the aircraft, their condition on recovery and pertinent data available therefrom.

1.12 Wreckage and impact information.

General information on the site of the accident and the distribution pattern of the wreckage, detected material failures or component malfunctions. Details concerning the location and state of the different pieces of the wreckage are not normally required unless it is necessary to indicate

a break-up of the aircraft prior to impact. Diagrams, charts and photographs may be included in this section or attached in the implementing standards.

1.13 Medical and pathological information.

Brief description of the results of the investigation undertaken and pertinent data available therefrom.

1.14 Fire.

If fire occurred, information on the nature of the occurrence, and of the firefighting equipment used and its effectiveness.

1.15 Survival aspects.

Brief description of search, evacuation and rescue, location of crew and passengers in relation to injuries sustained, and failure of structures such as seats and seat-belt attachments.

1.16 Tests and research.

Brief statements regarding the results of tests and research.

1.17 Organizational and management information.

Pertinent information concerning the organizations and their management involved in influencing the operation of the aircraft. The organizations include, for example: the operator; the air traffic services; airway, aerodrome and weather service agencies; and the regulatory authority. The information could include, but not be limited to, organizational structure and functions, resources, economic status, management policies and practices, and regulatory framework.

1.18 Additional information.

Relevant information not already included in IS 1.1 to IS 1.17.

1.19 Useful or effective investigation techniques.

When useful or effective investigation techniques have been used during the investigation, briefly indicate the reason for using these techniques and refer here to the main features as well as describing the results under the appropriate subheadings IS 1.1 to IS 1.18.

2. ANALYSIS

Analyse, as appropriate, only the information documented in IS 1. — Factual information and which is relevant to the determination of conclusions and causes and/or contributing factors.

3. CONCLUSIONS

List the findings, causes and/or contributing factors established in the investigation. The list of causes and/or contributing factors shall include both the immediate and the deeper systemic causes and/or contributing factors.

As stated in 6.1, the Final Report format presented in this IS may be adapted to the circumstances of the accident or incident. Thus, States may use either “causes” or “contributing factors”, or both, in the Conclusions.

4. SAFETY RECOMMENDATIONS

As appropriate, briefly state any recommendations made for the purpose of accident prevention and identify safety actions already implemented.