

STATUTORY INSTRUMENTS SUPPLEMENT
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STATUTORY INSTRUMENTS

2020 No. 13.

THE CIVIL AVIATION (AIRCRAFT ACCIDENT AND INCIDENT
INVESTIGATIONS) REGULATIONS, 2020

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STATUTORY INSTRUMENTS

2020 No. 13.

The Civil Aviation (Aircraft Accident and Incident Investigations) Regulations, 2020.

(Made under sections 34(2) and 61 of the Civil Aviation Authority Act, Cap. 354)

IN EXERCISE of the powers conferred upon the Minister by sections 34(2) and 61 of the Civil Aviation Authority Act, and on the recommendation of the Civil Aviation Authority, these Regulations are made this 5th day of February, 2020.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Civil Aviation (Aircraft Accident and Incident Investigations) Regulations, 2020.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“accident” means 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;

(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;

(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, windcreens, 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 radome); or

(c) the aircraft is missing or is completely inaccessible that is, an aircraft is deemed to be missing when the official search has been terminated and the wreckage has not been located;

“accredited representative” means a person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigations conducted by another State, the designated accredited representative will normally be from the State authority that investigates accidents;

- “accident investigation authority” means the authority designated by a State with the responsibility for aircraft accident and incident investigations within the context of Annex 13;
- “Act” means the Civil Aviation Act, Cap. 354;
- “adviser” means a person appointed by the State, on the basis of his or her qualifications, for the purpose of assisting the accredited representative in an investigations;
- “aerodrome operator” means a person, organization or enterprise engaged in the operation of an airport;
- “aircraft” means any machine that can derive support in the atmosphere from the reactions of the air, other than reactions of the air against the surface of the earth;
- “air traffic control unit” means various area control centre, approach control unit, or aerodrome control tower;
- “Air Traffic Service” means air traffic services and includes flight information service, alerting service, air traffic advisory service, air traffic control service, area control service, approach control service and aerodrome control service;
- “Annex 13” means the Annex to the Convention on International Civil Aviation that contains the International Standards and Recommended Practices related to aircraft accident and incident investigations;
- “Authority” means the Uganda Civil Aviation Authority;
- “causes” means actions, omissions, events, conditions or a combination thereof, that led to the accident or incident. The identification of a cause does not imply the assignment of fault or the determination of administrative, civil or criminal liability;
- “collision” means an impact between aircraft, or between an aircraft and another object;
- “Contracting State” means any State which is a party to the Convention on International Civil Aviation (Chicago Convention, 1944);

- “contributing factors” means 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, whose identification does not imply the assignment of fault or the determination of administrative, civil or criminal liability;
- “crew member” means a person assigned by an air operator to duty on an aircraft during a flight duty period;
- “currency point” has the same meaning assigned to it in Schedule 1;
- “dangerous goods” means articles or substances which are capable of posing a risk to health, safety, property or the environment as per ICAO Annex 18;
- “department” means any ministry, authority, organization or other concerned institution of Uganda that has a direct interest in aircraft accidents or incidents;
- “document” includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic, film, sound recording, video tape, electronic files, data, aircraft documents, and any copy of the document;
- “Final Draft Report” means draft investigations report that is sent in confidence to departments in Uganda, other States and organizations involved in the investigations, inviting their significant and substantiated comments on the report;
- “Final Report” means a State’s conclusive report on its investigations into an aircraft accident or incident which is issued by the Authority and includes the pertinent factual information, analysis, conclusions and, when appropriate, associated safety recommendations;
- “flight recorder” means any type of recorder installed in the aircraft for the purpose of complementing accident and incident investigations;
- “incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or may affect the safety of operation;

- “investigations” 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 contributing factors and when appropriate, the making of safety recommendations;
- “investigations interim statement” means the public communication used by the appropriate authority on each anniversary of the accident or incident for informing those having a direct interest in the investigations regarding the progress of an ongoing investigations and any safety issues raised during the investigations;
- “investigator” means a person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigations;
- “Non-Contracting State” means any State which is not a party to the Chicago Convention;
- “maximum mass” means maximum certificated take-off mass;
- “observer” means a representative of a concerned department of State who is authorised by the appropriate authority to attend an investigations as an observer, or an investigator authorised to attend an investigations being conducted by another concerned department;
- “occurrence” means any accident or incident associated with the operation of an aircraft;
- “operator” means the person, organization or enterprise engaged in or offering to engage in an aircraft operation;
- “participant” means a person authorised by the appropriate authority to participate in an investigations being conducted by that authority because in the opinion of the authority that person has the expertise to contribute to achieving the authority’s mandate;
- “pilot-in-command” means the 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;

“Preliminary Report” means the communication used for the prompt dissemination of data obtained during the early stages of the investigations;

“safety recommendation” means a proposal of an accident investigations authority based on information derived from an investigations, made with the intention of preventing accidents or incidents, which in no case has the purpose of creating a presumption of blame or liability for an accident or incident and may result from diverse sources, including safety studies;

“serious incident” means 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;

“serious injury” means 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 sustained;
- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose);
- (c) involves lacerations which cause severe hemorrhage, nerve, muscle or tendon damage;
- (d) involves injury to any internal organ;
- (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or

(f) involves verified exposure to infectious substances or injurious radiation;

“State aircraft” means aircraft used in military, customs and police services of Uganda or of any other State or any other civil registered aircraft at the time performing a State function and fully converted to offer services to heads of States, military service, customs or police services or any other State;

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

“State of Manufacture” means the State having jurisdiction over the organization responsible for the final assembly of the aircraft, engine or propeller;

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

“State of the Operator” means 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;

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

“State Safety Programme (SSP)” means an integrated set of regulations and activities aimed at improving safety;

“statement” means the whole or any part of an oral, written or recorded statement relating to an aircraft accident or incident given by the author of the statement to the appropriate authority;

“Unit” means the Accident and Incident Investigations Unit established under section 38 of the Act.

3. Application

(1) These Regulations shall apply to activities following accident and incident wherever they occur.

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

PART II—GENERAL

4. Objective of investigations

(1) The objective of the investigations of an accident or incident under these Regulations shall be the prevention of accident and incident.

(2) Subject to subregulation (1), the purpose of such an investigations shall not be to apportion blame or liability.

5. Manual of accident and incident investigations

(1) The Aircraft Accident Investigations Unit shall have in place a Manual of aircraft accident and incident investigations.

(2) The manual in subregulation (1) shall contain information and instructions necessary to enable the investigators to perform their duties.

6. Investigators of accident and incident

(1) For the purpose of carrying out aircraft accident and incident investigations, the Minister may, by notice, in the Gazette appoint investigators of accident and incident.

(2) The Minister shall appoint the investigator-in charge and his or her deputy from among the persons appointed under subregulation (1).

(3) The investigator-in charge may delegate any of his or her powers and obligations under these Regulations to the deputy investigator-in charge.

7. Independence of investigations

The Unit investigating accident and incidents shall be independent from the State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigations.

8. Obligation to investigate

(1) Subject to subregulation (7), the chief investigator shall cause an investigations to be carried out into an accident or serious incident in the following circumstances—

- (a) where the accident or serious incident occurs in the State;
- (b) where the accident or serious incident occurs in any non-contracting state which does not intend to carry out an investigations of the accident or serious incident and involves an aircraft registered in Uganda or an aircraft operated by an operator whose principle base of operation is in Uganda;
- (c) where the accident or serious incident involves an aircraft registered in Uganda or an aircraft operated by an operator in Uganda and the investigations has been delegated to Uganda by another Contracting State by mutual arrangement and consent; or
- (d) where the accident or serious incident occurs in a location which cannot be definitely established as being in the territory of any State and involves an aircraft registered in Uganda.

(2) The Unit may enter into a joint investigations arrangement with military to provide for investigations in the event an accident involves a civilian aircraft and a military or state aircraft.

(3) The chief investigator may, where he or she expects to draw air safety lessons from an accident or serious incident, cause an investigations to be carried out into an incident which occurs—

- (a) in Uganda; or
- (b) outside Uganda involving an aircraft registered in Uganda or an aircraft operated by an operator in Uganda.

(4) Without prejudice to the power of chief investigator under regulation 34 (3), the chief investigator may appoint any person as an adviser to assist in carrying out an investigations under these Regulations.

(5) The chief investigator may, with the approval of the appropriate authority, delegate the task of carrying out an investigations into an accident or a serious incident to another Contracting State or accident investigations authority by mutual arrangement and consent.

(6) Where the chief investigator delegates the task of carrying out an investigations, he or she shall facilitate the investigations carried out by the chief investigator appointed by the Contracting State conducting the investigations.

(7) Where the chief investigator is of the opinion that it would be desirable for public notice to be given that an investigations is taking place, he or she may do so in such manner as he or she may deem fit.

(8) The notice referred to in subregulation (7) may, where the chief investigator thinks appropriate, state that any person who desires to make representations concerning the circumstances or causes of the accident or incident may do so orally or in writing within a time to be specified in the notice.

(9) Any person in possession of any item which may constitute evidence for purpose of an investigations under these Regulations shall hold and preserve the same and shall promptly hand them over to the chief investigator.

(10) Subject to subregulation (9), safe custody shall include protection against further damage, access by unauthorised persons, pilfering and deterioration.

9. Notification of accidents and serious incidents

- (1) Where an aircraft accident or serious incident takes place—
- (a) the aircraft owner;
 - (b) the aircraft operator;
 - (c) the aircraft pilot;
 - (d) the surviving crew member of the aircraft;
 - (e) the handling agent;
 - (f) the maintenance organizations;
 - (g) the police;
 - (h) the local authorities;
 - (i) the airport operator or owner;
 - (j) the air traffic controller;
 - (k) the eye witness, and
 - (l) in the event of an occurrence of an accident or incident in a foreign territory to an aircraft registered in Uganda, the relevant State of occurrence, having knowledge of an accident or incident;

shall notify the Authority and shall provide information as soon as possible and by the quickest means available.

(2) The notification to the Authority shall be in plain language and shall contain as much of the information specified in subregulation (4) as is readily available; but the dispatch of the notification shall not be delayed due to the lack of complete information.

(3) A person specified in subregulation (1) shall, as soon as he or she becomes aware of an accident or serious incident send a notification to the appropriate authority stating any of the following—

- (a) in the case of an accident, the identifying abbreviation “ACCID” or, in the case of a serious 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 name of the pilot-in-command of the aircraft and the number and nationality of the crew and passengers on board the aircraft at the time of the accident or serious incident;
- (e) the date and local time or Coordinated Universal Time (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 with reference to some easily defined geographical point and the latitude and longitude;
- (h) in the case of an accident, the number of crew members, passengers or other persons respectively killed or seriously injured as a result of the accident;
- (i) a description of the accident or serious incident and the extent of damage to the aircraft so far as is known;
- (j) the physical characteristics of the area in which the accident or serious incident occurred and an indication of access difficulties or special requirements to reach the site;
- (k) the identification of the person sending the notice and where the accident or serious incident occurred outside Uganda, the means by which the chief investigator and the accident investigations authority of the State of Occurrence may be contacted; and
- (l) the presence and description of dangerous goods on board the aircraft, if any.

10. Parties to investigations

(1) The chief investigator shall designate parties to participate in an investigations.

(2) The parties designated in subregulation (1), shall be limited to persons, government agencies, companies and associations whose employees, functions, activities or products were involved in the accident or incident and who can provide suitable qualified technical personnel to actively assist in the investigations.

(3) The Parties shall be under the direction of the chief investigator through their respective party representatives and party coordinators.

(4) A party may lose party status if they do not comply with their assigned duties and instructions or if they conduct themselves in a manner prejudicial to the investigations.

11. Acts of unlawful interference

(1) Where in the course of an investigations the Unit becomes aware or suspects that an act of unlawful interference was involved, the chief investigator shall immediately initiate action to ensure that the security authorities of Uganda and of the state concerned are informed.

(2) For this purpose of this regulation, “act of unlawful interference” means an act or attempted act to jeopardise the safety or civil aviation and air transport, which includes—

- (a) unlawful seizure of an aircraft in flight or on the ground;
- (b) destroying an aircraft in service or on the ground and includes causing damage to the aircraft which renders the aircraft incapable of flying;
- (c) hostage taking on board an aircraft or at an airport;
- (d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- (e) introduction of a weapon or hazardous device or material onto an aircraft or at an airport, intended for a criminal purpose;
- (f) use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment;

- (g) unauthorised possession or introduction of a weapon or a hazardous device or material, at an airport or on board an aircraft;
- (h) destroying or damaging an air navigation facility or interfering with the operation of the air navigation facility in any way that is likely to endanger the safety of an aircraft, whether in flight or on the ground;
- (i) violence against a person on board an aircraft whether in flight or on the ground, where that act is likely to endanger the safety of the aircraft;
- (j) communicating information that is known to be false, intended to endanger the safety of, an aircraft whether in flight or on the ground, crew, ground personnel or the general public at an airport or on the premises of a civil aviation facility; or
- (k) unlawfully and intentionally using any device, substance or weapon—
 - (i) to perform an act of violence that is likely to cause serious injury or death, against a person that is serving civil aviation causes at an airport;
 - (ii) to perform an act that endangers or is likely to endanger the safety of an airport where that act destroys or seriously damages the facilities of an airport serving civil aviation or an aircraft located at the airport though not in service;

12. Crew involved in accidents

(1) A crew member shall forward to the Unit, a statement setting the facts, conditions, and circumstances relating to the accident or serious incident as they appear to the member as soon as possible after the accident or serious incident.

(2) Where the crew member is incapacitated, he or she shall submit the statement on accident or serious incident as soon as he or she is physically able to do so.

13. Foreign investigations

Where the Unit has been notified of an aircraft accident or serious incident that occurred outside the territory of Uganda involving a Uganda aircraft, an aircraft operated by a Uganda operator or an aircraft designed or manufactured in Uganda, the Unit shall—

- (a) acknowledge receipt of the notification;
- (b) provide the notifying State with the following information with the least possible delay—
 - (i) any relevant information regarding the aircraft and flight crew involved in the accident or serious incident; and
 - (ii) if Uganda is the State of the Operator, details of any dangerous goods on board the aircraft.
- (c) inform the notifying State as to—
 - (i) whether Uganda intends to appoint or has appointed an accredited representative; and
 - (ii) if such accredited representative is or has been appointed and shall be travelling to the State in which the investigations is being carried out, the contact details and the expected date of arrival of the accredited representative in such State; and
- (d) appoint an accredited representative, if requested to do so by the State conducting an investigations into an accident or a serious incident involving an aircraft of a maximum mass of over 2 250 kg.

14. Removal of damaged aircraft

(1) Where an accident or a serious incident occurs in Uganda, a person shall not—

- (a) have access to the aircraft involved in the accident or serious incident, the contents or the site of the accident or serious incident, other than the chief investigator or an authorised person; or
- (b) move or interfere with the aircraft, its contents or the site of the accident or serious incident except under the authority of the chief investigator.

(2) Notwithstanding subregulation(1)—

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

(3) Subject to subregulation (2), a determination shall be made by the chief investigator to the extent of the damage to the aircraft in accordance to the guidance set out in Schedule 2 to these Regulations.

(4) Where the chief investigator has authorised 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 chief investigator, that person may—

- (a) remove the goods or passenger baggage from the aircraft subject to the supervision of a police officer; and
- (b) release the goods or passenger baggage from the custody of the chief investigator subject to clearance by or with the consent of an officer of customs, if the aircraft has come from a place outside Uganda.

(5) Where the chief investigator is of the opinion that the aircraft involved in the accident or serious incident is likely to endanger or obstruct the public, air navigation or other transport, he or she may order the owner, operator or hirer of such aircraft to remove it to such place as the chief investigator may indicate.

(6) In the absence of the owner, operator or hirer, or in the event of non-compliance with the order given in accordance with subregulation (4), the chief investigator may remove or cause the removal of the aircraft and shall not be liable for any further damage that may occur during removal.

(7) In this regulation, "authorised person" means any person authorised by the chief investigator either generally or specifically to have access to any aircraft involved in an accident or a serious incident and includes any police officer or any officer of customs.

(8) The police officer referred to in subregulation (7) shall be responsible for the maintenance of law and order and preservation of the site of accident pending the arrival of the chief investigator.

15. Obstruction of investigations

(1) A person shall not obstruct an investigator or any person acting under the authority of the chief investigator in the exercise of any rights, powers or duties under these Regulations.

(2) A person shall not, without reasonable cause, fail to comply with any summons of—

- (a) an chief investigator carrying out an investigations; or
- (b) any person empowered to exercise the powers of the chief investigator under these Regulations.

(3) The onus of proving reasonable cause for failing to comply with duly served summons shall lie on the person relying on such excuse.

16. Assistance to survivors and families

(1) The chief investigator shall ensure assistance to the survivors and to the families of victims and survivors of an accident which is the subject of an ongoing investigations by—

- (a) communicating all relevant information in time;
- (b) facilitating their entry into and exit from the country and the repatriation of victims; and
- (c) coordinating assistance efforts by the Government, airlines, humanitarian and other organizations.

(2) The Unit shall develop guidelines for better implementation of subregulation (1).

17. Release and disposal of aircraft and wreckage

(1) Where the retention of the aircraft involved in an accident or incident, parts of the aircraft or aircraft wreckage or any contents of the aircraft is no longer necessary for the purposes of an investigations, the chief investigator shall release custody of the aircraft, parts, wreckage or contents as follows—

- (a) if it is an aircraft registered in Uganda—
 - (i) the owner of the aircraft, parts, wreckage or contents;
 - (ii) where the owner is dead, his or her personal representative; or

- (iii) a person authorised in writing by the owner or his or her personal representative to take custody on behalf of the owner or the personal representative of the owner; and
- (b) in any other case, to the person designated by the State of Registry or the State of the Operator, as the case may be.

(2) The chief investigator shall—

- (a) where he or she intends to release aircraft wreckage, issue a notice to a person referred to in subregulation (1); or
- (b) where such person cannot be traced, by publishing such notice in at least two daily newspapers of wide circulation in the State of occurrence giving details of the aircraft wreckage and specifying the period during which it shall be removed.

(3) The person to whom the notice has been issued may, before the expiry of the notice and for good cause, apply in writing to the chief investigator for an extension of the period within which the wreckage may be removed.

(4) Where a person to whom custody of the aircraft, parts, wreckage or contents is to be released fails to take custody within the period specified in the notice, the aircraft, parts, wreckage or contents may be disposed of in such manner as the chief investigator deems fit.

(5) The expenses incurred by the chief investigator in disposing of the aircraft, parts, wreckage or contents shall be recoverable from the owner or operator of the aircraft or both.

Responsibility of the State of Occurrence

18. Protection of evidence and safe custody of aircraft

(1) The State of Occurrence 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 investigations.

(2) The protection of evidence shall include the preservation, by photographic or other means, of any evidence which might be removed, effaced, lost or destroyed.

(3) Subject to subregulation (1), safe custody shall include protection against further damage, access by unauthorised persons, pilfering and deterioration.

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

(1) Where 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, the State of Occurrence 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 investigations.

(2) Notwithstanding subregulation (1), 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.

20. Release from custody by State of Occurrence

(1) The State of Occurrence shall release custody of the aircraft, its contents or any parts of the aircraft as soon as they are no longer required in the investigations, to any person or persons duly designated by the State of Registry or the State of the Operator, where applicable.

(2) The State of Occurrence shall facilitate access to the aircraft, its contents or any parts of the aircraft, provided that, if the aircraft, its contents, or any of its parts lie in an area within which the State finds it impracticable to grant such access, the State shall effect removal to a point where access can be given.

PART III—NOTIFICATION OF ACCIDENT AND INCIDENT

21. Responsibility of notification of accident and incident .

(1) The State of Occurrence shall forward a notification of an accident or serious incident, with a minimum delay and by the most suitable and quickest means available, to the—

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

(2) Notwithstanding subregulation (1), when the State of Occurrence is not aware of a serious incident, the State of Registry or the State of the Operator, as appropriate, shall forward a notification of such an incident to the State of Design, Manufacture and Occurrence.

22. Format and content of notification

(1) The notification shall be in plain language with the following information as is readily available, but its dispatch shall not be delayed due to the lack of complete information—

- (a) for accidents the identifying abbreviation “ACCID”, for serious incidents “INCID”;
- (b) manufacturer, model, nationality and registration marks, and serial number of the aircraft;
- (c) name of owner, operator and hirer, if any, of the aircraft;
- (d) qualification of the pilot-in-command, and nationality of crew and passengers;

- (e) date and time (local time or UTC) of the accident or serious incident;
- (f) last point of departure and point of intended landing of the aircraft;
- (g) position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
- (h) number of crew and passengers; aboard, killed and seriously injured;
- (i) description of the accident or serious incident and the extent of damage to the aircraft so far as is known;
- (j) an indication to what extent the investigations will be conducted or is proposed to be delegated by the State of Occurrence;
- (k) 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) identification of the originating authority and means to contact the chief investigator and the accident investigations authority of the State of Occurrence at any time; and
- (m) presence and description of dangerous goods on board the aircraft.

(2) The format and contents of the notification are specified in Schedule 3 of these Regulations.

23. Notification language

The notification shall be prepared in English language, whenever it is possible to do so without causing undue delay.

24. Additional information

The State of Occurrence shall dispatch the details omitted from the notification as well as other known relevant information, as soon as possible.

Responsibility of the State of Registry, State of Operator, State of Design and State of Manufacture

25. Action taken on receipt of notification

(1) The State of Registry, State of the Operator, State of Design and State of Manufacture may acknowledge receipt of the notification of an accident or serious incident.

(2) Upon receipt of the notification, the State of Registry, State of the Operator, State of Design and State of Manufacture shall, as soon as possible, provide the State of Occurrence with any relevant information available regarding the aircraft and flight crew involved in the accident or serious incident.

(3) Subject to subregulation (2), each State shall inform the State of Occurrence whether it intends to appoint an accredited representative and where an accredited representative is appointed, the name, contact details and the expected date of arrival of the accredited representative.

(4) The State of the Operator shall, upon receipt of the notification, with a minimum delay and by the most suitable and quickest means available, provide the State of Occurrence with details of any dangerous goods on board the aircraft.

Responsibility of the State of Registry

26. Responsibility of notification of accident and incident

When the State of Registry institutes the investigations of an accident or serious incident, that State shall forward a notification, with a minimum delay and by the most suitable and quickest means available, to the—

- (a) State of the Operator;
- (b) State of Design;
- (c) State of Manufacture; and

- (d) 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 State of the Operator, State of Design and State of Manufacture

27. Action taken on receipt of notification by State of the Operator, Design and Manufacture

(1) The State of the Operator, the State of Design and the State of Manufacture on receipt of a notification may acknowledge receipt of the notification of an accident or serious incident.

(2) Upon receipt of the notification, the State of the Operator, the State of Design and the State of Manufacture shall, upon request, provide the State of Registry with any relevant information available to them regarding the flight crew and the aircraft involved in the accident or serious incident.

(3) Subject to subregulation (2), the State shall inform the State of Registry whether it intends to appoint an accredited representative, and where an accredited representative is appointed, the name, contact details and the expected date of arrival of the accredited representative.

(4) The State of the Operator shall, upon receipt of the notification, with a minimum delay and by the most suitable and quickest means available, provide the State of Registry with details of any dangerous goods on board the aircraft.

PART IV—INVESTIGATIONS

Responsibility for instituting and conducting the investigations

28. Conduct of investigations by State of Occurrence

(1) The State of Occurrence shall institute an investigations into the circumstances of the accident and shall be responsible for the conduct of the investigations.

(2) The State of Occurrence may delegate the whole or any part of the investigations to another State by mutual arrangement and consent.

(3) The State of Occurrence shall institute an investigations into the circumstances of a serious incident when the aircraft is of a maximum mass of over 2 250 kg and such a State may delegate the whole or any part of such investigations to another State by mutual arrangement and consent.

(4) The State of Occurrence shall investigate accident and incident involving unmanned aircraft systems with a design or operational approval.

(5) Subject to this regulation, the State of Occurrence shall use every means to facilitate the investigations.

29. Accidents or incidents in a Non-Contracting State

When the accident or the serious incident has occurred in the territory of a Non-Contracting State which does not intend to conduct an investigations in accordance with Annex 13.—

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

shall institute and conduct an investigations in cooperation with the State of Occurrence but, failing such cooperation, shall conduct an investigations with such information as is available.

30. Accidents or incidents outside the territory of a State

(1) The State of Registry shall institute and conduct any necessary investigations of the accident or serious incident when the location of an accident or serious incident cannot be established as being in the territory of any State.

(2) Subject to subregulation (1), the State of Registry may delegate the whole or any part of the investigations to another State by mutual arrangement and consent.

(3) States nearest to the scene of an accident in international waters shall provide such assistance as they are able and shall, likewise, respond to requests by the State of Registry.

(4) Where the State of Registry is a Non-Contracting State which does not intend to conduct an investigations in accordance with these Regulations, the State of the Operator or, failing that, the State of Design or the State of Manufacture shall endeavor to institute and conduct an investigations.

(5) Subject to subregulation (4), the State of the Operator or failing that, the State of Design or State of Manufacture may delegate the whole or any part of the investigations to another State by mutual arrangement and consent.

31. Responsibility State conducting investigations

(1) The Unit shall have independence in the conduct of the investigations and unrestricted authority over its conduct, consistent with the provisions of these Regulations.

(2) Subject to subregulation (1), the investigations shall include—

- (a) the gathering, recording and analysis of all relevant information on that accident or incident;
- (b) the protection of certain accident and incident investigations records in accordance with these Regulations;
- (c) where appropriate, the issuance of safety recommendations;
- (d) where possible, the determination of the causes or contributing factors; and
- (e) the completion of the Final Report.

(3) Where feasible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses.

(4) Subject to subregulation (3), the extent of the investigations and the procedure to be followed in carrying out such an investigations shall be determined by the Unit, depending on the lessons it expects to draw from the investigations for the improvement of safety.

(5) Any investigations conducted in accordance with these Regulations shall be separate from any judicial or administrative proceedings to apportion blame or liability.

(6) The Unit shall develop documented policies and procedures detailing its accident investigations duties and shall include organization and planning, investigations and reporting.

(7) The State shall have unrestricted access to all evidential material without delay to any investigations conducted under these Regulations.

(8) The State shall ensure cooperation between the Unit and judicial authorities so that an investigations is not impeded by administrative or judicial investigations or proceedings.

32. Designation of chief investigator

The State conducting the investigations shall designate the chief investigator of the investigations and shall initiate the investigations immediately.

33. Access and control by chief investigator

The chief investigator shall have unhampered access to the wreckage and all relevant material, including flight recorders and Air Traffic Service records, and shall have unrestricted control over it to ensure that a detailed examination can be made without delay by authorised personnel participating in the investigations.

34. Powers of chief investigator

(1) Where the whole or any part of the investigations is carried out in Uganda, the chief investigator shall have rights of access and powers specified in subregulations (2) and (3) to carry out an investigations into an accident or incident in the most efficient way and within the shortest period possible.

(2) The chief investigator shall have—

- (a) powers to secure and preserve the scene of the accident;
- (b) access to the results of examination of the bodies of victims or tests made on samples taken from the bodies of the victims;
- (c) immediate access to the results of examinations of the persons involved in the operation of the aircraft or tests made on samples taken from such persons; and
- (d) free access to any relevant information or records held by the owner, the operator, the operator's maintenance contractors and sub-contractors, the hirer, the designer or the manufacturer of the aircraft and by the authorities for civil aviation or airport operation or Air Traffic Service.

(3) The chief investigator shall—

- (a) by summons under his or her authority—
 - (i) call before him or her and interview any person as he or she deems appropriate; and
 - (ii) require such person to answer any question or furnish any information or produce any books, papers, documents, licenses, certificates and articles which he or she may consider relevant;
- (b) take statements from all such persons as he or she deems fit and require each of such persons to make and sign a declaration of the truth of the statement made by him;

- (c) on production, if required, of his credentials—
 - (i) enter and inspect any place, building or aircraft the entry or inspection appears to him to be necessary for the purposes of the investigations; and
 - (ii) remove, test, take measures for the preservation of or otherwise deal with any aircraft other than an aircraft involved in the accident or incident where it appears to him to be necessary for the purposes of the investigations;
- (d) take possession of, examine, remove, test or take measures for the preservation of any object or evidence he considers necessary for the purposes of the investigations;
- (e) order for immediate listing of evidence and removal of debris or components for examination or analysis purposes;
- (f) order for the readout of the flight recorders;
- (g) in the case of a fatal accident, require a complete autopsy examination of fatally injured flight crew, and, when necessary, passengers and cabin crew by a pathologist, and if a pathologist experienced in the investigations of aircraft accidents is available, by such pathologist;
- (h) where appropriate, require the medical and toxicological examination of the crew, passengers and aviation personnel involved in the accident or incident by a medical practitioner, and if a medical practitioner experienced in the investigations of aircraft accidents is available, by such medical practitioner;
- (i) require the crew, passengers and aviation personnel involved in the accident or incident to undergo such other tests including a breathalyzer test within reasonable time for the purposes of the investigations; and

- (j) seek such advice or assistance as he or she considers necessary for the purposes of the investigations.

(4) The chief investigator may delegate to his or her deputy or any other investigator the rights and powers vested in him or her in subregulations (2) and (3), where the whole or any part of the investigations is carried out in Uganda.

(5) Without prejudice to the generality of subregulation (3), the chief investigator may request another Contracting State to provide such information, facilities or experts as he or she may consider necessary for the purposes of an investigations.

(6) The chief investigator shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such period as may be necessary for the purposes of an investigations.

(7) The flight crew involved in an aircraft accident shall undergo an aviation medical assessment by a designated medical examiner before resuming duties.

35. Form and conduct of investigations

(1) An investigations shall not be open to the public.

(2) The extent of investigations and the procedure to be followed in carrying out investigations required or authorised under these Regulations shall be determined by the chief investigator taking into account—

- (a) the objective of the investigations set out in these Regulations;
- (b) the lessons expected to be drawn from the aircraft accident or incident for the improvement of safety; and
- (c) the complexity of the investigations.

36. Flight recorders - accident and incident

(1) Effective use in the readout and analysis of flight recorders for the investigations of an accident or an incident shall be made in accordance with the guidelines set out in the Schedule 5 to these Regulations.

(2) The State conducting the investigations shall arrange for the read-out of the flight recorders without delay.

(3) In the event that the State conducting the investigations of an accident or an incident does not have adequate facilities to read out the flight recorders, it shall use the facilities made available to it by other States, giving consideration to the following—

- (a) capabilities of the read-out facility;
- (b) timeliness of the read-out; and
- (c) location of the read-out facility.

(4) The recovery, handling and protection of the flight recorder and its recordings shall be assigned to qualified personnel.

37. Autopsy examinations

The State conducting the investigations into a fatal accident shall arrange for expeditious and complete autopsy examination of fatally injured flight crew and, subject to the particular circumstances, of fatally injured passengers and cabin attendants, by a pathologist, preferably experienced in accident investigations.

38. Medical examinations

Where appropriate, the State conducting the investigations shall arrange for expeditious medical examination of the crew, passengers and involved aviation personnel, by a physician, preferably experienced in accident investigations.

39. Coordination with judicial authorities

Where appropriate, the State conducting the investigations shall ensure the coordination between the chief investigator and the judicial authorities while paying particular attention to evidence which requires prompt recording and analysis for the investigations to be successful, such as the examination and identification of victims and read-outs of flight recorder recordings.

39A. Informing aviation security authorities

Where 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 inform the aviation security authority of the concerned State.

40. Protection of accident and incident investigations records

(1) The State conducting the investigations of an accident or incident shall not make the following records, subject to the guidelines set out in Schedule 4, available for purposes other than accident or incident investigations, unless the competent court of law determines, in accordance with these Regulations that their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigation—

- (a) cockpit voice recordings and airborne image recordings and any transcripts from such recordings; and
- (b) records in the custody or control of the accident investigations authority being—
 - (i) all statements taken from persons by the accident investigations authority in the course of their investigations;
 - (ii) all communications between persons having been involved in the operation of the aircraft;
 - (iii) medical or private information regarding persons involved in the accident or incident;
 - (iv) recordings and transcripts of recordings from air traffic control units;

- (v) analysis of and opinions about information, including flight recorder information, made by the accident investigations authority and accredited representatives in relation to the accident or incident; and
- (vi) the Draft Final Report of an accident or incident investigations.

(2) The State shall determine whether any other records obtained or generated by the accident investigations authority, as a part of an accident or incident investigations, need to be protected in the same way as the records listed in this regulation.

(3) The records shall be included in the Final Report or its appendices when pertinent to the analysis of the accident or incident.

(4) The parts of the records considered not relevant to the analysis shall not be disclosed.

(5) The names of the persons involved in the accident or incident shall not be disclosed to the public by the accident investigations authority.

(6) The State shall ensure that requests for records in the custody or control of the accident investigations authority are directed to the original source of the information, where available.

(7) The Unit shall retain, where possible, only copies of records obtained in the course of an investigations.

(8) The State shall take measures to ensure that audio content of cockpit voice recordings as well as image and audio content of airborne image recordings are not disclosed to the public.

(9) The State issuing or receiving a draft Final Report shall take measures to ensure that it is not disclosed to the public.

(10) The protections of the accident and incident investigations records shall apply from the time an accident or incident occurs and continue after the publication of the Final Report.

41. Reopening of investigations

(1) The chief investigator shall recommend to the appropriate authority to reopen an investigations, where new and significant evidence becomes available after the accident or serious incident investigations has been closed.

(2) The chief investigator shall cause the investigations of an incident other than a serious incident to be re-opened where evidence has been disclosed after the completion of the investigations which, in his or her opinion, is new and significant.

(3) Where the investigations of an accident or a serious incident has been instituted by another Contracting State, the appropriate authority shall obtain the consent of that State before causing the investigations to be reopened under subregulation (1).

(4) Any investigations which is reopened shall be carried out in accordance with these Regulations.

(5) Where in the case of a missing aircraft following an official search is subsequently located, consideration shall be given to reopening the investigations.

42. Return and disposal of records

The chief investigator shall, after the completion of the investigations or at any time determined by the chief investigator, return the aircraft records or any documents containing factual information concerning an accident or incident to the persons from whom they were obtained, unless they are still required for judicial proceedings or other proceedings.

(2) The records and information referred to in subregulation (1) not claimed by or returned to the persons from whom they were obtained, may be disposed of in any manner that the chief investigator considers fit after a period of three years.

43. Accident and incident information from any other State

(1) The State shall, on request from the State conducting the investigations of an accident or an incident, provide that State with all the relevant information available to it.

(2) The State 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 or incident investigations.

(3) The facilities or services of any State which have been, or would normally have been, used by an aircraft prior to an accident or an incident, and which has information pertinent to the investigations, shall provide such information to the State conducting the investigations.

*Responsibility of the State of registry and the
State of the operator*

44. Flight recorders - accidents and serious incidents

(1) When an aircraft involved in an accident or a serious incident lands in the State other than the State of Occurrence, the State of Registry or the State of the Operator shall, on request from the State conducting the investigations, furnish the State conducting the investigations with the flight recorder records and, if necessary, the associated flight recorders.

(2) The State of Registry and the State of the Operator, on request from the State conducting the investigations, shall provide pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft.

45. Rights of participation in investigations

(1) The State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall each be entitled to appoint an accredited representative to participate in the investigations.

(2) The State of Registry or the State of the Operator shall appoint one or more advisers, proposed by the operator, to assist its accredited representative to participate in the investigations.

(3) When neither the State of Registry, nor the State of the Operator appoints an accredited representative, the State conducting the investigations may invite the operator to participate, subject to the procedures of the State conducting the investigations.

(4) 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 to participate in the investigations.

(5) When neither the State of Design nor the State of Manufacture appoints an accredited representative, the State conducting the investigations may invite the organizations responsible for the type design and the final assembly of the aircraft to participate, subject to the procedures of the State conducting the investigations.

46. Obligation to appoint accredited representatives

When the State conducting an investigation of an accident to an aircraft of a maximum mass of over 2 250 kg specifically requests participation by the State of Registry, the State of the Operator, State of Design or State of Manufacture, and the State concerned shall each appoint an accredited representative to participate in the investigations.

47. Rights to participation by any other State

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

48. Entitlement of accredited representatives

(1) The State entitled to appoint an accredited representative shall be entitled to appoint one or more advisers to assist the accredited representative in the investigations.

(2) Advisers assisting the accredited representatives shall be permitted, under the accredited representatives' supervision, to participate in the investigations to the extent necessary to enable the accredited representatives to make their participation effective.

49. Participation by accredited representatives and advisers

(1) Participation in the investigations shall confer accredited representatives and advisers entitlement to participate in all aspects of the investigations, under the control of the investigator-in-change, 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 investigations 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 investigations.

(2) The 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 participate in accordance with these Regulations.

50. Obligations of accredited representatives and advisers

Accredited representatives and their advisers shall—

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

51. Rights and entitlement of states

(1) A state which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall be entitled to appoint an expert who shall be entitled to—

- (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 investigations, and information on the progress of the investigations; and
- (c) receive a copy of the Final Report.

(2) The provisions of subregulation (1), will not prevent the state from assisting in the identification of victims and in meetings with survivors from that state.

(3) The State conducting the investigations shall release, at least during the first year of the investigations, established factual information and indicate the progress of the investigations in a timely manner.

52. Format of Final Report

The format of the Final Report shall be as specified in Schedule 6 to these Regulations and may be adapted to the circumstances of the accident or incident.

53. Consent for release of information

The State shall not circulate, publish or give access to a Draft Final Report or any part of the report, or any document obtained during an investigations of an accident or incident, without the express consent

of the State which conducted the investigations, unless such a report or document has already been published or released by the State which conducted the investigations.

54. Responsibility of State conducting investigations

(1) The State conducting the investigations shall send a copy of the final draft Report to the following States inviting their significant and substantiated comments on the report as soon as possible—

- (a) the State that instituted the investigations;
- (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 investigations under these Regulations.

(2) Where the State conducting the investigations receives comments within sixty days of the date of the transmittal letter of the final draft Report, 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.

(3) Where the State conducting the investigations does not receive comments within sixty days of the date of the first transmittal letter of the final draft Report, it shall issue the Final Report in accordance with these Regulations, unless an extension of that period has been agreed by the States concerned.

(4) The State conducting the investigations 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 final draft Report.

(5) The State conducting the investigations shall send, through the State of Design and the State of Manufacture, a copy of the final draft Report to the organizations responsible for the type design and

the final assembly of the aircraft to enable them to submit comments on the final draft Report.

(6) A person shall not circulate, publish, disclose or give access to any draft report or any part of its contents or any documents obtained during an investigations of an aircraft accident or incident unless the report has already been published by the Chief investigator.

55. Recipient States of Final Report

The Final Report of the investigations of an accident shall be sent with a minimum delay by the State conducting the investigations to—

- (a) the State that instituted the investigations;
- (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 investigations;
- (g) any State having suffered fatalities or serious injuries to its citizens; and
- (h) any State that provided relevant information, significant facilities or experts.

56. Release of the Final Report

(1) In the interest of accident prevention, the State conducting the investigations of an accident or incident shall make the Final Report publicly available as soon as possible and, if possible, within twelve months from the date of occurrence of the accident or incident.

(2) Where the Report cannot be made publicly available within twelve months, the State conducting the investigations shall make an investigations interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigations and any safety issues raised.

(3) When the State that has conducted an investigations into an accident or an incident involving an aircraft of a maximum mass of over 5 700 kg has released a Final Report, that State shall send to the International Civil Aviation Organization a copy of the Final Report.

57. Safety recommendations

(1) At any stage of the investigations of an accident or incident, the accident investigations authority of the State conducting the investigations shall recommend in a dated transmittal correspondence to the appropriate authorities, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.

(2) The State conducting investigations of accidents or incidents shall address, when appropriate, any safety recommendations arising out of its investigations in a dated transmittal correspondence to the accident investigations authorities of any State concerned and, when International Civil Aviation Organization documents are involved, to International Civil Aviation Organization.

58. Recipients of safety recommendations

Safety recommendations issued by the appropriate authority shall be sent to those persons or organizations of the aviation community that have a direct interest in the safety issue that was the basis for the safety recommendation, as well as to other members of the aviation community who would benefit from the information.

Responsibility of a state receiving or issuing safety recommendations

59. Action on safety recommendations

(1) A person who receives safety recommendations shall inform the proposing State, within ninety 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.

(2) A person who conducts an investigation or any State issuing a safety recommendation, shall implement procedures to record the responses received under subregulation (1), to the safety recommendation issued.

(3) A person who receives a safety recommendation shall implement procedures to monitor the progress of the action taken in response to that safety recommendation.

PART V—ACCIDENT AND INCIDENT DATA
REPORT (ADREP)

60. Accidents to aircraft over 2 250 kg

When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, the State conducting the investigations 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.

61. Accidents to aircraft of 2 250 kg or less

When an aircraft, not covered under regulation 60, is involved in an accident and when airworthiness or matters considered to be of interest to other States are involved, the State conducting the investigations 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.

62. Language of Preliminary Report

The Preliminary Report shall be submitted to appropriate States and to the *International Civil Aviation Organization* in English language.

63. Dispatch

(1) The Preliminary Report shall be sent by facsimile, e-mail or airmail within thirty days of the date of the accident unless the Accident and Incident Data Report has been sent by that time.

(2) Notwithstanding subregulation (1), when matters directly affecting safety are involved, the Preliminary Report shall be sent as soon as the information is available and by the most suitable and quickest means available.

64. Accidents to aircraft over 2 250 kg

When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, the State conducting the investigations shall send, as soon as practicable after the investigations, the Accident Data Report to the *International Civil Aviation Organization*.

65. Additional information

The State conducting the investigations shall, upon request, provide other States with pertinent information additional to that made available in the Accident and Incident Data Report.

66. Incidents to aircraft over 5 700 kg

Where a State conducts an investigations into an incident to an aircraft of a maximum mass of over 5 700 kg, that State shall send, as soon as is practicable after the investigations, the Incident Data Report to the *International Civil Aviation Organization*.

PART VII—ACCIDENT PREVENTION MEASURES

67. Database and preventive actions

(1) The State shall establish and maintain an accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies and to determine any preventive actions required.

(2) State authorities responsible for the implementation of the State safety Programme shall have access to the accident and incident database referenced in subregulation (1), to support their safety responsibilities.

(3) In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.

(4) When safety recommendations are addressed to an organization in another State, they shall be transmitted to the accident investigations authority of that State.

PART VIII—TRANSITIONAL PROVISIONS

68. Revocation and saving

(1) The Civil Aviation (Investigations of Accidents) Regulations, 2014, S.I 60 of 2014 are hereby revoked.

(2) Notwithstanding subregulation (1), any investigations, review or inquiry commenced under those Regulations shall be continued as if they were instituted under these Regulations.

SCHEDULES

SCHEDULE 1

Regulation 2

One currency Point is equivalent to twenty thousand shillings

SCHEDULE 2

Regulations 14(3)

GUIDLINES FOR THE DETERMINATION OF AIRCRAFT DAMAGE

1. Where an engine separates from an aircraft, the event is categorized as an accident even if the damage is confined to the engine.
2. A loss of engine cowls (fan or core) or reverser components which does not result in further damage to the aircraft is not considered as an accident.
3. An occurrences where the compressor or turbine blades or other engine internal component is ejected through the engine tail pipe is not considered as an accidents.
4. A collapsed or missing radome is not considered as an accident unless there is related substantial damage in the other structures or systems of the aircraft.
5. An occurrence of missing flaps, slats or other lift augmenting devices, winglets, etc., that is permitted for dispatch under the Configuration Deviation List (CDL) is not considered as an accident.
6. The retraction of a landing gear leg or wheels-up landing, resulting in skin abrasion only, where the aircraft can be safely dispatched after minor repairs or patching, and the aircraft subsequently undergoes more extensive work to effect a permanent repair, is not considered as an accident.
7. Where the structural damage is such that the aircraft depressurizes, or cannot be pressurized, the occurrence is categorized as an accident.
8. The removal of components of an aircraft for inspection following an, incident or accident including the precautionary removal of an undercarriage leg following a low-speed runway excursion, while involving considerable work, is not considered as an accident except where significant damage to the aircraft is identified.
9. An occurrence that involves an emergency evacuation is not considered as an accident unless a person receives serious injuries or the aircraft has sustained significant damage.

10. Regarding aircraft damage which adversely affects the structural strength, performance or flight characteristics, the aircraft may have landed safely, but cannot be safely dispatched on a further sector without repair.
11. Where the aircraft can be safely dispatched after minor repairs and subsequently undergoes more extensive work to effect a permanent repair, then the occurrence is not considered as an accident.
12. Without prejudice to the provisions in paragraph 11, where the aircraft can be dispatched under the Configuration Deviation List with the affected component removed, missing or inoperative, the occurrence is not considered as an accident and any repair of the affected component is not considered as a major repair.
13. The cost of repairs, or estimated loss, as provided by an insurance company may provide an indication of the damage sustained but shall not be used as the sole guide to determine whether the damage is sufficient to render consideration of the occurrence as an accident.
14. Without prejudice to the provisions in paragraph 13, an aircraft may be considered a "hull loss" where the aircraft is considered uneconomic to repair, without the aircraft having incurred sufficient damage to be classified as an accident.

SCHEDULE 3

Regulation 22

NOTIFICATION AND REPORTING CHECKLIST

1. Introduction

1.1 In this checklist, the following terms have the meaning stated below:

- (a) International occurrences: accidents and serious incidents occurring in the territory of a Contracting State to aircraft registered in another Contracting State.
- (b) Domestic occurrences: accidents and serious incidents occurring in the territory of the State of Registry.
- (c) Other occurrences: accidents and serious incidents occurring in the territory of a Non-Contracting State, or outside the territory of any State.

2. Notification — Accidents and Serious Incidents

<i>From</i>	<i>For</i>	<i>Send to</i>	<i>Regulation reference</i>
State of Occurrence	International occurrences:	State of Registry	21.
	All aircraft	State of the Operator	
		State of Design	
		State of Manufacture	
		ICAO (when aircraft over 2 250 kg or	
		is a turbojet-powered aeroplane)	
State of Registry	Domestic and other occurrences:	State of the Operator	9

	All aircraft	State of Design	
		State of Manufacture	
		ICAO (when aircraft over 2 250 kg or	
		is a turbojet-powered aeroplane)	

3. FINAL REPORT

6.1.1 Accident and incident wherever they occurred

<i>From</i>	<i>Type of report</i>	<i>Concerning</i>	<i>Send to</i>	<i>Regulation reference</i>
State conducting the investigations	FINAL REPORT	All aircraft	State instituting the investigations	55
			State of Registry	
			State of the Operator	
			State of Design	
			State of Manufacture	
			Other States participating	
			in the investigations	
			State having suffered fatalities or	
			serious injuries to its citizens	
			State providing information,	
			significant facilities or experts	
		Aircraft over 5 700 kg	ICAO	56

4. ADREP REPORT

Accident and incident wherever they occurred

<i>From</i>	<i>Type of report</i>	<i>Concerning</i>	<i>Send to</i>	<i>Regulation reference</i>
State conducting the investigations	Preliminary Report	Accidents aircraft over 2 250 kg	to State of Registry or State of Occurrence State of the Operator State of Design State of Manufacture State providing information. significant facilities or experts ICAO	60
		Accidents aircraft of 2 250 kg or less if airworthiness matters of interest involved	to Same as above, except ICAO	61
	ACCIDENT DATA REPORT	Accidents aircraft over 2 250 kg	to ICAO	64
	INCIDENT DATA REPORT	Incidents aircraft over 5 700 kg	to ICAO	66

5. ACCIDENT PREVENTION MEASURES

Safety matters of interest to other States

<i>From</i>	<i>Type</i>	<i>Concerning</i>	<i>Send to</i>	<i>Regulation reference</i>
States making safety recommendations	Safety reco- mmendations	Recommendations made to another State	Accident investigations authority in that State	67
		ICAO documents	ICAO	57

SCHEDULE 4

Regulation 40 (1)

GUIDELINES FOR THE PROTECTION OF ACCIDENT AND INCIDENT INVESTIGATIONS RECORDS

1. INTRODUCTION

- 1.1. The disclosure or use of records listed in regulation 40, in criminal, civil, administrative or disciplinary proceedings, or the public disclosure thereof, can have adverse consequences for persons or organizations involved in accident and incident, likely causing them or others to be reluctant to cooperate with accident investigations authorities in the future. The determination on disclosure or use required by regulation 40 is designed to take account of these matters.
- 1.2. In accordance with regulation 40, the provisions specified in this Schedule are intended to-
 - (a) assist the State in developing national laws, regulations and policies to protect accident and incident investigations records appropriately; and
 - (b) assist the competent authority in making the determination as required by regulation 40.
- 1.3 Throughout this Schedule:
 - (a) balancing test refers to the determination by the competent authority, in accordance with regulation 40, of the impact the disclosure or use of accident and incident investigations records may have on current or future investigations; and
 - (b) record(s) refers to the items listed in regulation 40.
- 1.4. The provisions on the use and protection of safety information and related sources other than accident and incident investigations records are included in the Civil Aviation (Safety Management) Regulations.

2. GENERAL

2.1 The State shall accord protection referred to in regulation 40 and this Schedule to the entire recording of the cockpit voice recorder, airborne image recorder, and any transcripts from such recordings. These protection referred to herein shall apply from the time the accident or incident occurs and shall continue after the publication of the Final Report.

2.2 The State shall accord the protection referred to in regulation 40 and this schedule to the other records listed in the regulation. The protections shall apply from the time the records come into the custody or control of the accident investigations authority and shall continue until the publication of the final report.

2.3 Non-disclosure of audio or image recordings to the public

2.3.1 The States shall take action to achieve the non-disclosure of the audio content of cockpit voice recordings as well as the image and audio content of airborne image recordings to the public, as per regulation 40 including—

- (a) the prevention of disclosure through the adoption of national laws, regulations and policies; or
- (b) the adoption of authoritative safeguards such as protective orders, closed proceedings or in-camera review; or
- (c) the 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.

2.3.2 Ambient workplace recordings, such as cockpit voice recordings and airborne image recordings, required by the Civil Aviation Regulations may be perceived as constituting an invasion of the privacy of operational personnel if disclosed or used for purposes other than those for which the recordings were made.

3. COMPETENT AUTHORITY

- 3.1. In accordance with regulation 40, every State shall designate a competent authority or competent authorities appropriate to the task of administering the balancing test.
- 3.2. Different competent authorities may be designated for different circumstances. For example, the competent authority designated for applying the balancing test in criminal or civil proceedings may be a judicial authority. Another competent authority may be designated for applying the balancing test in cases where the purpose of the request for disclosure is for public accessibility.

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 competent authority 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 A material fact in question is a legal term used to refer to a fact that is significant or essential to the matter at hand, that one party alleges and that the other controverts, and is to be determined by the competent authority administering the balancing test.
- 4.3 When administering the balancing test, the competent authority 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.

4.4 The administration of the balancing test can be done once for a certain category of records and the result incorporated into national laws and regulations.

4.5 The competent authority may need to administer a balancing test for determining whether to permit the disclosure of a record, and a separate balancing test for determining whether to permit the use of a record.

4.6 Guidance material on the balancing test can be found in the Manual on Protection of Safety Information- Protection of Accident and Incident Investigations Records.

5. RECORDS OF THE DECISIONS

5.1 The competent authority 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.

5.2 The State may submit the decisions recorded to the International Civil Aviation Organization in English languages of the Organization to be archived in a public database.

6. FINAL REPORT

6.1 In order to limit the use of the Final Report for purposes other than the prevention of accident and incident, the State shall consider:

- (a) instituting a separate investigations for those other purposes;
- (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.

6.2 Final Reports are publicly available in the interest of accident prevention and are not subject to protection regulation 40. 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 prohibited.

7. ACCIDENT AND INCIDENT INVESTIGATIONS PERSONNEL

7.1 In the interest of safety and in accordance with regulation 4 States shall consider that accident investigations personnel not be compellable to give an opinion on matters of blame or liability in civil, criminal, administrative or disciplinary proceedings.

SCHEDULE 5

Regulation 36 (1)

GUIDELINES FOR FLIGHT RECORDER READ-OUT AND ANALYSIS

1. Initial response
 - 1.1 The aftermath of a major accident is a demanding time for any State's accident investigations authority. One of the immediate items requiring a decision is where to have the flight recorders read out and analyzed. It is essential that the flight recorders be read out as early as possible after an accident. Early identification of problem areas can affect the investigations at the accident site where evidence is sometimes transient. Early identification of problem areas may also result in urgent safety recommendations which may be necessary to prevent a similar occurrence.
 - 1.2 Many States do not have their own facilities for the playback and analysis of flight recorder information (both voice and data) and consequently request assistance from other States. It is essential, therefore, that the accident investigations authority of the State conducting the investigations make timely arrangements to read out the flight recorders at a suitable read-out facility.
2. Choice of facility
 - 2.1 The State conducting the investigations may request assistance from any State that, in its opinion, can best serve the investigations. The manufacturer's standard replay equipment and playback software, which are typically used by airlines and maintenance facilities, are not considered adequate for investigations purposes. Special recovery and analysis techniques are usually required if the recorders have been damaged.
 - 2.2 Facilities for the read-out of flight recorders shall have the ability to—
 - (a) disassemble and read out recorders that have sustained substantial damage;

- (b) play back the original recording or memory module without the need for the use of a manufacturer's copy device or the recorder housing that was involved in the accident or incident;
 - (c) manually analyse the raw binary waveform from digital tape flight data recorders;
 - (d) enhance and filter voice recordings digitally by means of suitable software; and
 - (e) Graphically analyses data, derive additional parameters not explicitly recorded, validate the data by cross-checking and use other analytical methods to determine data accuracy and limitations.
3. Participation by the State of Manufacture (or Design) and the State of the Operator
- 3.1 The State of Manufacture (or Design) has airworthiness responsibilities and the expertise normally required to read out and analyse flight recorder information. Since flight recorder information can often reveal airworthiness problems, the State of Manufacture (or Design) shall have a representative present when the flight recorder read-out and analysis are being conducted in a State other than the State of Manufacture (or Design).
- 3.2 The State of the Operator has regulatory responsibilities regarding the flight operation and can provide insights into operational issues which may be specific to the operator. Since flight recorder information can reveal operational problems, the State of the Operator shall also have a representative present when the flight recorder read-out and analysis are being conducted.
4. Recommended procedures
- 4.1 The flight data recorder and the cockpit voice recorder shall be read out by the same facility, because they contain complementary data which can help validate each recording and aid in determining timing and synchronization.

- 4.2 Flight recorders shall not be opened or powered up and original recordings shall not be copied (particularly not by high-speed copy devices) prior to the read-out because of the risk of damage to the recordings.
- 4.3 The facility at which the flight recorders are read out for another State shall be given an opportunity to comment on the Final Report in order to ensure that the characteristics of the flight recorder analysis have been taken into account.
- 4.4 The facility at which the flight recorders are read out may require the expertise of the aircraft manufacturer and the operator in order to verify the calibration data and validate the recorded information.
- 4.5 The State conducting the investigations may leave the original recordings, or a copy of them, with the read-out facility until the investigations is completed, in order to facilitate the timely resolution of additional requests or clarifications, providing that the facility has adequate security procedures to safeguard the recordings.

SCHEDULE 6

Regulation 52

FORMAT OF THE FINAL REPORT

1. PURPOSE
 - 1.1 The purpose of this format is to present the Final Report in a convenient and uniform manner.
 - 1.2 Detailed guidance on completing each section of the Final Report is found in the Manual of Aircraft Accident and Incident Investigations.
2. FORMAT
 - 2.1 Title.
The Final Report begins with a title comprising—
 - (a) name of the operator;
 - (b) manufacturer,
 - (c) model,
 - (d) nationality and registration marks of the aircraft; and
 - (e) place and date of the accident or incident.
 - 2.2 Synopsis. Following the title is a synopsis describing briefly all relevant information regarding—
 - (a) notification of accident to national and foreign authorities;
 - (b) identification of the accident investigations authority and accredited representation;
 - (c) organization of the investigations;
 - (d) authority releasing the report;
 - (e) date of publication;
 - (f) concluding with a brief résumé of the circumstances leading to the accident.
 - 2.3 Body. The body of the Final Report comprises the following main headings:
 - (a) Factual information

- (b) Analysis
- (c) Conclusions
- (d) Safety recommendations

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

2.4 Appendices. Include as appropriate.

2.5 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:

- (a) Flight number, type of operation, last point of departure, time of departure (local time or UTC), and point of intended landing.
- (b) Flight preparation, description of the flight and events leading to the accident, including reconstruction of the significant portion of the flight path, if appropriate.
- (c) Location including 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):

<i>Injuries</i>	<i>Crew</i>	<i>Passengers</i>	<i>Others</i>
Fatal			
Serious			
Minor/None			

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

- 1.3 Damage to aircraft: Brief statement of the damage sustained by aircraft in the accident, for instance 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 licences, ratings, mandatory checks, flying experience including 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 such as 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 including sunlight, moonlight, twilight.
- 1.8 Aids to navigation. Pertinent information on navigation aids available, including landing aids such as ILS, MLS, NDB, PAR, VOR, visual ground aids, etc., and their effectiveness at the time.

- 1.9 Communications: Pertinent information on aeronautical mobile and fixed service communications and their effectiveness.
- 1.8 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.
- 1.10 Flight recorders: Location of the flight recorder installations in the aircraft, their condition on recovery and pertinent data available therefrom.
- 1.11 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 appendices.
- 1.12 Medical and pathological information: Brief description of the results of the investigations undertaken and pertinent data available therefrom.
- 1.13 Medical information related to flight crew licences shall be included in 1.5— Personnel information.
- 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 1.1 to 1.17.
- 1.19 Useful or effective investigations techniques. When useful or effective investigations techniques have been used during the investigations, 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 1.1 to 1.18.
2. ANALYSIS
 - 2.1 Analyse, as appropriate, only the information documented in 1. Factual information and which is relevant to the determination of conclusions and causes and/or contributing factors.
3. CONCLUSIONS
 - 3.1 List the findings, causes and/or contributing factors established in the investigations. The list of causes and/or contributing factors shall include both the immediate and the deeper systemic causes and/or contributing factors.
 - 3.2 The Final Report format presented in this Schedule may be adapted to the circumstances of the accident or incident. Thus, the State may use either "causes" or "contributing factors", or both, in the Conclusions.
4. SAFETY RECOMMENDATIONS
 - 4.1 As appropriate, briefly state any recommendations made for the purpose of accident prevention and identify safety actions already implemented.

APPENDICES

- 5.1 Include, as appropriate, any other pertinent information considered necessary for the understanding of the Final Report.

GEN. EDWARD KATUMBA-WAMALA (MP)
Minister of Works and Transport.