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# The Gazette of the Democratic Socialist Republic of Sri Lanka

## EXTRAORDINARY

අංක 1742/19 - 2012 ජනවාරි 25 වැනි බදාදා - 2012.01.25

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(Published by Authority)

## PART I : SECTION (I) — GENERAL

### Government Notifications

CIVIL AVIATION ACT, No. 14 OF 2010

REGULATIONS made by the Minister of Civil Aviation under Section 117 of the Civil Aviation Act, No. 14 of 2010 read with Section 39(b) of the Civil Aviation Authority of Sri Lanka Act. No. 34 of 2002

PIYANKARA JAYARATNE,  
Minister of Civil Aviation.

Colombo,  
19th January, 2012.

### Regulations

1. These Regulations may be cited as the Aircraft Accident and Incident Investigation Regulations of Sri Lanka and come into effect on 19th January, 2012

Short Title

2. Unless otherwise specifically provided for in these regulations, the provisions of these regulations shall apply to the conduct of an investigations into any accident or incident arising out of or in the course of air navigation, where such accident or incident, as the case may be, occurred :-

Applicability.

(a) within the territory of Sri Lanka;

(b) in respect of any aircraft registered in Sri Lanka; or

(c) in respect of any aircraft registered in Sri Lanka, where an investigation is not conducted by the State of Occurrence or the territory where the accident or incident concerned has occurred cannot definitely be established as belonging to any particular State.

### NOTIFICATION OF ACCIDENTS AND INCIDENTS

3. (1) Where an accident or an incident occurs-

(a) within the territory of Sri Lanka, or

(b) outside Sri Lanka involving an aircraft registered in Sri Lanka or aircraft operated by an operator of Sri Lanka,

Notification to  
be given to the  
Authority of  
accidents or  
incidents

the appropriate person shall, as soon as reasonably practicable after such person becomes aware of the accident or incident concerned, send by the quickest means possible, a notice thereof to the Authority, containing as far as the possible, the following information: -

- (a) in the case of an accident, the identifying abbreviation “ACCID” or in the case of an incident, the identifying abbreviation, “INCID”;
- (b) the manufacturer, model, nationality, registration marks and the 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 the nationality of crew members and of passengers;
- (e) date and time (local time or UTC) at which the accident or incident;
- (f) last point of departure and the point of intended landing of the aircraft;
- (g) position of the aircraft with reference to some easily identified geographical location and the latitude and longitude of such location;
- (h) number of crew members and passengers on board, who were either killed or seriously injured and any other, killed and seriously injured as a result of the accident or incident;
- (i) description of the accident or incident and the extent of the damage caused to the aircraft, as far as known;
- (j) physical characteristics of the location in which the accident or incident occurred, as well as indication of access difficulties or any special requirements needed to reach the site of the accident or incident;
- (k) identification of the person sending the notice and where the accident or incident occurred outside Sri Lanka, the means by which the investigator-in-charge and the accident investigation authority of the State of Occurrence, may be contacted at any time; and
- (l) presence and description of dangerous goods, if any, that were being carried on board the aircraft.

(2) The non availability of all the information required to be included in the notice referred to in paragraph (1), shall not in anyway be a cause for a delay in forwarding such notice to the Authority. However, the fact that all of the required information has not been included should be mentioned in the notice being sent and any information that was not included should thereafter be furnished to the Authority as soon as such information becomes available to the appropriate person.

(3) The notice referred to in paragraph (1), shall be submitted in the reporting form.

(4) For the purposes of this regulation “appropriate person” means –

- (a) the owner, operator, hirer, lessor, agent or the pilot-in- command of the aircraft at the time the accident or incident as the case may be, occurred;

- (b) where the accident or incident occurs on or adjacent to an aerodrome in Sri Lanka, the owner or operator of such aerodrome or the Air Traffic Service Provider ;
- (c) where the accident or incident occurs in Sri Lankan airspace, the ATS provider;
- (d) where the accident or incident occurs during a flying display or festival being held within Sri Lanka, the organizer of such flying display or festival; or
- (e) where the accident or incident occurs during a demonstration flight in Sri Lanka, the handler or organizer of such demonstration flight.

4. (1) Where an accident or an incident occurs within the territory of Sri Lanka, the Authority shall forward, with minimum delay and by the most suitable and quickest means available, a notification of such accident or incident in the English language or in exceptional circumstances, in any other language determined as appropriate by the Authority, to:

Notification to be given of accidents or incidents occurring within the territory of Sri Lanka.

- (a) the State of Registry, where the aircraft concerned is an aircraft registered in another Contracting State;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) the International Civil Aviation Organization, where the aircraft concerned is of a maximum mass of over 2,250 kg or is a turbojet-powered aeroplane.

(2) When the State of occurrence is not aware of an incident involving an aircraft registered in Sri Lanka or operated by an Air Operator of Sri Lanka as appropriate, the Authority shall forward a notification of such incident to the State of Occurrence, State of Design, State of Manufacture and in the case of an leased aircraft, the State of Registry.

5.(1) The notification referred to in regulation 4 shall contain as much of the following information as is readily available as on the date of forwarding such notification:-

Format and content.

- (a) information referred to in paragraph (1) of regulation 3 excluding the information referred to in sub-paragraph (k) of that paragraph;
- (b) as to whether and to what extent the investigation will be conducted by the Authority or is proposed to be delegated by the Authority to the State of Registry or the State of Operator as applicable or to any other State considered as appropriate by the Authority; and
- (c) identification of the Authority, the means by which the Authority and the Chief Investigator appointed by the Authority to conduct the investigation, may be contacted.

(2) The non-availability of all the information referred to in paragraph (1) shall not be a cause for a delay in forwarding the notice referred to in that paragraph.

Additional Information	6. The Authority shall as soon as they become available, forward any information that it was not able to include in the notification sent under paragraph (1) of regulation 5, along with any other known relevant information, to those persons referred to in paragraph (1) of regulation 4.
Action to be taken by the Authority on receipt of any Notification from a State of Occurrence.	<p>7. Where the Authority receives a notification relating to an accident or an incident which has occurred outside Sri Lanka involving an aircraft registered in Sri Lanka, or operated by an Air Operator of Sri Lanka or designed or manufactured in Sri Lanka, the Authority shall;</p> <ul style="list-style-type: none"> <li>(a) acknowledge receipt of the notification;</li> <li>(b) as soon as possible, arrange for the Director General to provide the State of occurrence or any other State which propose to conduct an investigation, with any relevant information available regarding the aircraft concerned and the flight crew involved in such accident or incident;</li> <li>(c) with a minimum of delay and by the most suitable and quickest means available, provide the State of Occurrence or any other State which propose to conduct the investigation, details of dangerous goods, if any, which were on board the aircraft; and</li> <li>(d) inform the State of occurrence or any other State which propose to conduct the investigation, whether it intends to appoint an accredited representative and if such an accredited representative is being appointed, the name and other contact details of such accredited representative, as well as the expected date of arrival of such accredited representative, for the investigation.</li> </ul>
Notification of an accident or incident in a non-Contracting State or outside the territory of a State.	<p>8. Where an accident or an incident involving an aircraft registered in Sri Lanka occurs in a non-Contracting State or outside the territory of any State, the Authority shall forward with minimum delay and by the most suitable and quickest means available, a notification of such accident or incident in English language or in exceptional circumstances in any other language determined as appropriate by the Authority, to:-</p> <ul style="list-style-type: none"> <li>(a) the State of the Operator;</li> <li>(b) the State of Design;</li> <li>(c) the State of Manufacture; and</li> <li>(d) the International Civil Aviation Organization, where the aircraft involved in the accident or incident is of a maximum mass of over 2,250 kg or is a turbojet-powered aeroplane.</li> </ul>
Format and content.	<p>9. (1) The notification referred to in regulation 8 shall be in English language and shall contain as much of the following information as is readily available as on the date of forwarding such notification:-</p> <ul style="list-style-type: none"> <li>(a) information referred to in paragraph (1) regulation 3 excluding information referred to in sub-paragraph (k) of that paragraph;</li> <li>(b) as to whether and to what extent the investigation will be conducted by the Authority or is proposed to be delegated by the Authority to the State of Operator or any other State, considered as appropriate by the Authority; and</li> </ul>

- (c) identification of the Authority, the means by which the Authority and the Chief Investigator appointed by the Authority to conduct the investigation may be contacted.

(2) The non-availability of all the information specified in paragraph (1) shall not be a cause for a delay in forwarding the notice referred to in that paragraph.

10. Where the Authority receives a notification of an accident or an incident which has occurred in a Non-Contracting State or outside the territory of any State, involving an aircraft operated by an Air Operator of Sri Lanka or designed or manufactured in Sri Lanka, the Authority shall: -

Action to be taken by the Authority on receipt of any Notification from a State of Registry.

- (a) acknowledge receipt of the notification;
- (b) upon request, arrange for the Director-General to provide the State of Registry or any other State which proposes to conduct the investigation with any relevant information available, regarding the aircraft concerned and the flight crew involved in such accident or incident;
- (c) with a minimum of delay and by the most suitable and quickest means available, provide the State of Registry or any other State which proposes to conduct the investigation, with details of dangerous goods, if any, which were on board of such aircraft; and
- (d) inform the State of Registry or any other State which propose to conduct the investigation, whether it intends to appoint an accredited representative and if such an accredited representative is being appointed, the name and other contact details of such accredited representative, as well as the expected date of arrival of such accredited representative for the investigation.

#### INVESTIGATION

11. (1) Subject to the provisions of paragraph (2) of this regulation, the Authority shall in compliance with the applicable SARPS, institute an investigation into an accident or incident, where: -

Responsibility for instituting and conducting an investigation.

- (a) such accident or an incident has occurred within the territory of Sri Lanka;
- (b) such accident or an incident concerns an aircraft registered in Sri Lanka, the State of Occurrence has by mutual arrangement and consent delegated power of conducting the investigation to the Authority;
- (c) an accident or an incident concerning an aircraft registered in Sri Lanka has occurred within the territory of a non-Contracting State and such State does not intend to conduct an investigation in accordance with International Standards and Recommended Practices;
- (d) such accident or an incident concerns an aircraft registered in Sri Lanka, but the location of the occurrence of the accident or incident cannot definitely be established as being in the territory belonging to any State; or
- (e) an accident or an incident of an aircraft operated by an Air Operator of Sri Lanka or an aircraft designed or manufactured in Sri Lanka, has occurred in a non-Contracting State or at a location which cannot be established as being within the territory belonging to any particular State and the State of Registry either is not conducting or delegates the conduct of the investigation to the Authority or the State of Registry is a non-

Contracting State which does not intend to conduct an investigation in accordance with International Standards and Recommended Practices.

(2) Notwithstanding the provisions of paragraph (1) of this regulation, the Authority may in consultation with the Minister and by mutual arrangement and consent, delegate the authority to conduct an investigation in whole or in part, to: -

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) such other State considered as appropriate by the Authority; or
- (d) an authorized investigator or investigators of any regional organization, which would function under authority delegated either by the Authority or by the State of Occurrence or by a Non-Contracting State, in one of the circumstances specified in sub-paragraphs (a), (b) or (c) of paragraph (1) of this regulation, who agrees to perform such function in accordance with the applicable provisions of this Act and these regulations.

(3) Where an accident occurs in international waters, the Authority shall provide such assistance as it is able to, to the authority conducting an investigation and shall likewise respond to any request that may be made by the State of Registry.

Conflict of  
interest.

(4) When appointing investigators to conduct an investigation, the Authority shall ensure that at least one member of investigation team is appointed from outside Civil Aviation Authority provided that the selected member would be the right type of person who would be in a position to ensure the objectivity during the course of an investigation.

(5) Subject to the requirements stipulated under Section 56(1) of the Civil Aviation Act, the Authority may appoint one or more competent employee or employees of the CAA as the case may be, to serve as member of the investigation Board, if suitably qualified personnel cannot be found from outside the Civil Aviation Authority to conduct the investigation.

(6) Subject to paragraph (5) above, when an employee of the CAA is appointed as an Investigator, the employee shall be relieved from all encumbrances and obligations that may arise from his regular employment with the Authority during the period of investigation. Such an employee shall have complete freedom to act as an independent person for the purposes of the investigation devoid of the need to paying allegiance, loyalty or affinity to the Authority in relation to his regular employment with the Authority. The employee shall be assured that no legal or administrative or any other form of action will be taken by the Authority against the employee, affecting his present or future career status with the Authority for any of the legitimate work performed by the employee for and on behalf of the Investigation Board during the investigation. Authority shall not require any such employee to disclose or divulge any of the matters, sources or information connected with or incidental to, the conduct of the investigation, during or after the investigation.

(7) Every employee who is appointed as an investigator shall be issued with a letter by the Chief Executive Officer of the Authority confirming the facts that are stated at paragraph (6) above.

(8) Prior to appointment of an employee of the Authority to serve as an investigator under this regulation, the Authority shall require the employee to give a written affirmation that the employee has no direct or indirect involvement whatsoever with the matter to be investigated and if, evidence is surfaced during the investigation of a matter to which he has a direct or indirect involvement, complete details thereof will be notified to the Authority forthwith.

(9) On receipt of such notice under paragraph (8) above, the Authority shall take immediate steps to terminate the employee's functioning as an investigator and another person with requisite qualifications be substituted.

12. (1) Where the Authority conducts an investigation under any authority delegated by another State subject to the consent and mutual arrangement that the Authority may have entered into with such State, the Authority shall be responsible for the conduct of the investigation, including the issuance of the Final Report and the Preliminary report reporting relating to that investigation.

Investigations  
under delegated  
to authority.

(2) Where the Authority delegates the power to conduct an investigation in whole to another State under paragraph (2) of regulation 11 by mutual arrangement and with the consent of such State, such State shall be required to conduct the investigation including the issuance of the Final Report and the Preliminary report relating to that investigation.

(3) Where only a part of an investigation is delegated to another State by mutual arrangement and with the consent of such State, the Authority shall retain the responsibility to conclude the investigation, concerned.

13. (1) The Authority shall formulate policies and procedures consisting of (but not limited to) the organization of the investigation, criteria for the selection of investigators, training of investigators and the method and manner of preparation of reports pertaining to any investigation carried out. The Board shall be required to conduct its investigation in accordance with the requirements determined by the Authority and may, with the consent of the Authority, obtain technical expertise from any source which in the opinion of the Board is impartial and has no vested interest in the investigation being conducted by it, and whose expertise is considered appropriate to be obtained.

Organization of  
an investigation.

(2) The Authority shall ensure that a Board conducting an investigation in accordance with these regulations, shall have unrestricted access to all evidentiary material without any delay and shall, in terms of subsection (2) of Section 58 of the Act, have priority over any police, judicial or any other investigation in the examination of such evidentiary material.

(3) The Authority shall make necessary arrangements for co-ordination between the Chief Investigator of the Board and any judicial authorities appointed or assigned by a relevant court in Sri Lanka, for the purpose of conducting any judicial proceedings under any law.

14. (1) The Board shall have independence in the conduct of an investigation and have unrestricted authority over its conduct, consistent with the provisions of the Act and these regulations, which shall include, but not limited to:-

Conduct of the  
investigation.

- (a) the examination of all persons considered necessary for the conduct of the investigation;
- (b) the gathering of all relevant information by requiring such persons to answer any questions, produce any books, papers, documents or articles and retaining such material until completion of the investigation;
- (c) taking and recording of statements from witnesses and any other person as the Board considers necessary for the conduct of the investigation;
- (d) visiting the scene of the accident or incident, as the case may be, where feasible and examining or testing the aircraft, any part thereof or anything contained therein;
- (e) critically examining all relevant information;

- (f) determining the facts, conditions and circumstances which relates to or are connected with the accident or incident;
- (g) wherever possible, determine the probable causes or contributory factors which may have contributed or led to the occurrence of the accident or incident;
- (h) where appropriate, issue any safety recommendations; and
- (i) prepare and submit in accordance with the method and manner determined by the Authority, a report to the Authority.

(2) The Board shall, in compliance with such procedures as determined by the Authority, determine the extent of the investigation to be carried out and the procedure to be followed in conducting such investigation, with a view to enabling such Board to make the most relevant and appropriate recommendations for improvement of safety in aviation, at the conclusion of such investigation.

(3) The person appointed by the Authority to act as the Chief Investigator shall, in accordance with the terms and conditions stipulated at the time of appointing the Board, initiate the investigation immediately upon the appointment of the Board.

(4) The names of the persons involved in any accident or incident, shall not be disclosed by the Board to the public.

Access to  
material and  
information.

15. (1) The Board shall have unhampered access to the wreckage of the aircraft and all other relevant material, including flight recorders and ATS records, and shall deal with the aircraft or any part thereof or anything contained therein, in such manner as to ensure that a detailed examination is carried out without any delay.

(2) In carrying out an investigation into an accident or an incident, the Board shall make use of flight recorders and shall arrange, in consultation with the Authority, for the read-out of the flight recorders without delay. Where adequate facilities to read-out the flight recorders are not available in country, the Board may use such facilities that may be available elsewhere, giving due consideration to the capabilities of the read-out facility being used, the timeliness of the read-out and the location of the read-out facility. The Board shall have the priority to keep in its custody the flight recorders and recorded evidence, until the conclusion of the investigation and the final report on the same is submitted to the Authority.

Autopsy and  
medical  
examinations.

16. (1) A Board conducting an investigation into a fatal accident shall arrange, where necessary in consultation with the Authority, for a complete autopsy examination to be carried out by a pathologist, preferably experienced in accident investigation, of flight crew members and, subject to the particular circumstances of the case, of any passengers and cabin attendants who were killed due to the accident. These examinations shall be carried out as expeditiously as possible.

(2) The Board shall, where appropriate in consultation with the Authority, arrange for a medical examination to be carried out of all the crew members, passengers and any aviation personnel involved in any accident or incident, by a physician preferably experienced in accident investigation. Such examinations may also include an examination for purpose of determining whether the level of physical and psychological fitness of the crew members and other personnel directly involved in the accident or incident are of such nature as to enable them to contribute and participate at the investigation being conducted. These examinations shall be carried out as expeditiously as possible.

Informing  
aviation security  
authorities.

17. Where in the course of conducting an investigation it becomes known or it is suspected, that an act of unlawful interference was involved, the Chief Investigator shall inform the Authority and the Director-General of such fact and it shall be the responsibility of the Authority or the Director General, as



the case may be, to forward such information to the Authority-in-charge of aviation security, of the States concerned.

18. (1) Information derived from the following records, namely: -

Disclosure of records.

- (a) statements recorded from persons in the course of conducting the investigation;
- (b) communications between persons who were involved in the operation of the aircraft;
- (c) medical records or any other private information relating to persons involved in the accident or incident;
- (d) cockpit voice recordings and transcripts from such recordings;
- (e) recordings and transcriptions of recordings from air traffic control units;
- (f) cockpit airborne image recordings and any part or transcripts from such recordings; and
- (g) opinions expressed in the analysis of information including flight recorder information,

which are prohibited from being made available to any person under section 61 of the Act, may be included in the final report or in any annexure, in circumstances where it is considered pertinent to include such records and information, to the analysis of the accident or incident.

(2) Parts of any of the records referred to in paragraphs (1) which are considered as not being pertinent to the analysis of the accident or incident shall also not be disclosed to any person for any purpose.

19. (1) Where an initial investigation was conducted by the Authority under the delegated authority of another State and new and significant evidence become available to the Authority, the Authority shall propose to such other State, the re-opening of the investigation.

Re-opening of investigation.

(2) The Authority may undertake a re-opening of an investigation into an accident or incident which it conducted under a delegated authority, only upon obtaining the consent of the State which instituted the initial investigation.

20. (1) The Authority shall, where any request is received from a State conducting an investigation into an accident or an incident, provide such State with all the relevant information available to the Authority

Provision of Information.

(2) Where any facilities or services of Sri Lanka have been or would normally have been, used by an aircraft prior to an accident or an incident taking place, the Authority shall provide to the State conducting an investigation into such accident or incident, any information it has arising out of the usage of such facilities or services which may be pertinent to the investigation. The Authority shall call for such information from any person or any organization who possess such information and such person or organization shall be required to comply with any such request by the most expeditious means.

21. (1) Where an aircraft registered in Sri Lanka or operated by an Operator of Sri Lanka which is involved in an accident or an incident, lands in a State other than the State of Occurrence, the Authority shall on any request received from the State conducting the investigation, furnish such State with the flight recorder records and if necessary, the associated flight recorder records.

Flight recorders to be furnished.

(2) Where an aircraft involved in an accident or incident is an aircraft which is operated by an Operator of Sri Lanka and is registered in another State and the Authority has no legal jurisdiction to furnish any flight recorder records and associated flight recorders as a result, the Authority shall request the State of Registry to comply with any request referred to in paragraph (1) which is made by the State conducting the investigation. The Authority may further request the assistance of any other appropriate State, in the retrieval of the flight recorder records.

Organizational  
information.

22. The Authority shall upon any request received from a State conducting an investigation, provide pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft concerned.

Participation in  
the investigation.

23. (1) The Authority shall request the State of Registry, the State of the Operator, the State of Design, the State of Manufacture, the States of which the victims are nationals of and any other State considered appropriate by the Authority to appoint an accredited representative to participate in any investigation, being conducted by a Board.

(2) Where an accident occurs to an aircraft registered in Sri Lanka, the Authority shall arrange for representation of one or more advisers proposed by the Operator and appointed by the Authority, to assist its accredited representative participating in any investigation being carried on such to an accident or incident.

(3) When neither the State of Registry, nor the State of the Operator appoints an accredited representative to participate at an investigation being conducted by a Board, the Authority may invite the operator to participate in the investigation, provided that such operator undertakes to comply with the conditions of participation as specified in the procedures for the conduct of investigation, as determined by the Authority.

(4) The Authority shall request the State of Design and the State of Manufacture 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, participating in an investigation.

(5) Where neither the State of Design nor the State of Manufacture appoints an accredited representative, the Authority may invite the organizations responsible for the type design and the final assembly of the aircraft to participate in the investigation, and such participants shall undertake to comply with the conditions of participation as specified in the procedures for the conduct of investigation as determined by the Authority.

(6) The Authority shall request any State which on request of the Authority provides any information, facilities or experts at any investigation being conducted by a Board, to appoint an accredited representative to participate in such investigation.

Obligation to  
appoint  
accredited  
representatives.

24. (1) When the State conducting an investigation of an accident to an aircraft of a maximum mass of over 2 250 kg specifically requests for the participation of the Authority as either the State of Registry, the State of the Operator, the State of Design or the State of Manufacture, as the case may be, the Authority shall appoint an accredited representative for that purpose.

(2) The Authority may further appoint an accredited representative at the request of a State conducting an investigation, when the power-plant or major components of the aircraft have been designed or manufactured by any organization certified by the Director-General, whenever the State conducting the investigation is of the view that a useful contribution can be made to the investigation by such participation or where such participation might result in increased safety.

(3) The Authority may where a Board conducts an investigation of an accident to an aircraft of a maximum mass of over 2,250 kg, may specifically request for the participation of the either the State of Registry, the State of the Operator, the State of Design or the State of Manufacture, as the case may be, to appoint an accredited representative each, if such participation would facilitate or strengthen the investigation. The Authority may also request the participation of the State which designed or manufactured the power-plant or major components of the aircraft whenever the Authority is of the view that a useful contribution can be made to the investigation by such participation or where such participation might result in increased safety.

25. (1) The Authority may, in addition to the appointment of an accredited representative, also appoint one or more advisers to assist the accredited representative in an investigation. The Authority may call upon the best technical experts from any source whatsoever and appoint such experts as advisers to its accredited representative.

Entitlement of  
accredited  
representatives.

(2) The Authority may, having requested an accredited representative of another State to participate in an investigation being conducted by a Board, shall also enable such State to appoint one or more advisers to assist the accredited representative in the investigation under the accredited representatives' supervision and to participate in the investigation to the extent necessary to enable the accredited representatives to make their participation at the investigation more effective.

26. (1) Participation at an investigation shall confer the entitlement to participate in all aspects of the investigation, under the control and supervision of the Chief Investigator and in particular to:-

Participation.

- (a) visit the scene of the accident or incident;
- (b) examine the wreckage;
- (c) obtain information from witnesses 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 any off-scene investigation activities, such as component examinations, technical briefings, tests and simulations;
- (h) participate in investigation progress meetings, including deliberations related to analysis, findings, causes and safety recommendations; and
- (i) make submissions related or connected to the various elements of the investigation.

(2) Notwithstanding the provisions of paragraph (1), participation of a State other than the State of Registry, the State of the Operator in any investigation, the State of Design and the State of Manufacture, may be limited to those matters which entitled such States to participation under paragraph (6) of regulation 23.

Obligations.

27. All accredited representatives and advisers who are participating in any investigation being conducted by a Board shall :-

- (a) comply with the investigating procedures established by the Authority;
- (b) provide the Board with all relevant information available to them; and
- (c) not divulge any information on the progress and the findings of the investigation, without the express consent of the Authority.

Participation of states having suffered fatalities or serious injuries to its citizens.

28. (1) The Authority shall permit a State which has a special interest in any accident being investigated by a Board, by virtue of the fact that fatalities or serious injuries have been caused to any of its citizens due to such accident, to appoint an expert who shall be entitled to:

- (a) visit the scene of the accident;
- (b) have access to such relevant factual information which is approved for public release by the Authority;
- (c) information on the progress of the investigation; and
- (d) receive a copy of the final report of the Board.

(2) A State permitted to appoint an expert under paragraph (1) may also assist in the identification of victims of the accident and participate at any meetings with survivors of the accident who are citizens of that State.

#### PROTECTION OF EVIDENCE, CUSTODY AND REMOVAL OF AIRCRAFT

Protection of evidence and custody of the aircraft.

29. (1) The Authority shall take all reasonable measures to protect evidence and be responsible for the safe custody of the aircraft and its contents, for such a period as may be necessary for the purpose of conducting an investigation.

(2) For the purpose of paragraph (1): -

- (a) protection of evidence shall include the preservation, by photographic or other means, of any evidence which might be removed, effaced, lost or destroyed; and
- (b) safe custody shall include, the protection against further damage to such aircraft access to the aircraft by unauthorized persons or any pilfering or deterioration.

(3) The Board shall pay special attention to evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and read-outs of flight recordings.

(4) The Board shall have priority for the custody of the wreckage, but nevertheless co-operate with any judicial authorities regarding judicial proceedings. Such authorities shall have the authority to accompany the wreckage to the place of its examination and be present at examinations that may be conducted by the Board or during any modification of the condition of the wreckage if required by the Board.

(5) The Board shall assign the recovery, the handling of the recorder and its recordings and the protection of flight recorder evidence, only to qualified personnel.

(6) The Board shall have the power to examine, remove, test and take measures for the unaltered preservation of the aircraft or any part of its equipment and otherwise deal with the aircraft or any part thereof or anything contained therein.

(7) Except as provided for in these regulations, where an accident or an incident has occurred in or over the territory of Sri Lanka, no person other than an authorized person shall have access to the aircraft involved in such accident or incident and neither the aircraft, nor any part of such aircraft or anything contained therein, shall, except under the written authority of the Authority or of the Board, as the case may be, be tampered, removed or otherwise interfered with by any person whosoever.

30. (1) Upon receipt of a request from the State of Registry, the State of the Operator, the State of Design or the State of Manufacture as the case may be, that the aircraft, its contents and any other evidence be kept undisturbed pending inspection by an accredited representative of that State, the Board shall take all necessary steps to comply with such request, so far as it is reasonably practicable and compatible with the proper conduct of its investigation.

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

(2) Notwithstanding the provisions of paragraph (1), an aircraft may be moved to the extent that is necessary as provided for in paragraph (4) of regulation 31, provided that it does not result in undue delay in returning the aircraft to service, where it is practicable.

(3) Where the aircraft, any contents thereof or any evidence lies in a prohibited area, the Authority may refuse a request made under paragraph (1), based on such State's requirements.

31. (1) Subject to the provisions of paragraph (1) of regulation 29 and of regulation 30, the Authority shall release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required for the investigation being conducted, to any person or persons duly designated by the State of Registry or the State of the Operator, as the case may be.

Release from custody.

(2) For the purpose of paragraph (1), the Authority shall facilitate access to the aircraft, its contents or any parts thereof, provided that, if the aircraft, its contents, or any parts thereof are lying in an area within which grant of such access is impracticable, the Authority shall itself make necessary arrangements for its removal to a point where access can be given.

(3) Where the Chief Investigator has authorized any person to remove any goods or passenger baggage from the aircraft or to release any goods or passenger baggage from the custody of the Chief Investigator, such removal shall be supervised by a police officer duly appointed for the purpose by the officer-in-charge of the respective police station situated within the area where the aircraft is lying, provided that in the case of an aircraft which has come from a foreign State, any goods or passenger baggage shall not be removed from the vicinity of the aircraft except on a clearance received or with the consent of, a duly authorized officer of the Sri Lanka Customs Department.

(4) Nothing in this regulation shall prevent any person from taking any action, where such action becomes necessary, in order to:-

- (a) extricate persons, animals, mail and valuables;
- (b) prevent destruction by fire or other causes;
- (c) eliminate any danger or obstruction to air navigation or to any other transport facilities or to the general public; or
- (d) if the aircraft is lying in water, to remove the aircraft or any contents thereof to such extent as may be necessary for bringing the aircraft or its contents to a place of safety, for the purposes of search and rescue and for the preservation of evidence, as the case may be.

(5) Where the Chief Investigator is of the opinion that the aircraft involved in the accident or incident is likely to be a danger or obstruction to the general public, air navigation or to other transport facilities, he may order the owner, operator or hirer, as the case may be, of such aircraft, to remove it to any place as the Chief Investigator shall indicate.

(6) In the absence of the owner, operator or hirer of the aircraft or in the event of no-compliance with an order made under paragraph (5), the Chief Investigator shall be empowered to remove or cause the removal of the aircraft concerned.

(7) Any expenses incurred in removing an aircraft shall be borne by the owner, operator or hirer as the case may be, of the aircraft and where the aircraft is removed by the Chief Investigator under paragraph (6), the expenses incurred, shall be recoverable from the owner, operator or hirer, as the case may be or from all of them jointly.

Preliminary  
report

32. (1) Where an the aircraft involved in an accident is of a maximum mass of over 2,250 kg, the Authority shall send the Preliminary Report pertaining to the investigation conducted, in the English Language, to:-

- (a) the State of Registry or where the investigation has been conducted upon any authority delegated to the Authority, to the State of Occurrence;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture;
- (e) any State which provided relevant information, significant facilities or experts; and
- (f) the International Civil Aviation Organization.

(2) Where an aircraft which is not covered by paragraph (1) is involved in an accident and when airworthiness or matters considered to be of interest to any other States are involved, the Authority shall forward the Preliminary Report pertaining to the investigation conducted, in the English Language, to the States referred to in sub-paragraph (a) to (f) of paragraph (1).

Forwarding of  
preliminary  
report.

33. (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) Where 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.

Final report.

34. At the conclusion of an investigation, the Board shall prepare the Final Report on the investigation conducted, in the form and manner as shall be determined by the Authority.

Draft final  
Report to be sent  
to Operator and  
others.

35. (1) The Authority shall, through the State of the Operator, send a copy of the draft Final Report to the operator to enable such operator to submit its comments on the draft Final Report. Where the Authority is conducting an investigation under any authority delegated to it on behalf another State, the draft Final Report shall be sent to an operator only with the consent of the State which initiated the investigation.

(2) Any comments received from an operator under any one of the circumstances referred to in paragraph (1) shall be forwarded by the Authority to the Board for its consideration.

(3) The Authority shall through the State of the Design and the State of Manufacture, send a copy of the draft Final Report to the organizations responsible for the type design and the final assembly of the aircraft involved in the accident or incident, to enable them to submit their comments on the draft Final Report. Where the Authority was conducting an investigation under any authority delegated to it on behalf another State, the draft Final Report shall be sent to such State only with the consent of the State which initiated the investigation.

(4) Any comments received in any one of the circumstances referred to in paragraph (3), shall be forwarded by the Authority to the Board for its consideration.

36. (1) The Authority shall send a copy of the draft Final Report including any intended Safety Recommendation that may be annexed to such report, of an investigation that it initiated, by the most suitable and quickest means, to the following States, inviting their significant and substantiated comments on the report being sent, as soon as possible:- Consultation.

- (a) the State which instituted the investigation;
- (b) the State of Registry;
- (c) the State of the Operator;
- (d) the State of Design;
- (e) the State of Manufacture; and
- (f) any State which participated in the investigation under regulation 23 and in compliance with the applicable legal provisions of the State which initiated the investigation, whichever is applicable.

(2) The Authority shall send a copy of the draft Final Report including any intended Safety Recommendations that may be annexed to such Report, of an investigation conducted by it under any authority delegated to it by any other State which initiated the investigation, to the States referred to in paragraph (1), inviting their significant and substantiated comments on the report as soon as possible, with the consent of the State which initiated the investigation.

(3) The provisions of paragraph (1) and (2) shall not preclude the Authority from consulting any States other than any State referred to in those paragraphs, such as those States which provided relevant information, significant facilities, or experts who participated in the investigation under regulation 28.

(4) Where the Authority receives any comments from any State to which a copy of the draft Final Report was sent within sixty days of the date of sending it, it shall request the Board to 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. However, any comments appended to the Final Report shall only be those, made on technical aspects of the Final Report upon which no agreement could be reached.

(5) Where the Authority does not receive any comments within sixty days of the date of sending the draft Final Report, it shall issue the Final Report in accordance with regulation 34, unless an extension of that period has been agreed to between the Authority and the other State concerned.

37. (1) In the interest of accident prevention, the Authority shall publish whole or any part of the Final Report as soon as it is able, and where possible, within twelve months of its preparation. Release of the Final Report.

(2) Where the report cannot be published as provided for in paragraph (1), the Authority shall make an interim statement in a manner it thinks appropriate on each anniversary of the occurrence of the accident or incident to which such report relates, giving details of the progress of the investigation and any safety issues raised.

(3) Where the investigation was conducted under any authority delegated, the statement referred to in paragraph (2) shall be made with the consent of the State which initiated the investigation.

(4) Where the Authority has conducted an investigation into an accident or an incident involving an aircraft of a maximum mass of over 5700 kg and has published its Final Report, a copy of the same shall be sent to the International Civil Aviation Organization.

Recipient states 38. The Final Report on an investigation into an accident, shall be sent with the minimum of delay by the state conducting the investigation, to:-

- (a) the State that instituted the investigation;
- (b) the State of Registry;
- (c) the State of the Operator;
- (d) the State of Design;
- (e) the State of Manufacture;
- (f) any State whose citizens suffered fatalities or serious injuries due to the accident; and
- (g) any State which provided relevant information, significant facilities or experts.

Accident and incident data report. 39. (1) When the aircraft involved in an accident is of a maximum mass of over 2,250 kg, the Authority shall, as soon as practicable after the completion of the investigation send the Accident Data Report to the International Civil Aviation Organization.

(2) The Authority may on receipt of any request received from any State, provide such States with any pertinent information in addition to those made available in the Accident or Incident Data Report.

(3) Where the Authority conducts an investigation into an incident involving an aircraft of a maximum mass of over 5,700 kg, the Authority shall, as soon as is practicable after the completion of the investigation, send the Incident Data Report to the International Civil Aviation Organization.

Incident reporting systems.

40. (1) The Authority shall establish-

- (a) a mandatory incident reporting system to facilitate collection of information on actual or potential safety deficiencies; and
- (b) a voluntary incident reporting system to facilitate collection of information on actual or potential safety deficiencies that may not be captured by the mandatory incident reporting system.

(2) The voluntary incident reporting system established by the Authority shall be non-punitive and Authority shall afford protection to the sources of all information received.



(3) The Authority may in addition to the systems referred to in paragraph (1) establish other safety data collection and processing systems to collect safety information that may not be captured by the incident reporting systems referred to in that paragraph.

41. (1) The Authority shall establish and maintain an accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies obtained and received by it, including information received from its incident reporting systems and determine any preventive actions required to be taken by the Authority. Such database may use standardized formats to facilitate data exchange.

Database systems and analysis  
Preventive actions.

(2) The Authority may, following the identification of preventive actions required to be taken to address actual or potential safety deficiencies, implement those actions identified and establish a process to monitor the implementation and effectiveness of responses received.

(3) The Authority may foster appropriate regional arrangements, in the establishment and maintenance of the accident and incident database referred to in paragraph (1).

(4) The Authority shall, where in the analysis of the information contained in its database, identifies any safety matters which it considers to be of interest to other States, forward such safety information to those State as soon as possible.

(5) When the Authority addresses safety recommendations to an organization in another State, a copy of the same shall also be transmitted to that State's accident or incident investigation authority.

42. The Authority may promote the establishment of a safety information sharing networks among all users of the aviation system and may facilitate the free exchange of information on actual and potential safety deficiencies among such users of the aviation system.

Exchange of safety information.

43. (1) In these Regulations, any reference to the "State of the Operator" applies only in instances where:-

Reference to "State of Operator" and their obligations.

(a) an aircraft is leased, chartered or interchanged;

(b) the State which leased, chartered or interchanged is not the State of Registry; and

(c) the State which leased, chartered or interchanged discharges, in part or in whole, the functions and obligations of the State of Registry.

(2) Rights and obligations of the State of the Operator in respect of accidents and incidents involving leased, chartered or interchanged aircraft, shall be as described in Schedule II to these Regulations.

44. (1) In these Regulations unless the context otherwise requires:-

Definitions.

"accident" shall have the same meaning as given in section 65 of the Act;

(2) For the purposes of these regulations an aircraft is considered to be missing, when the official search for such aircraft 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 investigation conducted by another State;

“act” means Civil Aviation Act, No. 14 of 2010;

“adviser” means a person appointed by the Authority on the basis of his or her qualifications, for the purpose of assisting an accredited representative in an investigation conducted by another State;

“aircraft” shall have the same meaning as given in section 124 of the Act;

“authority” means the Civil Aviation Authority of Sri Lanka, established by the Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002;

“Board” means an Aircraft Accident Investigation Board, appointed by the Authority under section 56 of the Act, for the purpose of carrying out an investigation into any accident or incident arising out of or in the course of air navigation;

“causes” means actions, omissions, events, conditions, or a combination of anyone or more of them, which led to an accident or incident;

“Chief Investigator” means the person appointed by the Authority as Chief Investigator under section 56 of the Act, on the basis of his or her qualifications, and charged with the responsibility for the organization, conduct and control of an investigation conducted by the Board;

“Director-General” means the Director-General of Civil Aviation appointed under Section 11 of the Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002;

“fatal injury” means an injury resulting in death within thirty (30) days of the date of an aircraft accident;

“flight recorder” means any type of recorder installed in an aircraft for the purpose of complementing accident or incident investigation;

“incident” shall have the same meaning as given in Section 65 of the Act;

“investigation” means a process conducted for the purpose of gathering and analysing information, drawing conclusions including the determination of causes and contributing factors and, where appropriate, the making of safety recommendations, with the object of preventing similar occurrences in the future;

“investigator” means a member of the Board appointed under Section 56 of the Act, by the Authority to carry out an investigation;

“maximum mass” means a maximum certificated take-off mass;

“operator” shall have the same meaning as given in Section 124 of the Act;

“owner” means registered owner of an aircraft;

“preliminary report” means the communication used for the prompt dissemination of data obtained during the early stages of the investigation;

“recording of statements” means any recording done in written form, shorthand, audio or video.

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

“serious injury” means an injury which is sustained by a person in an accident, which:-

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

“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;

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

“State of the Operator” means the State in which the operator’s principal place of business is situated 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 involved in an accident or incident is entered; and

“State safety programme” means an integrated set of regulations and activities aimed at improving safety in aviation.

45. Chapter XVI of the Ceylon Air Navigation Regulations 1955, published in Gazette No.10,812 of July 1, 1955, is hereby rescinded.

Chapter XVI of  
Ceylon Air  
Navigation  
Regulations to be  
rescinded.

SCHEDULE – I

[Regulation 34]

FINAL REPORT FORMAT

- Title** The title of the Report which shall comprise of:-  
name of the operator; manufacturer, model, nationality and registration marks of the aircraft, place and date of the accident or incident;
- Synopsis** The synopsis should describe briefly all relevant information pertaining to:  
notification of accident to national and foreign authorities, identification of the accident investigation authority and accredited representation, organization of the investigation, authority releasing the report and date of publication, and conclude with a brief résumé of the circumstances which led to the accident.
- Body** The body of the Final Report should be presented under the following main headings:-
- (a) Factual information
  - (b) Analysis
  - (c) Conclusions
  - (d) Safety recommendations

Each of the above heading shall consist of a number of sub-headings as outlined below:-

**Appendices.** Include as appropriate.

**Factual information**

1.1. *History of the flight* : A brief narrative giving the following information:-

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

1.2. *Injuries to persons* : Completion of the following (in numbers) :

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

1.3. *Damage to aircraft.* Brief statement of the damage sustained by an aircraft due to the accident (whether 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 their age, validity of licences, ratings, mandatory checks, flying experience (total and on type) and relevant information on duty time.

(b) brief statement of qualifications and experience of other crew members.

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

1.6. *Aircraft information*

(a) brief statement on airworthiness and maintenance of the aircraft (indication of deficiencies known prior to and during the flight to be included, if having they have had 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 (whether sunlight, moonlight, twilight, etc.).

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.

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

1.11. *Flight recorders.-* Location of the flight recorder installations in the aircraft, their condition on recovery and pertinent data available therefrom.

1.12. *Wreckage and impact information.-* General information on the site of the accident and the distribution pattern of the wreckage, detected material failures or component malfunctions. Details concerning the location and state of the different pieces of the wreckage are not normally required unless it is necessary to indicate a break-up of the aircraft, prior to impact. Diagrams, charts and photographs may be included in this section or attached in the Appendices.

- 1.13. *Medical and pathological information.*- Brief description of the results of the investigation undertaken and pertinent data available there from. ( *Note.*— *Medical information related to flight crew licences should be included in 1.5 — Personnel information.*)
- 1.14. *Fire.*- If fire occurred, information on the nature of the occurrence and of the fire fighting 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, 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.* - Any relevant information not already included in 1.1 to 1.17.
- 1.19. *Useful or effective investigation techniques.*- When useful or effective investigation techniques have been used during the investigation, briefly indicate the reason for using these techniques and refer here to the main features, as well as describing the results under the appropriate sub-headings 1.1 to 1.18.

*Analysis.* Analyse as appropriate, only the information documented in clear 1 above - Factual information and which is relevant to the determination of conclusions and causes.

*Conclusions.* List the findings, causes and contributing factors, established at the investigation. The list of causes should include both the immediate and the deeper systemic causes.

*Safety recommendations.* As appropriate, briefly state any recommendations made for the purpose of accident prevention and identify safety actions already implemented and any resultant corrective action taken.

#### ***Appendices***

Include as appropriate, any other pertinent information considered necessary for the understanding of the report.

*Note.*— 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 sub-headings.

*Note.*— Fatal injuries include all deaths determined to be a direct result of injuries sustained in the accident. Serious injury is defined in Regulation 44.

SCHEDULE II

[Regulation 43(2)]

RIGHTS AND OBLIGATIONS OF THE STATE OF THE OPERATOR IN REGARD TO ACCIDENTS AND INCIDENTS INVOLVING LEASED, CHARTERED OR  
INTERCHANGED AIRCRAFT

In the event of an accident or an incident, it is important that any State which has assumed responsibility for the safety of an aircraft has the right to participate in any investigation conducted, at least in respect of the responsibility which it has assumed. It is also important that the State conducting the investigation should have speedy access to all documents and other information relevant to that investigation.

When the location of an accident or an incident cannot definitely be established as being in the territory of another State, the State of the Operator, after consultation with the State of Registry, should accept full or partial responsibility for the conduct of the investigation.

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