

NINETEENTH SCHEDULE

(Regulations 67 and 80)

AIRCRAFT ACCIDENT REPORTING AND INVESTIGATION REQUIREMENTS

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SUBPART A: GENERAL**19.001 APPLICABILITY**

This Schedule contains requirements pertaining to -

- (1) initial notification and later reporting of aircraft incidents and accidents and certain other occurrences in the operation of aircraft, wherever they occur, when they involve civil aircraft of Jamaica; when they involve certain public aircraft, as specified in this part, wherever they occur; and when they involve foreign civil aircraft where the events occur in Jamaica; and
- (2) preservation of aircraft wreckage, mail, cargo, and records involving all civil and certain public aircraft accidents, as specified in this Schedule, in Jamaica.

19.005 DEFINITIONS.

As used in this part the following words or phrases are defined as follows -

- (1) "**Aircraft accident**" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage;
- (2) "**Civil aircraft**" means any aircraft other than a Military or State-operated aircraft;
- (3) "**Fatal injury**" means any injury which results in death within 30 days of the accident;
- (4) "**Incident**" means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations, or endanger the lives of the passengers or crew;

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- (5) "Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, or lessee, of an aircraft;
- (6) "State aircraft" means an aircraft used only on behalf of the Government of Jamaica (except for commercial purposes) or exclusively leased for at least 90 continuous days;
- (7) "Serious injury" means any injury which -
 - (i) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received;
 - (ii) results in a fracture of any bone (except simple fractures of fingers, toes, or nose);
 - (iii) causes severe haemorrhages, nerve, muscle, or tendon damage;
 - (iv) involves any internal organ; or
 - (v) involves second or third degree burns, or any burns affecting more than 5 percent of the body surface;
- (8) "Substantial damage" means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin, small punctures in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this Schedule.

SUBPART B: INITIAL NOTIFICATION**19.015 IMMEDIATE NOTIFICATION**

- (a) The operator of any civil aircraft, or any public aircraft not operated by the Armed Forces, or any foreign aircraft shall immediately, and by the most expeditious means available, notify the JCAA when an aircraft accident or any of the following listed incidents occur -
 - (1) flight control system malfunction or failure;
 - (2) inability of any required flight crewmember to perform normal flight duties as a result of injury or illness;
 - (3) failure of structural components of a turbine engine excluding compressor and turbine blades and vanes;
 - (4) in-flight fire; or
 - (5) aircraft collision either in flight, or during ground operation;
 - (6) damage to property, other than the aircraft, estimated to exceed \$25,000 for repair (including materials and labour) or fair market value in the event of total loss, whichever is less;
 - (7) For large multi-engine aircraft (more than 12,500 pounds maximum takeoff weight);
 - (i) in-flight failure of electrical systems which requires the sustained use of an emergency bus powered by a backup source such as a battery, auxiliary power unit, or air driven generator to retain flight control or essential instruments;
 - (ii) in-flight failure of hydraulic systems that results in sustained reliance on the sole remaining hydraulic or mechanical system for movement of flight control surfaces;
 - (iii) sustained loss of the power or thrust produced by two or more engines; and
 - (iv) an evacuation of an aircraft in which an emergency egress system is utilized.
- (b) This initial notification requirement also applies when an aircraft is overdue and is believed to have been involved in an accident.

(Note: The initial report may be made to the nearest air traffic service unit or flight information unit of the Jamaica Civil Aviation Authority, or directly to the Flight Safety Division of the JCAA)

19.020 INFORMATION TO BE GIVEN IN NOTIFICATION

The required notification shall contain the following information, if available -

- (1) type, nationality, and registration marks of the aircraft;

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- (2) name of owner, and operator of the aircraft;
- (3) name of the pilot in command;
- (4) date and time of the accident;
- (5) last point of departure and point of intended landing of the aircraft;
- (6) position of the aircraft with reference to some easily defined geographical point;
- (7) number of persons aboard, number killed, and number seriously injured;
- (8) nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and
- (9) a description of any explosives, radioactive materials, or other dangerous articles carried.

SUBPART C: PRESERVATION OF WRECKAGE AND RECORDS**19.035 OPERATOR RESPONSIBILITIES**

- (a) The operator of an aircraft involved in an accident or incident for which notification must be given is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including all recording mediums of flight, maintenance, and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen until the Authority takes custody thereof or a release is granted.
- (b) The operator of an aircraft involved in an accident or incident shall retain all records, reports, internal documents, and memoranda dealing with the accident or incident, until authorized by the Authority to the contrary.

19.040 MOVING THE WRECKAGE

- (a) Prior to the time the Authority or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail or cargo may not be disturbed or moved except to the extent necessary -
 - (1) to remove persons injured or trapped;
 - (2) to protect the wreckage from further damage; or
 - (3) to protect the public from injury.
- (b) Sketches, descriptive notes, and photographs shall be made of the original positions and condition, if possible, and of any significant impact marks, where it is necessary to move aircraft wreckage, mail, or cargo.

SUBPART D: REPORTING REQUIREMENTS**19.050 REPORTS AND STATEMENTS TO BE FILED**

- (a) Reports. The operator of a civil, state or foreign aircraft shall file a report in the form and manner prescribed by the Authority within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A formal report on an incident for which immediate notification is required shall be filed only as requested by an authorized representative of the Authority.
- (b) Crewmember statement. Each crewmember, if physically able at the time the report is submitted, shall attach a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him. If the crewmember is incapacitated, he shall submit the statement as soon as he is physically able.
- (c) Where to file the reports. The operator of an aircraft shall file any report with the Director General, Civil Aviation Authority.

NINETEENTH SCHEDULE, *contd.***SUBPART E: INVESTIGATIONS****19.060 RESPONSIBILITY FOR INVESTIGATION**

- (a) The Authority is charged with fulfilling the obligations of Jamaica under ICAO Annex 13 to the Chicago Convention on International Civil Aviation and does so consistent with the requirements of the other departments of the Government of Jamaica.

(Note: Annex 13 contains specific requirements for the notification, investigation, and reporting of certain incidents and accidents involving international civil aviation.)

- (b) In the case of an accident or incident in a foreign state involving civil aircraft of Jamaica registry, where the foreign state is a signatory to Annex 13 to the Chicago Convention of the International Civil Aviation Organization, the state of occurrence is responsible for the investigation.
- (c) If the accident or incident occurs in a foreign state not bound by the provisions of Annex 13 to the Chicago Convention, or if the accident or incident involves a public aircraft (Annex 13 applies only to civil aircraft), the conduct of the investigation shall be in consonance with any agreement entered into between the Government of Jamaica and the foreign state.

19.065 NATURE OF INVESTIGATION

- (a) Accident and incident investigations are conducted by the Authority to determine the facts, conditions and circumstances relating to an accident or incident and the probable cause thereof. These results are then used to ascertain measures that would best tend to prevent similar accidents or incidents in the future.
- (b) The investigation includes the field investigation (on-scene at the accident, testing, teardown, etc.), report preparation and, where ordered, a public hearing.
- (c) The investigation results in conclusions arrived at by the Authority being issued in the form of a report or "brief" of the incident or accident. Accident/incident investigations are fact-finding proceedings with no formal issues and no adverse parties. They are not conducted for the purpose of determining the rights or liabilities of any person.

19.070 RIGHT TO REPRESENTATION

Any person interviewed by an authorized representative of the Authority during the investigation, regardless of the form of the interview (sworn, un-sworn, transcribed, not transcribed, *etc.*), has the right to be accompanied, represented or advised by an attorney or non-attorney representative.

19.075 INVESTIGATOR-IN-CHARGE (IIC)

- (a) The designated IIC organizes, conducts, controls and manages the field phase of the investigation, regardless of which other representatives of the Government of Jamaica are also on-scene at the accident or incident site.
- (b) The IIC has the responsibility and authority to supervise and coordinate all resources and activities of all personnel, both government and civilians, involved in the on-site investigation.
- (c) The IIC continues to have considerable organizational and management responsibilities throughout later phases of the investigation, up to and including the Authority's consideration and adoption of a report or brief of probable cause.

19.080 REPRESENTATIVES OF THE AUTHORITY

- (a) Upon presentation of appropriate credentials, an aviation safety inspector is authorized to enter any property where an accident/incident subject to the Authority's jurisdiction has occurred, or wreckage from any such accident/incident is located, and to do all things considered necessary for proper investigation.

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- (b) Further, upon demand of an aviation safety inspector and presentation of credentials, any Government agency, or person, having possession or control of any aircraft or component thereof, any facility, equipment, process or controls relevant to the investigation, or any pertinent records or memoranda, including all files, hospital records and correspondence then or thereafter existing, and kept or required to be kept, shall forthwith permit inspection, photographing or copying thereof, by such authorized person, for the purpose of investigating an accident or incident, preparing a study, or any other activity related to any special investigation pertaining to safety or to the prevention of accidents.
- (c) The representative of the Authority may issue a subpoena, enforceable in court, to obtain testimony or other evidence.
- (d) A representative of the Authority may question any person having knowledge relevant to an accident/incident, study or special investigation.
- (e) The representatives of the Authority also have exclusive authority, on behalf of the Authority, to decide the way in which any testing will be conducted, including decisions on the person that will conduct the test, the type of test that will be conducted and any individual who will witness the test.
- (f) The representative of the Authority, upon presenting appropriate credentials, is authorized to examine and test to the extent necessary any civil or public aircraft, aircraft engine, propeller, appliance or property aboard such aircraft involved in an accident in commercial air transport.

19.085 AUTOPSIES

- (a) The representative of the Authority is authorized to obtain, with or without reimbursement, a copy of the report of autopsy performed on any person who dies as a result of having been involved in an aircraft accident within the jurisdiction of the Authority.
- (b) The IIC, on behalf of the Authority, may order an autopsy or seek other tests of such persons as may be necessary to the investigation, provided that to the extent consistent with the needs of the accident investigation. The provisions of local law protecting religious beliefs with respect to autopsies shall be observed.

19.090 PARTIES TO THE INVESTIGATION

- (a) The IIC designates parties to participate in the investigation. Parties shall be limited to those 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 actively to assist in the investigation. No other entity is afforded the right to participate in accident investigations by the Authority.
- (b) Participants in the investigation (i.e., party representatives, party coordinators, and/or the larger party organization) shall be responsive to the direction of representatives of the Authority and may lose party status if they do not comply with their assigned duties, activity proscriptions or instructions or if they conduct themselves in a manner prejudicial to the investigation.
- (c) No party to the investigation shall be represented in any aspect of the Authority's investigation by any person who also represents claimants or insurers. No party representative may occupy a legal position. Failure to comply with these provisions may result in sanctions, including loss of status as a party.
- (d) In addition to compliance with the provisions of paragraph (a) of this Subsection, and to assist in ensuring complete understanding of the requirements and limitations of party status, all party representatives in aviation investigations shall sign a statement containing these requirements and limitations immediately upon attaining party representative status. Failure timely to sign that statement may result in sanctions, including loss of status as a party.

NINETEENTH SCHEDULE, *contd.***19.095 ACCESS TO AND RELEASE OF WRECKAGE, RECORDS, MAIL AND CARGO**

- (a) Only the Authority's accident investigation personnel, and persons authorized by the investigator-in-charge to participate in any particular investigation, examination, or testing, shall be permitted access to wreckage, records, mail, or cargo in the Authority's custody.
- (b) Wreckage, records, mail, and cargo in the Authority's custody shall be released when it is determined that the Authority has no further need of such wreckage, mail, cargo, or records.

19.100 FLOW AND DISSEMINATION OF ACCIDENT OR INCIDENT INFORMATION

- (a) Release of information during the field investigation, particularly at the accident scene, shall be limited to factual developments, and shall be made only through the designated representative of the Government of Jamaica.
- (b) All information concerning the accident or incident obtained by any person or organization participating in the investigation shall be passed to the IIC through appropriate channels before being provided to any individual outside the investigation.
- (c) Parties to the investigation may relay to their respective organizations information necessary for purposes of prevention or remedial action.
- (d) However, no information concerning the accident or incident may be released to any person not a party representative to the investigation (including non-party representative employees of the party organization) before initial release by the Authority without prior consultation and approval of the IIC.

19.105 PROPOSED FINDINGS

- (a) General. Any person, government agency, company, or association whose employees, functions, activities or products were involved in an accident or incident under investigation may submit to the Authority written proposed findings to be drawn from the evidence produced during the course of the investigation, a proposed probable cause, and/or proposed safety recommendations designed to prevent future accidents.
- (b) Timing of submissions. To be considered, these submissions must be received before the matter is calendared for consideration at a meeting chaired by the Authority. All written submissions are expected to have been presented to staff in advance of the formal scheduling of the meeting. This procedure ensures orderly and thorough consideration of all views.