The Official Gazette
(EXTRAORDINARY)
OF GUYANA

Published by the Authority of the Government

GEORGETOWN, WEDNESDAY 15TH MAY, 2024

TABLE OF CONTENTS **PAGE**

FIRST SUPPLEMENT

LEGAL SUPPLEMENT

A. ACTS — NIL

B. SUBSIDIARY LEGISLATION —
REGULATIONS No. 6 of 2024 – The Civil Aviation (Aviation Accident and Serious Incident Investigations) Regulations 2024… … 547

C. BILLS — NIL

GEORGETOWN, Demerara – Printed and Published every Saturday and on such Extraordinary Days as may be directed by the Government by Guyana National Printers Limited, 1 Public Road, La Penitence, Greater Georgetown.

THE OFFICIAL GAZETTE 15TH MAY, 2024
LEGAL SUPPLEMENT — B

GUYANA No. 6 of 2024

REGULATIONS

Made Under

THE CIVIL AVIATION ACT 2018

(Act No. 21 of 2018)

IN EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTIONS 71A, 71B, 71E AND 140(1)(n) OF THE CIVIL AVIATION ACT 2018, I MAKE THE FOLLOWING REGULATIONS:-

ARRANGEMENT OF REGULATIONS

Regulation

PART I

PRELIMINARY

1. Citation.
2. Interpretation.

PART II

INVESTIGATION TEAM

3. Appointment of investigators.
4. Conflicts of interest.

PART III

CONDUCT OF THE INVESTIGATION

5. Conducting aviation accident and serious incident investigations.
6. Coordination of Investigations.
7. Powers of Investigators.
8. Observers, participants and accredited representatives.
9. Mandatory notification of accidents and serious incidents.
10. Responses to notifications.

11. Crew statements.

12. Voluntary reporting.

13. Decision as to the types of investigation.

14. Delegation of investigations.

15. Foreign investigations.

16. Protection of accident and serious incident investigation records.

17. Investigation interim statement.

18. Draft final reports on investigations.

19. Final reports on investigations.

20. Safety recommendations.

21. Aviation accident and serious incident database.

22. Aviation Accident and Serious Incident Investigation Manual.

23. State Safety Programme and Safety Management.

PART IV

MISCELLANEOUS

24. Amendment of Regulations or file a difference with ICAO.

25. Funding of investigations.

26. Issuance of directives, orders, standards, circulars and other publications.

FIRST SCHEDULE - The Initial Notification.

SECOND SCHEDULE - Reportable Aircraft Accidents and Serious Incidents.

PART I

PRELIMINARY

Citation.

1. These Regulations may be cited as the Civil Aviation (Aviation Accident and Serious Incident Investigations) Regulations 2024.

Interpretation.

2. (1) In these Regulations-

"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; or

(ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or

(iii) direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

(b) the aircraft sustains damage or structural failure which –

(i) adversely affects the structural strength,

performance or flight characteristics of the aircraft; and

(ii) would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

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

Note 1: For statistical uniformity only, an injury resulting in death within thirty days of the date of the accident is classified, by ICAO, as a fatal injury.

Note 2: An aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.

Note 3: The type of unmanned aircraft system to be investigated is addressed in ICAO Annex 13, Paragraph 5.1.

Note 4: Guidance for the determination of aircraft damage can be found in ICAO Annex 13, Attachment E.

"accident investigation authority" refers to the authority designated by a State as responsible for aircraft accident and incident investigations within the context of Annex 13;

"accredited representative" means person designated by a State, on the basis of his or her qualifications, for the purpose of

participating in an investigation conducted by another State. The accredited representative would normally be from the State's accident investigation authority;

"adviser" means a person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation;

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth's surface;

"Aircraft Accident Investigation Department" means the department of the Authority established under Section 71 for the coordination of aviation accident and incident investigations;

"airport operator" means a person, organisation or enterprise engaged in the operation of an airport;

"Air Traffic Control Unit" is a generic term meaning variously, area control centre, approach control unit, or aerodrome control tower;

"Annex 13" means the Annex 13 to the Convention on International Civil Aviation that contains the international standards and recommended practices related to aircraft accident and incident investigation;

"Aviation Accident and Serious Incident Investigation Manual" means the guidance, procedure and policy manual for aviation accident and serious incident investigations;

"balancing test" means the determination whereby the competent authority (or authorities) assesses competing public interests and decides which interest should prevail leading to the determination referred to in Standard 5.12 of Annex 13;

"causes" means actions, omissions, events, conditions, or a

combination thereof, which led to the accident or incident. The identification of causes does not imply the assignment of fault or the determination of administrative, civil, or criminal liability;

"civil aircraft" means any aircraft other than a State or military aircraft;

"collision" means an impact between aircraft, or between an aircraft and another object;

"contributing factors" mean actions, omissions, events, conditions, factors or a combination of them, which, if eliminated, avoided or absent, would have prevented or reduced the probability of the accident or serious incident occurring, or would have mitigated the severity of the adverse consequences of the accident or serious incident;

"civil aviation authority" means the governmental entity or entities, however titled, that are directly responsible for the regulation of all aspects of civil air transport, including technical (such as: air navigation and aviation safety) and economic (such as: the commercial aspects of air transport);

"document" includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic, film, sound recording, video tape, electronic files and data, and any copy thereof;

"draft final report" means the draft investigation report mentioned in regulation 18, that is sent in confidence to agencies and or authorities in Guyana, other States and organisations involved in the investigation, inviting their significant and substantiated comments on the report;

"final report" means Guyana's conclusive report on its investigation

into an aircraft accident or serious incident mentioned in regulation 19 which is issued by the Investigator-in-charge and includes the pertinent factual information, analysis, conclusions and, when appropriate, associated safety recommendations; and is made with the intention of preventing accidents or serious incidents and in no case has the purpose of creating a presumption of blame or liability;

"flight recorder" means any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation;

"incident" means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

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

(a) requires hospitalisation for more than forty eight hours, commencing within seven days from the date the injury was received;

(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;

"investigable incident" means an occurrence other than an accident or

serious incident that is deemed by the Authority to be important enough to be investigated because lessons drawn from the investigation may enhance safety;

"investigation" means a process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations;

"investigation interim statement" means the public communication used by the Authority on each anniversary of the accident or incident for informing those having a direct interest in the investigation regarding the progress of an ongoing investigation and any safety issues raised during the investigation;

"investigator" means a suitably trained, qualified and experienced person designated by the Minister to conduct an aircraft accident or serious incident investigation;

"investigator-in-charge" means a suitably trained, qualified and experienced person designated by the Minister and charged, on the basis of his or her qualifications, with the responsibility for the organisation, conduct and control of an aircraft accident or incident investigation;

"judicial authority" means any court, arbitrator, special master, receiver, tribunal or similar body of any kind, including the police and any Governmental Authority exercising judicial powers or functions of any kind;

"observer" means a representative of a concerned agency or authority of Guyana who is authorised by the Minister to attend an investigation as an observer or investigator of an aircraft accident investigation being conducted by a concerned agency

or authority other than the Guyana Civil Aviation Authority;

"occurrence" means any accident or incident associated with the operation of an aircraft;

"participant" means a person authorised by the Minister to participate in an investigation being conducted by the Aircraft Accident Investigation Department because in the opinion of the Minister that person has the expertise to contribute to achieving the Aircraft Accident Investigation Department's mandate;

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

"Safety Recommendation of Global Concern" means a safety recommendation made to a State civil aviation authority, to a regional certification authority, or to ICAO regarding a systemic deficiency having a probability of recurrence with potential for significant consequences and requiring timely action to improve safety;

"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;

"State" or "Contracting State" means a member State or a Contracting State of the Convention on International Civil Aviation;

"State of design" means the State having jurisdiction over the organisation responsible for the type design;

"State aircraft" means an aircraft used only on behalf of the Government (except for commercial purposes) or exclusively leased exclusively for at least ninety continuous days;

"State of manufacture" means the State having jurisdiction over the organisation 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;

"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 investigator; and

"State Safety Programme (SSP)" means an integrated set of regulations and activities aimed at improving safety.

PART II

INVESTIGATION TEAM

Appointment of investigators.

3. (1) Under section 71B, whenever there is an aviation accident or serious incident in or over Guyana, the Minister shall

institute an investigation into the circumstances of the aviation accident or serious incident.

(2) Pursuant to instituting an investigation under section 71B, the Minister shall appoint a team of investigators and designate an investigator from the team as investigator-in-charge.

(3) The Minister may appoint as members of the team of investigators persons from –

(a) the Authority;

(b) regional and international aviation authorities;

(c) the aviation community of Guyana and of other Contracting States; and

(d) non-aviation community of Guyana, regionally and internationally,

who are trained, qualified and experienced in the conduct of investigations, in particular, in the conduct of aviation accident or serious incidents investigations.

Conflicts of interest.

4. (1) Members of the investigation team shall not, directly or indirectly, have an interest in or be an owner, shareholder, director, officer, partner, or otherwise engaged in –

(a) an aviation undertaking or business; or

(b) the manufacture or distribution of aircraft or aircraft equipment or components.

(2) Members of the investigation team shall set aside conflicts of interest detailed in these regulations.

(3) During their terms of appointment as investigators, members of the investigation team shall not accept or hold any office or employment or carry on any activity inconsistent with the performance of their duties under Part XII of the Act, these

Regulations, and the policies and procedures contained in the aircraft accident and serious incident investigation manual.

(4) Any personnel of the Authority appointed by the Minister to participate as a member in an investigation shall not be engaged in any duty associated with the Authority for the duration of that personnel's involvement in the investigation and this shall be clearly specified in the letter of appointment of the appointed personnel.

(5) The members of the investigation team, in performance of their investigation duties, shall not be penalised or disciplined for any reason with regards to the investigation, or the reports produced in connection with the investigation.

PART III

CONDUCT OF THE INVESTIGATION

Conducting aviation accident or serious incidents investigations.

5. (1) The Minister has overall authority to institute investigations into aviation accidents and serious incidents in and over Guyana in accordance with Part XII of the Act, these Regulations and Annex 13.

(2) The sole purpose and intention of the investigation is the prevention of aircraft accidents and serious incidents from recurring and in no case has the purpose of creating a presumption of, or apportioning of, blame or liability.

(3) The Minister may not investigate aviation accidents and serious incidents that involve military aircraft and facilities, unless requested to do so and any such investigation shall be under the jurisdiction and control of the military and shall not be applicable to the requirements of Part XII of the Act, these Regulations or the requirements of Annex 13.

(4) The Minister may designate persons to assist with military and overseas investigations, if requested, but they shall not have

overall responsibility for such investigations.

Coordination of investigations.

6. (1) The investigation team appointed by the Minister shall take all reasonable measures to ensure that aviation accident and serious incident investigation procedures and practices are compatible to the degree possible with investigation requirements, procedures and practices followed by other agencies or authorities, including the judicial authorities, police, emergency services and coroners and in the event that conflicting interests arise during their activities with respect to an aviation accident or serious incident investigation, the investigation team and the other authorities shall cooperate so that the investigation is not impeded by administrative or judicial investigations or proceedings and there shall be separation between the investigation conducted by the aircraft accident investigation team and the one conducted by the other authorities.

(2) The Aircraft Accident Investigation Department shall make all reasonable efforts to enter into agreements to provide for the coordination of activities between the Aircraft Accident Investigation Department and the entities sited in subregulation (1), with respect to –

(a) investigation procedures and practices;

(b) requirements for reporting aviation accidents and serious incidents;

(c) procedures to be followed in the event that conflicting interests arise during their activities with respect to aircraft accidents or serious incidents.

(3) The Minister may investigate aviation accident and serious incidents that involve State and civil aircraft, and facilities when requested to do so and for such situations, the Minister shall take all reasonable measures to ensure that its investigation activities are

coordinated with those other on-going investigations, if any.

(4) Where an external agency is notified of an aviation accident or serious incident that the Minister has the power to investigate under the Act and these Regulations, that Minister shall –

(a) notify the agency with particulars of the aviation accident or serious incident; and

(b) advise the agency of any investigation that the Minister plans to conduct and of any remedial measures that the Minister plans to take.

Powers of investigators.

7. (1) In addition to their powers under Part XII of the Act, the investigators shall have the following powers which they may exercise for the purpose of investigating aircraft accidents or serious incidents -

(a) to have free access to the site of the accident or serious incident as well as to the aircraft, its contents or its wreckage;

(b) to ensure an immediate listing of evidence and controlled removal of debris, or components for examination or analysis purposes;

(c) to take such measures for the preservation of evidence as they consider appropriate and to require the protection and preservation of –

(i) the aircraft accident or serious incident site;

(ii) the aircraft and any parts of the aircraft; and

(iii) all records, documents and data associated with the occurrence;

(d) to have immediate access to and use of the contents of the flight recorders and any other recordings;

(e) to call before them and examine all persons as the investigators thinks fit, and to require such persons to answer any questions or furnish any information and to take statements from all such persons as they thinks fit and to require any such person to make and sign a declaration of the truth of the statement made by them;

(f) to enter and search any place where an investigator believes on reasonable grounds that there is anything relevant to the conduct of an investigation of an accident or serious incident, and to seize anything that is found in the course of that search and an investigator shall not exercise the powers in relation to a particular place without the consent of the person in charge of that place unless those powers are so exercised under the authority of a warrant, or by reason of exigent circumstances, it would not be practical for the investigator to obtain a warrant;

(g) to prohibit or limit access to the area immediately surrounding the place at which anything involved or likely to have been involved in an accident or serious incident is located for such period as is necessary for the purposes of preserving and protecting evidence and the investigator shall have regard to the desirability of minimising any resulting disruption to transportation services;

(h) to cause such tests, including tests to destruction, of anything that was seized for the purposes of the investigation and to the extent that it is practical and safe to do so and does not unreasonably impede the progress of the investigation, the investigator shall take all reasonable measures to invite the owner and any

person who appears on reasonable grounds to be entitled to the component being tested to be present at any such tests;

(i) to require the provision and to make copies of any documents, including aircraft records or data that are kept at the operator's main base of operation or any other place such records or data are kept, that the investigator may consider relevant to the accident or serious incident;

(j) to retain any such documents until the completion of the investigation, or as the case may be, it is determined that an investigation shall not be carried out;

(k) to take statements from all such persons as the investigator thinks fit and to require any such person to make and sign a declaration of the truth of the statements made by the person;

(l) to require the pilot-in-command of the aircraft involved in an accident or serious incident to undergo tests for psychoactive or psychotropic substances, including alcohol, narcotics and opioids and the notice for the tests shall be made in writing and signed by the investigator;

(m) to require a person who was directly or indirectly involved in the operation of an aircraft to submit to a medical examination, where the investigator believes on reasonable grounds that the medical condition is, or may be, relevant to the investigation –

(i) the notice for medical examination shall be made in writing and signed by the

investigator; and

(ii) this requirement shall not be construed as a requirement that the person submit to any procedure involving surgery, perforation of the skin or any external tissue or the entry into the body of any drug or foreign substance;

(n) to require a physician or other practitioner to provide medical information concerning a patient where the investigator believes on reasonable grounds that such information is relevant to the investigation and the notice for medical information shall be made in writing and signed by the investigator;

(o) to cause an autopsy or medical examination to be performed on a body of a deceased person where the investigator believes on reasonable grounds that the information derived from the autopsy and examination is, or may be, relevant to the conduct of the investigation and the notice for medical information shall be made in writing and signed by the investigator;

(p) to require the person having custody of the body of the deceased person or other human remains to permit the performance of that autopsy or that medical examination and the notice for medical information shall be made in writing and signed by the investigator; and

(q) to call on the services of local authorities or other authorised persons, including the police, the military or other government security services or agencies, to ensure protection of the accident site, including the

aircraft and its contents, until such time as the investigation team is able to directly take over custody and security of the aircraft and its contents.

(2) Before acting under subregulation (1), the investigator shall produce the investigator's letter of appointment as proof of his identity and powers, when requested to do so by an involved person.

(3) No person shall refuse or fail to produce information to an investigator, or to attend before an investigator and give a statement, or to provide information, to submit to a medical examination, or to make the body of a deceased person or other human remains available for the performance of an autopsy or medical examination imposed in subregulation (1)(o) and (p).

(4) Investigators appointed under Part XII of the Act may apply to a Judge of the High Court for a court order to compel compliance with orders or directives issued under subregulation (1).

Observers, participants and accredited representatives.

8. (1) Subject to any conditions that the Minister may impose, a person may attend as an observer at an investigation if the person is designated as an observer by a concerned agency or authority of Guyana having a direct interest in the subject matter of the investigation.

(2) Subject to any conditions that the Minister may impose, a person may attend as a participant in an investigation, if in the opinion of the Minister, that person has the expertise to contribute to achieving the Minister's mandate.

(3) Subject to Part XII of the Act and these Regulations, the State of registry, the State of the operator, the State of design, the State of manufacture, and any other State that, upon request, provides information, facilities or experts shall have the right to appoint one accredited representative each to participate in the investigation-

(a) the State of registry or the State of the operator shall appoint an adviser proposed by the operator to assist their accredited representative;

(b) the State of design and the State of manufacture shall have the right to appoint one or more advisers proposed by the organisations responsible for the type design and final assembly of the aircraft to assist their accredited representatives;

(c) advisers assisting accredited representatives shall be allowed, under their direction, to participate in the investigation as necessary to facilitate the participation of said representatives;

(d) participation in the investigation shall confer the right to participate in all aspects of the investigation, under the control of the investigator-in-charge, and in particular-

(i) visit the accident site;

(ii) examine the wreckage of the aircraft;

(iii) obtain information from witnesses and suggest possible areas for questioning;

(iv) have full access to all relevant evidence as soon as possible;

(v) obtain copies of all relevant documents;

(vi) participate in the recital of recorded media and examination of recorded material;

(vii) participate in off-site investigative activities, such as component examinations, technical presentations,

tests, and simulations;

(viii) attend meetings held on the progress of the investigation, including deliberations related to analyses, findings, causes, contributing factors, and safety recommendations;

(ix) make submissions in respect of the various elements of the investigation; and

(e) accredited representatives and their advisers shall have the following obligations-

(i) provide the State conducting the investigation with all relevant information they possess; and

(ii) not disclose information about the course and conclusions of the investigation to any person without the explicit consent of the Minister.

(4) Subject to Part XII of the Act and these Regulations, when the State of registry, and the State of the operator, did not appoint an accredited representative the Minister may invite the operator to appoint an adviser.

(5) Subject to Part XII of the Act and these Regulations, when the State of design and the State of manufacture did not appoint an accredited representative, the Minister may invite the organisations responsible for the type design and final assembly of the aircraft to appoint an adviser.

(6) Subject to Part XII of the Act and these Regulations, a State that has a special interest in an accident due to fatalities or serious injuries suffered by its nationals in the accident shall have the right to

appoint an expert, who shall have the following prerogatives-

(a) visit the accident site;

(b) have access to pertinent factual information approved for public disclosure by the State conducting the investigation, as well as information on the progress of the investigation;

(c) participate in the identification of the victims;

(d) assist in questioning surviving passengers who are citizens of that State; and

(e) receive a copy of the final report.

(7) The Minister may remove or ask to have removed an observer or a participant from an investigation –

(a) if that person contravenes a condition imposed by the Minister on the person's presence; or

(b) if, in the Minister 's opinion, the person has a conflict of interest that impedes the conduct of the investigation.

Mandatory notification of accidents and serious incidents.

9. (1) Where an aircraft accident or serious incident takes place, the owner, operator, pilot-in-command and any crew member of the aircraft, the operator of the airport, any air traffic controller or other service provider having knowledge of an accident or serious incident shall notify the Aircraft Accident Investigation Department as soon as possible, but not later than six hours after the occurrence, and provide as much information as is possible and by the quickest means available.

(2) After the initial notification prescribed under subregulation (1), the owner, operator, pilot-in-command and any crew member of the aircraft, the operator of the airport, and any air traffic controller shall make a notification in writing and submit it to the Aircraft

Accident Investigation Department not later than seventy-two hours from the time of the occurrence and it shall provide as much information of the occurrence as is possible.

(3) The notification prescribed under these regulations shall be in plain English Language and contain as much of the information as specified in First Schedule to these regulations as is readily available; but the dispatch of the notification shall not be delayed due to the lack of complete information.

First Schedule

Responses to notifications.

Second Schedule

10. (1) Where the Aircraft Accident Investigation Department is notified of an aircraft accident or serious incident specified in the Second Schedule, that Department with a minimum of delay, but not later than twenty-four hours after the notification, shall –

(a) forward a notification to –

(i) any concerned department;

(ii) the States having a direct interest in the accident or serious incident, including the State of registry, State of the operator, State of design, State of manufacture, and when required to ICAO;

(iii) involved air operator, operators of airports and air traffic control units, and aircraft manufacturer; and

(iv) any other local authorities and organisations that could assist the Aircraft Accident Investigation Department in its investigation;

(b) provide the information as specified in the First Schedule; and

First Schedule

(c) advise the entities noted in this regulation of any investigation that the Minister plans to conduct,

including the type and scope of the investigation.

(2) If in the course of an investigation the Minister becomes aware or it suspects that an act of unlawful interference was involved, the Minister shall immediately initiate action to ensure that the security and law enforcement authorities of Guyana and of the State concerned are so informed.

Crew statements.

11. As soon as possible, but not later than thirty six hours, after the accident or serious incident, each crew member shall forward to the Aircraft Accident Investigation Department, a statement setting forth the facts, conditions, and circumstances relating to the accident or serious incident as they appear to the member and if the crew member is incapacitated, the member shall submit the statement as soon as the member is physically able to do so.

Voluntary reporting.

12. (1) Any person having knowledge of any safety-related event, other than an accident or serious incident, may make a voluntary report to the Aircraft Accident Investigation Department and provide any information that the person believes is relevant.

(2) Where a voluntary report is made to the Aircraft Accident Investigation Department, no person shall release the identity of the person making the report or any information that could reasonably be expected to reveal that person's identity, unless the person making the report authorises, in writing, its release.

(3) A report made to the Aircraft Accident Investigation Department under a voluntary reporting system shall not be used against the person who made the report in any disciplinary, civil, administrative or criminal proceedings.

(4) The protection provided in this regulation regarding the identity of the person making the voluntary report shall not apply to situations involving unlawful acts, gross negligence or willful infractions by that person, or unless an appropriate authority

determines in accordance with any other law, the value of its disclosure or use in any particular instance, outweighs the adverse impact such action may have on aviation safety.

Decision as to the types of investigation.

13. The Minister shall establish policies with respect to the types of aircraft accidents or incidents to be investigated and the following criteria shall apply when the Minister makes its decision as to the types of its investigations –

(a) all accidents shall be investigated;

(b) all serious incidents shall be investigated; and

(c) other types of incidents may be investigated, if deemed investigable by the Minister.

Delegation of investigations.

14. (1) Where Guyana is responsible under Part XII of the Act and these Regulations to institute an investigation into an aviation accident or serious incident, the Minister may delegate the whole or any part of an investigation to another State, to a regional accident and incident investigation organisation or to another Authority by mutual arrangement and consent and in any event, the Minister shall use every means to facilitate the investigation.

(2) Where the Minister has delegated the investigation to another agency or authority within Guyana –

(a) the delegated agency or authority is required to investigate under the provisions of Part XII of the Act and these Regulations, follow the policies and procedures in the Aircraft Accident and Serious Incident Investigation Manual and to provide its final report and recommendations to the Minister; and

(b) the Minister may appoint an observer to such an investigation.

Foreign investigations.

15. Where the Minister has been notified of an aircraft accident or

serious incident that occurred outside the territory of Guyana involving a Guyana registered aircraft, an aircraft operated by a Guyanese operator, or an aircraft designed or manufactured in Guyana, the Minister shall –

(a) acknowledge receipt of the notification;

(b) provide the notifying State with the following information with the least possible delay, but not later than twenty four hours of the notification –

(i) any relevant information regarding the aircraft and flight crew involved in the accident or serious incident; and

(ii) if Guyana is the State of the operator, details of any dangerous goods on board the aircraft;

(c) inform the notifying State as to –

(i) whether Guyana intends to appoint or has appointed an accredited representative; and

(ii) if such accredited representative will be or has been appointed and will be travelling to the State in which the investigation is being carried out, the contact details and the expected date of arrival of the accredited representative.

(d) appoint an accredited representative, if requested to do so by the State conducting an investigation into an accident or a serious incident involving an aircraft of a maximum mass of over 2 250kg.

Protection of accident and serious incident investigation records.

16. (1) The protections of accident and serious incident records and data under Part XII of the Act and these Regulations shall apply

from the time an accident or serious incident occurs and continue after the publication of the final report.

(2) The protections of accident and serious incident records and data under Part XII of the Act and these Regulations shall apply from the time they come into the custody or control of the Department and continue after the publication of the final report.

(3) The requests for records in the custody or control of the investigation team shall be directed to the original source of the information, where available.

(4) The records specified in under Part XII of the Act and these Regulations shall be included in the final report or its appendices only when pertinent to the analysis of the accident or serious incident and parts of the records not relevant to the analysis shall not be disclosed.

(5) The names of the persons involved in an accident or serious incident shall not be disclosed to the public by the Minister, the staff of the Aircraft Accident Investigation Department, members of the investigation team, or anyone else.

Investigation interim statement.

17. (1) If the final report on an investigation cannot be made publicly available within twelve months of the accident or serious incident, the Investigator-in-charge shall issue an investigation interim statement on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

(2) The investigator-in-charge shall provide the investigation interim statement referred to in subregulation (1) to the following –

(a) any concerned agency or authority of Guyana;

(b) the States having a direct interest in the occurrence, and if appropriate to ICAO; and

(c) States having suffered fatalities or serious injuries to their citizens.

(3) The investigator-in-charge shall make the investigation interim statement publicly available on the Guyana Civil Aviation Authority's website: https://www.gcaa-gy.org/. .

Draft final report on investigations.

18. (1) Pursuant to the provisions of Part XII of the Act and these Regulations, the investigator-in-charge shall send a copy of the draft final report to the following, inviting their significant and substantiated comments on the report –

(a) any concerned agency or authority of Guyana;

(b) the States having a direct interest in the occurrence in accordance with Part XII of the Act and these Regulations; and

(c) any other organisation involved in the investigation.

(2) The time limit for providing comments on the draft final report shall be sixty days from the date of the transmittal letter sending the draft final report, unless an extension of that period has been agreed to by those concerned and if after the sixty days period, or extended period, if the time was extended, has expired or no comments were received from any recipient, the investigator-in-charge shall construe it to mean that the recipients have no comments, and the investigator-in-charge shall proceed to make the final report.

(3) No person shall communicate or use the draft final report, or permit its communication or use, for any purpose not strictly necessary to the study of the report and the preparation of comments concerning the report.

(4) The investigator-in-charge shall not disclose any draft final report, either issued or received, to the public.

(5) If the investigator-in-charge receives comments within the time limit specified in the transmittal letter, the investigator-in-charge 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.

Final Reports on investigations.

19. (1) The investigator-in-charge shall produce a final report for every investigation instituted by the Minister, with a minimum of delay, within twelve calendar months, or an interim statement on each anniversary of the accident or incident until the final report is produced.

(2) The investigator-in-charge shall send the final report with a minimum of delay 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 that participated in the investigation;

(g) any State having suffered fatalities or serious injuries to its citizens; and

(h) any State that provided relevant information, significant facilities or experts.

(3) The investigator-in-charge, after completion and with the approval of the Minister, shall make the final report publicly available on the Guyana Civil Aviation Authority's website https://www.gcaa-gy.org/.

(4) If new and significant evidence becomes available after the investigation has been closed and the final report published, the Minister shall reopen it.

(5) No finding, cause or contributing factor determined under these Regulations shall be construed as assigning fault or determining

civil or criminal liability.

(6) Final reports shall not be used as evidence in any court proceeding or in other proceedings related to apportioning blame or liability.

Safety recommendations.

20. (1) Safety recommendations issued by the investigation team shall be sent to those persons or organisations 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, including but not limited to the following –

(a) action addressee for the safety recommendation;

(b) involved government agencies and authorities;

(c) involved States and accident investigation authorities;

(d) involved stakeholders, such as, but not limited to, the airline, maintenance organisation, manufacturer, air traffic services provider, and airport operator; and

(e) others who may benefit from lessons learned.

(2) Whereas this regulation provides for the investigation team to make safety recommendations, the concerned agency, State, or any other authority to which a safety recommendation has been issued, shall, within ninety days after being so notified, advise the Investigator-in-charge in writing of -

(a) any action taken, or proposed to be taken, in response to the recommendations; or

(b) provide written reasons as to why no action will be taken.

(3) The investigator-in-charge shall record and review responses to its safety recommendations and assess the degree to

which the risks underlying the safety recommendations have been mitigated.

(4) The investigator-in-charge shall implement procedures to monitor the progress of the action taken in response to a safety recommendation that the Investigator-in-charge receives.

(5) The investigator-in-charge shall inform ICAO of safety recommendations of global concern issued by it, as well as the responses received to these recommendations.

(6) A safety recommendation made under these Regulations shall not be construed as assigning blame or determining civil or criminal liability.

Aircraft accident and serious incident database.

21. The investigator-in-charge shall establish and maintain an accident and serious incident database to facilitate the effective analysis of information obtained on actual or potential safety deficiencies and to determine any preventive actions required.

Aviation Accident and Serious Incident Investigation Manual.

22. (1) The Minister shall develop and maintain an Aviation Accident and Serious Incident Investigation Manual which shall contain –

(a) guidance, policies and procedures for the institution of investigations of aircraft accidents and serious incidents, and the general operation and management of the investigation team; and

(b) guidance, instructions, procedures and policies that will empower the Coordinator of the Aircraft Accident Investigation Department, the Investigator-in-charge, investigators, and authorised persons in performance of their respective duties, and in accordance with the requirements of Part XII of the Act and these Regulations, when conducting an aviation accident or

serious incident investigation on behalf of the Minister.

State Safety Programme and Safety Management.

23. (1) The State Safety Programme is an integrated set of regulations and activities separate from these Regulations aimed at improving aviation safety and it includes the management system for the administration of aviation safety in Guyana and the Programme sets out the framework for Guyana's safety policy and objectives, risk management, safety assurance and safety promotion and it gives effect to the Standards and Recommended Practices of Annex 19 – "Safety Management".

(2) Guyana may use statistical and other data from aircraft accident and serious incident investigations to include in the State Safety Programme for the management and administration of aircraft safety and monitoring of the industry's safety management system and the data cannot be used for punitive other reasons as set out under Part XII of the Act and these Regulations.

PART IV

MISCELLANEOUS

Amendment of Regulations or file a difference with ICAO.

24. Whenever there is an amendment to Annex 13 that affects the Act, these Regulations or the Requirements of the Authority, the amendment shall be incorporated into the Act, Regulations or Requirements of the Authority, as may be necessary, or the Minister may file a difference with ICAO without delay.

Funding of the aircraft accident and serious incident investigations.

25. The Minister shall be responsible for funding the aircraft accident and serious incident investigations which includes funding for the team of investigators, with contingency plans in place for emergency funding of major investigations.

Issuance of directives, orders, standards, circulars and other publications.

26. In the interest of prevention of aircraft accidents and serious incidents or for other safety reasons, the Minister shall give directions through the publication of directives, orders or standards; and issue guidance, recommendations and policies through circulars and other

technical publications and make them, along with the legislation and regulations, readily available to the public, in a timely manner, on the Authority's website: https://www.gcaa-gy.org/.

FIRST SCHEDULE regs. 9 and 10

The Initial Notification

Contents of the initial notification.

1. (1) As specified under regulation 9(3), the notification shall be in plain English Language and contain as much of the following information as is readily available, but its dispatch shall not be delayed due to the lack of complete information –

(a) for accidents the identifying abbreviation ACCID, for serious incidents INCID;

(b) manufacturer, model, nationality and registration marks, and serial number of the aircraft;

(c) names of the owner, operator and hirer, of the aircraft, if any;

(d) qualification of the pilot-in-command, and nationality of crew and passengers;

(e) date and time of the accident or serious incident shall be in coordinated universal time (UTC), if local date or time is used it must be complemented with the corresponding UTC in parenthesis;

(f) last point of departure and point of intended landing of the aircraft, including the date and time of the departure;

(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; others, 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 investigation will be conducted or is proposed to be delegated by Guyana (if it is 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 investigator-in-charge and the Aircraft Accident Investigation Department (if Guyana is the State of occurrence) at any time; and

(m) presence and description of dangerous goods or hazardous materials on board the aircraft.

(2) It may be necessary to provide the location of the accident or serious incident as well as the elevation and topography of the accident or serious incident site if it is known.

(3) It is necessary to first provide the number of people aboard (crew, passengers) and then the injuries they sustained.

(4) A list of addresses of aircraft accident and incident investigation authorities can be found on the ICAO AIG website or in ICAO Manual of Aircraft Accident and Incident Investigation, Part I — Organisation and Planning (Doc 9756), Chapter 4, Appendix 2.

SECOND SCHEDULE reg. 10

Reportable Aircraft Accidents and Serious Incidents

Reportable accidents.

1. All aircraft accidents are reportable.

Reportable serious incidents.

2. (1) The following are considered as reportable serious incidents –

(a) near collisions requiring an avoidance manoeuvre to avoid a collision or an unsafe situation, or when an avoidance action would have been appropriate;

(b) collisions not classified as accidents;

(c) controlled flight into terrain only marginally avoided.

(d) aborted take-offs on a closed or engaged runway, on a taxiway or unassigned runway;

(e) take-offs from a closed or engaged runway, from a taxiway1 or unassigned runway;

(f) landings or attempted landings on a closed or engaged runway, on a taxiway1 or unassigned runway;

(g) gross failures to achieve predicted performance during take-off or initial climb;

(h) fires and or smoke in the cockpit, in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents;

(i) events requiring the emergency use of oxygen by the flight crew;

(j) aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident;

(k) multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft;

(l) flight crew incapacitation in flight;

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

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

(o) take-off or landing incidents. Incidents such as under-shooting, overrunning, or running off the side of runways;

(p) system failures, weather phenomena, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties controlling the aircraft;

(q) failures of more than one system in a redundancy system mandatory for flight guidance and navigation;

(r) the unintentional or, as a precautionary or emergency measure, the intentional release of a slung load or any other load carried external to the aircraft.

(2) The incidents listed above are typical examples of incidents that are likely to be serious incidents. The list is not exhaustive and only serves as guidance to the definition of serious incident.

Other reportable incidents.

3. The Minister may investigate any other incident reported to it if it deemed that the report is serious enough to warrant an investigation. Such reported incidents shall be assessed by the Authority on a case-by-case basis before a decision is made to investigate.

Made this 15th day of May, 2024.

.....

Hon. Bishop Juan A. Edghill, M.P.
Minister of Public Works