

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

শনিবার, জুলাই ৬, ২০২৪

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
বেসামরিক বিমান পরিবহন ও পর্যটন মন্ত্রণালয়
মুদ্রণ ও প্রকাশনা শাখা
প্রজ্ঞাপন

তারিখ: ২৯ জ্যৈষ্ঠ, ১৪৩১ বঙ্গাব্দ/১২ জুন, ২০২৪ খ্রিষ্টাব্দ

এস. আর. ও. নং ২২১-আইন (অনুবাদ)/২০২৪।—সরকার, বিমান দুর্ঘটনা ও মারাত্মক ঘটনার তদন্ত বিধিমালা, ২০২৩ (এস. আর. ও. নং ২৭৩-আইন/২০২৩, তারিখ: ১২ আশ্বিন ১৪৩০ বঙ্গাব্দ/২৭ সেপ্টেম্বর, ২০২৩ খ্রিষ্টাব্দ) এর বিধি ৩৯ এর উপ-বিধি (১) অনুসারে উহার ইংরেজি অনুবাদ সর্বসাধারণের জ্ঞাতার্থে প্রকাশ করিল।

Anup Kumar Talukder
Joint Secretary.

(২১২২৩)

মূল্য : টাকা ৩০.০০

**(Authentic English Text of the Aircraft Accident and Serious Incident
Investigation Rules, 2023)**

“Government of the People's Republic of Bangladesh
Ministry of Civil Aviation and Tourism

Notification

Date : 12 Ashwin, 1430 BS 27 September, 2023 AD

S.R.O. No. 273-Law/2023.—In exercise of the powers conferred by section 45, read with section 19, of the Civil Aviation Act, 2017, the Government is pleased to make the following rules, namely:—

1. Title, application and commencement.—(1) These rules may be called the Aircraft Accident and Serious Incident Investigation Rules, 2023.

(2) Unless otherwise provided in any other provision of these rules, these rules shall, in compliance with Annex-13 of the Chicago Convention, be applicable to conducting investigation of accident and serious incidents, of the following aircrafts, such as:

- (a) any aircraft operating within or over Bangladesh; and
- (b) any aircraft registered in Bangladesh or operated by a Bangladeshi operator or manufactured or designed in Bangladesh, in anywhere outside of Bangladesh.

(3) These rules shall not be applicable to the national aircraft of Bangladesh.

(4) These rules shall come into force after 21 (twenty-one) days from the date of publication in the official Gazette.

2. Definitions.—(1) In these rules, unless there is anything repugnant in the subject or context—

- (1) “operator” means an operator as defined in clause (1) of section 2 of this Act;
- (2) “participant” means any person nominated by the Government or the Investigation Committee to participate in the investigation;
- (3) “Act” means the Civil Aviation Act, 2017 (Act No. 18 of 2017);
- (4) “ICAO” means ICAO (International Civil Aviation Organization) as defined in clause (3) of section 2 of the Act;

- (5) “Airport operator” means a person or organization engaged in the management of an aerodrome or airport;
- (6) “Authority” means the Authority as defined in clause (12) of section 2 of the Act;
- (7) “Committee” means the Committee constituted under rule 3;
- (8) “Head of the Committee” means the Head of the Committee constituted under rule 3;
- (9) “cause” means to do an act or to refrain from doing an act, an event or situation which led to the aircraft accident or serious incident but, the identification of causes does not imply to determine any administrative, civil or criminal liability;
- (10) “crew member” means a crew member as defined in clause (13) of section 2 of the Act;
- (11) “draft final report” means a draft report prepared and submitted by the investigation committee to the concerned States or organizations, etc. involved in the investigation of the aircraft accident and serious incident for comments;
- (12) “Go-Team” means one or more investigators nominated by the Head of the Committee to go to the site of the aircraft accident and serious incident within the quickest possible time to preserve the evidence of aircraft crash and its wreckage of the aircraft accident or serious incident;
- (13) “incident” means an incident associated with the operation of an aircraft, other than an aircraft accident or serious incident, which affects or may affect the safety of operation;
- (14) “final report” means the final report of the Investigation Committee on the investigation of any aircraft accident or serious incident, containing the relevant factual information, analysis, conclusions and, when appropriate, associated with safety recommendations and 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;
- (15) “investigation” means a process conducted for making recommendation of safety for the purpose of prevention of accident and collection and analysis of information of any aircraft accident and serious incident, specifying the cause thereof;

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- (16) “Investigator” means a person appointed by the Committee to conduct its investigations;
- (17) “investigable incident” means an incident related to the operation of an aircraft which, not being an accident, but does or may impair the safety of operations;
- (18) “Investigation Team” means a team consisting of one or more persons from the members of the Committee designated by the Head of the Committee for the purpose of investigation of aircraft accidents and serious incidents;
- (19) “Annex-13” means the Annex-13 to the Chicago Convention;
- (20) “Observer” means a representative of a concerned organization authorized by the Committee to attend an investigation or an investigator nominated by the Committee to conduct or attend an investigation by any organization;
- (21) “Pilot-in-Command” means the pilot designated by the operator, or in the case of general aviation the owner, as being in command and charged with the safe conduct of a flight;
- (22) “Investigator-in-Charge” means the Head of the Investigation Team appointed by the Committee to operate, conduct and control the investigation;
- (23) “preliminary report” means information obtained at the initial stage of investigation which is used for rapid dissemination;
- (24) “flight recorder” means any type of recorder installed in an aircraft as a supplement to the investigation of an aircraft accident or serious incident;
- (25) “aircraft” means an aircraft as defined in clause (24) of section 2 of the Act;
- (26) “aircraft accident” means—
- (a) an incident related to 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 a 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, during this time, if:—

(i) a person is died or seriously injured as a result of the following causes, such as—

- (1) being in the aircraft; or
- (2) injured by any part of the aircraft or by any part which has become detached from the aircraft; or
- (3) direct injured by jet blast:

Provided that if a person boarding an aircraft, except for the reasons specified in this sub-clause, is injured by natural causes, self-inflicted or inflicted by any other person or from any other place outside the area used by the passengers and crew members of the aircraft, in that case, it shall not be covered by the aforesaid accident; or

(ii) the aircraft is damaged or due to structural defects of the aircraft which—

- (1) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
- (2) would normally require major repair or replacement of the affected component:

Provided that engine failure or damage, when the damage is limited to a single engine including cowling or accessories, propellers, wingtips, antennas, probes, vanes, wheels, break fairings, panels, landing gear doors, wind screens, aircraft skins such as minor dents or punctures etc, it shall not be covered by sub-clause (ii); or

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

Explanation.—For the purposes of this expression—

- (1) for the purposes of maintaining statistical consistency only, death due to injury within 30 (thirty) days from the date of the accident shall be classified as serious injury; and
- (2) the aircraft shall be considered missing if the search is officially completed and no wreckage has been found;

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- (27) “dangerous goods” means dangerous goods as defined in clause (23) of section 2 of the Act;
- (28) “statement” means the whole or any part of an oral, written or recorded statement related to the aircraft accidents or serious incidents given to the Aircraft Accidents or Serious Incidents Investigation Committee;
- (29) “serious incident” means an incident involving circumstances indicating that there was a high probability of an aircraft 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 a 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;
- (30) “Serious injured” means a person falling in an aircraft accident which —
- requires hospitalization for more than 48 (forty eight) hours, commencing within 7 (seven) days from the date the injury was received; or
 - results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
 - involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
 - involves injury to any internal organ; or
 - more than 5% (five percent) burns of the body; or
 - involves verified exposure to infectious substances or injurious radiation;
- (31) “accredited representative” means a person designated by a State, from the members of the committee, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State;
- (32) “Chicago Convention” means the Chicago Convention as defined in clause (36) of section 2 of the Act; and

(33) "Safety recommendation" means a proposed recommendation by the committee to prevent aircraft accidents and serious incidents based on information derived from an investigation of any other aircraft accidents and serious incidents and which in no case has the purpose of creating a presumption of blame or liability for an aircraft accident or serious incident and the safety recommendations may be derived from the aircraft accident and serious incident investigations as well as from safety related research and other sources.

(2) All words or expressions used in these rules but not defined shall have the same meanings as they are used in the Act and in Annex-13.

3. Constitution of Committee.—(1) For carrying out the purposes of section 19 of the Act, the Government shall constitute a committee consisting of the following members, for conducting investigation properly of any aircraft accident or serious incident, namely:—

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|---|---------------------|
| (a) Head of the Committee | 1 (one) person; |
| (b) Member (Operations) | 2 (two) persons; |
| (c) Member (Engineering) | 1 (one) person; |
| (d) Member (Air Traffic Control) | 1 (one) person; and |
| (e) Member (Administration, Planning and Finance) | 1 (one) person. |

(2) In case of the absence of the Head of the Committee or his being unable to perform his duties, the Government may provisionally appoint any other member of the Committee as the Head of the Committee.

(3) The Government may, if necessary, co-opt one or more persons having experience in the concerned matters as members of the Committee.

4. Constitution of Selection Committee, etc.— (1) For the purpose of recommending the appointment of the members of the Committee referred to in rule 3, the Government shall constitute a Selection Committee consisting of the following members, namely:—

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| (a) | 1 (one) officer not below the rank of Additional Secretary, to be nominated by the Ministry of Civil Aviation and Tourism, who shall be the convener of the Committee; |
| (b) | 1 (one) officer not below the rank of Joint Secretary to be nominated by the Finance Division; |

- (c) 1 (one) officer not below the rank of Joint Secretary to be nominated by the Ministry of Public Administration;
- (d) 2 (two) experts officers to be nominated by the Civil Aviation Authority; and
- (e) 1 (one) officer not below the rank of Deputy Secretary to be nominated by the Ministry of Civil Aviation and Tourism, who shall also be the Member Secretary of the Committee.

(2) The Selection Committee may, if necessary, co-opt any person experienced in the relevant field as its member.

(3) The Selection Committee shall invite applications from qualified candidates, select candidates from the applicants and make recommendations to the Government.

(4) The Government shall constitute the Committee on the recommendation of the Selection Committee constituted under sub-rule (1).

5. Appointment, qualification, tenure, removal, resignation, facilities, etc. of the members of the Committee.— (1) For carrying out the purposes of section 19 of the Act, the Government shall appoint the persons having technical qualifications in the relevant field as members of the Committee for conducting proper investigation of aircraft accidents and serious incidents.

(2) A person shall be disqualified for being a member of the Committee referred to in rule 3, if he is—

- (a) not a citizen of Bangladesh; or
- (b) dismissed or removed from Government service; or
- (c) convicted of an offence involving moral turpitude; or
- (d) declared by a competent court to be of unsound mind; or
- (e) declared defaulter by any bank or financial institution; or
- (f) engaged in Government or private service; or
- (g) owner of any stock or bonds of an aeronautical enterprise or aviation organization or engaged in any business, vocational activity or employment in connection with its financial interest.

(3) The members of the Committee shall be appointed for 2 (two) years from the date of their appointments:

Provided that he shall be eligible for re-appointment after the expiry of the said term.

(4) If the post of a member becomes vacant during any term, the Government may appoint any other qualified person to fill up the said vacancy and the person so appointed shall hold the post for rest of the term.

(5) The Government may, at any time, without showing any cause, remove any member of the Committee, and any Member of the Committee may, before expiry of his tenure, resign his office by writing under his hand addressed to the Government.

(6) The Government may, from time to time, by issuing orders, determine the conditions of appointment, remuneration, allowances and other benefits of the members of the Committee, including all expenses related to investigation.

6. The duties and functions of the Head of the Committee.—The duties and functions of the Head of the Committee shall be as follows, namely:—

- (a) to make report to the Government on matters related to the activities of the Committee;
- (b) to prepare orders, instructions and procedures for the investigation of aircraft accidents and serious incidents in accordance with Annex-13 of the Chicago Convention and subject to being consistent with other provisions of these rules;
- (c) to conduct investigation in accordance with Annex-13 of the Chicago Convention after any aircraft accident, serious incident or any other investigable incident;
- (d) soon after occurring any aircraft accident, serious incident or investigable incident, to convey it through notification to all agencies concerned in accordance with Annex-13 of the Chicago Convention;
- (e) to form various Investigation Teams including Go-Team at the earliest time for the investigation of any aircraft accident, serious incident or investigable incident;
- (f) to nominate the Investigator-in-Charge (IIC) of the Investigation Team of any aircraft accident, serious incident or investigable incident;
- (g) to provide, through memorandum, the terms of reference of the Investigation Team and give necessary instructions for conducting any aircraft accident, serious incident or investigable incident;

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- (h) to forward preliminary report, draft final report, final report and safety recommendations for onward action to all agencies concerned;
 - (i) to establish the database of aircraft accidents and serious incidents in the interest of national safety;
 - (j) to provide information to newspapers and electronic media related to the Aircraft Accident Investigation Team through memorandum for conducting investigation of aircraft accidents, serious incidents or investigable incidents or to provide instructions to the Head Investigator in matters related thereto;
 - (k) to take necessary measures to assist the persons or, as the case may be, their relatives, who have suffered loss due to an aircraft accident, serious incident or investigable incident;
 - (l) to organize or, as the case may be, participate in the meetings for exchange of view, seminars, workshop, etc. on Voluntary Reporting System and Mandatory Reporting System for aviation safety;
 - (m) to impart training for the concerned personnel of the Committee on matters related to administrative, financial, planning etc.;
 - (n) to notify ICAO through the Chairman of the Authority of discrepancies between the standards of Annex-13 of the Chicago Convention and the matters described in these rules;
 - (o) to maintain the communication with various agencies, offices, directorates and departments to facilitate the conduct of investigations of aircraft accidents, serious incidents or investigable incidents for public interest;
 - (p) with the prior approval of the Government, to sign Memorandum of Understanding (MOU), with various agencies in the interest of investigation of aircraft accidents, serious incidents or investigable incidents;
 - (q) to publish the preliminary report, final report or interim statement of the investigation of an aircraft accident, serious incident or investigable incident; and
 - (r) to perform such other the duties and functions as may be assigned to him by the Government from time to time.

7. Duties of Member (Operations) of the Committee.— The duties of the Member (Operations) of the Committee shall be as follows, namely:

- (a) to perform duties in accordance with Annex-13 of the Chicago Convention;
- (b) to co-ordinate with other members of the Committee and Investigators on matters related to the operational activities of the Committee;
- (c) to provide overall assistance to all members of the Committee and Investigators of aircraft accidents, serious incidents or investigable incidents;
- (d) while performing the duties as the Head Investigator of any aircraft accident, serious incident or investigable incident, to submit the preliminary report, draft final report, final report, safety recommendations, etc. of such investigation to the Head of the Committee for onward action;
- (e) to preserve for confidential documents related to aircraft accidents, serious incidents or investigable incidents;
- (f) to arrange for training on operational investigation for other members and Investigators;
- (g) to prepare database related to the investigation of aircraft accidents, serious incidents or investigable incidents;
- (h) to take initiative for making rules and regulations related to operations of aircraft accidents, serious incidents or investigable incidents, and for amendments thereof ; and
- (i) to perform such other duties as may be assigned to him by the Head of the Committee, from time to time.

8. Duties of the Member (Engineering) of the Committee.— The duties of the Member (Engineering) of the Committee shall be as follows, namely:—

- (a) to perform the duties in accordance with Annex-13 of the Chicago Convention;
- (b) to co-ordinate the engineering activities of the Investigation Committee of aircraft accidents, serious incidents or investigable incidents;

- (c) while performing the duties as the Investigator-in-Charge (IIC) of any aircraft accident, serious incident or investigable incident, to submit the preliminary report, draft final report, final report, safety recommendations, etc. of such investigation to the Head of the Committee for onward action;
- (d) to take initiative for making the rules and regulations related to Engineering for aircraft accidents, serious incidents or investigable incidents, and for amendments thereof;
- (e) to maintain the technical libraries, laboratories, technical workshops, etc.;
- (f) to arrange the read-out of automatic deployable flight recorder, flight data recorder or cockpit voice recorder for investigation;

Explanation.—For carrying out the purposes of this clause, “automatic deployable flight recorder” means an integrated flight recorder installed in an aircraft capable of performing its functions automatically; and

- (g) to perform such other duties as may be assigned to him by the Head of the Committee, from time to time.

9. Duties of the Member (Air Traffic Control) of the Committee.— The duties of the Member (Air Traffic Control) of the Committee shall be as follows, namely:—

- (a) to perform the duties in accordance with Annex-13 of the Chicago Convention;
- (b) to co-ordinate the activities related to air traffic control of the Committee;
- (c) to assist the Member (Operations) for conducting training of the members of the Committee and the persons concerned with investigation;
- (d) to assist the Member (Operations) in aiding the persons affected by aircraft accidents, serious incidents or investigable incidents;
- (e) while performing the duties as the Investigator-in-Charge (IIC) of any aircraft accident, serious incident or investigable incident, to submit the preliminary report, draft final report, final report, safety recommendations, etc. of such investigation to the Head of the Committee for onward action;

- (f) to assist the Head of the Committee preserving the confidential documents related to aircraft accidents, serious incidents or investigable incidents;
- (g) to assist the Member (Operations) in preparing database related to the investigation of aircraft accidents, serious incidents or investigable incidents; and
- (h) to perform such other duties as may be assigned to him by the Head of the Committee, from time to time.

10. Duties of the Member (Administration, Planning and Finance) of the Committee.— The duties of the Member (Administration, Planning and Finance) of the Committee shall be as follows, namely:—

- (a) to perform the duties in accordance with Annex-13 of the Chicago Convention;
- (b) to carry out all activities related to administration, planning and finance of the Committee;
- (c) to perform duties of the overall office management of the Committee;
- (d) to maintain all kinds of accounts related to finance including the formulation of forecasting and emergency budget for the Committee;
- (e) to provide logistic support to all activities related to daily work and investigation of the Committee, maintain documents, make draft and distribute letters and prepare necessary documents for the Head of the Committee;
- (f) to assist the other members of the Committee in preparing the procedures and manual of investigation;
- (g) to provide overall support in preparing the regulations and other documents of the Committee;
- (h) to communicate, correspond and exchange message with internal and other committees;
- (i) to assist the Head of the Committee in preparing and amending the policies, procedures, orders, guidance, etc. related to investigations; and
- (j) to perform such other duties as may be assigned to him by the Head of the Committee, from time to time.

11. Issue of Investigation Orders of aircraft accidents, serious incidents and incidents.—For carrying out the purposes of these rules, the Head of the Committee may, with the prior approval of the Government, issue an Investigation Order for the investigation of aircraft accidents, serious incidents and incidents not being inconsistent with Annex-13 of the Chicago Convention.

12. Formation of Investigation Team.— The Head of the Committee may form one or more Investigation Teams consisting of one of the members of the Committee as the Investigator-in-Charge (IIC) and necessary number of other members to conduct the investigation of aircraft accidents and serious incidents.

13. Functions of the Investigation Team.— (1) For the purposes of investigation of any aircraft accident or serious incident, the Investigation Team shall discharge the following functions, namely:—

- (a) to examine any person, calling for a statement in connection with the investigation or collecting information relating thereto;
- (b) to give instructions for the security and protection of the following sites and objects, namely:
 - (1) sites of aircraft accidents and serious incidents;
 - (2) the aircraft or any part of the aircraft; and
 - (3) all information, documents and evidences related to aircraft accidents and serious incidents;
- (c) to look for the information related to an aircraft accident or serious incident by entering the premises related with investigation of any aircraft accident or serious incident;
- (d) for the purpose of safeguarding and preserving the information and evidences to keep secure the concerned sites for the purpose of preserving the existing evidence at the site of aircraft accidents and serious incidents;
- (e) to examine the evidence seized for the purpose of investigation including the examination of wreckage;
- (f) to keep custody of the information related to aircraft accidents and serious incidents until the investigation is completed;
- (g) to collect medical examination reports and information from any person if it deems appropriate to the investigator;

- (h) to communicate for the post-mortem report or medical report of a deceased person if it deems appropriate to the investigator for the interest of investigation;
- (i) to communicate with the custodian of the dead body or parts of the body of the person died in an aircraft accident or serious incident; and
- (j) to request the local authorities or any person for keeping the aircraft and other components of the aircraft to be safe until the Investigation Team takes custody of the aircraft or other components of the aircraft involved in the aircraft accident or serious incidents.

(2) The Investigation Team or the Investigator may, if necessary, apply to the court for instruction in order to carry out the activities specified in sub-rule (1).

(3) The Investigation Team or the investigator in performance of his duties shall produce the evidence ancillary thereto as per the demand of the concerned person.

14. Duties of the Head of the Investigation Team.— The Head of the Investigation Team shall perform the following duties, namely:—

- (a) to conduct investigation of any aircraft accident, serious incident or investigable incident;
- (b) to prepare preliminary investigation report based on the information obtained at the initial stage of the investigation;
- (c) to prepare the final report considering the information discovered in the investigation, the cause of the accident, the contributing factors, the recommendations related to safety and the comments received on the draft final report; and

Explanation.—For the purposes of this clause, “contributing factors” means the performance or abstain from such performance, any incident, condition or combination thereof which, if avoided, would have prevented any accident or incident or its severity; no administrative, civil or criminal liability shall be determined by the identification of contributing factors;

- (d) to appoint observers and participants in investigations.

15. Jurisdiction of Investigation.—(1) The Committee shall investigate any aircraft accident and serious incident, following the procedure specified in Annex-13 of the Chicago Convention, in the following cases, namely:—

- (a) any aircraft operating within Bangladesh or within the airspace of Bangladesh;
- (b) any aircraft registered in Bangladesh or operated by a Bangladeshi operator or manufactured or designed in Bangladesh, anywhere outside of Bangladesh; and
- (c) in the case of any aircraft registered in Bangladesh, when—
 - (i) it is not possible to determine with certainty that the location of the aircraft accidents or serious incidents occurred within the territory of any State; or
 - (ii) the aircraft accident and serious incident occur within a non-contracting State and if that State does not investigate it in accordance with Annex-13 of the Chicago Convention.

(2) In the case of an aircraft leased, chartered or interchanged by a Bangladeshi operator, if the aircraft is not registered in Bangladesh, for conducting the investigation of the said aircraft accident or serious incident in whole or in part, the Committee shall fulfill all duties and obligations in accordance with Annex-13 of the Chicago Convention, in consultation with the state in which the aircraft is registered.

(3) No other agency other than the Committee may conduct investigation of aircraft accidents and serious incidents under these rules:

Provided that the law enforcement agencies may conduct the investigation of any matters within their jurisdiction.

(4) During the conduct of investigation of any aircraft accident or serious incident, the Head of the Committee or any member of the Investigation Team may investigate and examine the documents and records under his control in the following matters and during such investigation and examination, the investigator may interrogate the person related thereto, namely:—

- (a) the scene, wreckage and other materials involved in the investigation of aircraft accidents and serious incidents;
- (b) air traffic services recording transcripts, flight data recorders, cockpit voice recorders and other related materials; and
- (c) aircraft, other parts and wreckage thereof.

(5) If the aircraft involved in an aircraft accident or serious incident or any part or component thereof is in the custody of the Committee, it shall be handed over to the owner after completion of its requirements for the purpose of investigation.

(6) In the event of an aircraft accident or serious incident, if the law enforcement agencies or any other agency investigate separately it may share necessary information with the Committee subject to fulfill the conditions set out in Annex-13 of the Chicago Convention.

16. Objectives of investigation, application of investigation related report and coordination with the law enforcement agencies.— (1) The purpose of investigation of any aircraft accident and serious incident conducted under these rules shall be the prevention of aircraft accidents and serious incidents, and not to hold anyone blame or responsible.

(2) The final report made under these rules shall not be used as evidence in any court proceedings or any other proceedings related to liability.

(3) The information discovered in investigation, the causes of an aircraft accident or serious incident or any safety recommendations made at the end of the investigation under these rules shall not be considered as determinative of accusation or civil or criminal liability.

(4) If a criminal case is filed in respect of an aircraft accident or serious incident, the investigating officer in the said case may apply to the Investigating Team for relevant information of the investigation conducted under these rules.

(5) The Investigator-in-Charge (IIC) shall coordinate with the concerned law enforcement agencies, if necessary, during the conduct of the investigation.

(6) For the investigation of any aircraft accident or serious incident, the recording, analysis, identification and examination of the victims of the accident and the recording, read-out of the flight recorder shall be completed as soon as possible.

(7) The Investigator-in-Charge (IIC) shall take over the custody of the concerned flight recorder and the recording thereof in the presence of a law enforcement official in the event of any aircraft accident or serious incident.

(8) In the interest of conducting investigation, the Investigator-in-Charge (IIC) and the concerned official of the law enforcement agencies shall decide jointly regarding the custody of the wreckage of the flight related to any aircraft accident and serious incident or the removal of the wreckage from the site related to the aircraft accident and serious incidents.

17. Independence of investigation.— The Committee shall be independent and impartial in the case of investigation of aircraft accidents and serious incidents in accordance with these rules and the Annex-13 of the Chicago Convention, and no division, department, organization or institution shall interfere in the investigation process of the Committee.

18. Participation of observers, participants, accredited representatives, advisors or consultants, etc. in the investigation.— (1) The nominated person of the State directly involved in the investigation of any aircraft accident or serious incident, may, subject to such conditions as may be determined by the Committee, participate in the said investigation as an observer, participant, accredited representative, advisor or consultant, as the case may be.

(2) Subject to such conditions as may be determined by the Committee, any person who has the expertise to contribute to achieving the Committee's requirements may participate in the investigation conducted by the Committee of the aircraft accidents and serious incidents.

(3) The observers, participants, accredited representatives, advisors or consultants appointed by the concerned States in accordance with the criteria specified in Annex 13 of Chicago Convention, may participate in the investigation conducted by the Committee.

(4) If a citizen of another State is died or injured seriously in an aircraft accident or serious incident, the Committee may permit an expert from the concerned State to participate in the investigation of the said aircraft accident and serious incident in accordance with Annex-13 of the Chicago Convention.

(5) The Committee may request the service of a person, having technical expertise, skill to interpret or specialized knowledge to assist the Committee in the investigation.

(6) At any stage of the investigation, the Committee may terminate or exclude any observer, participant, accredited representative, advisor or consultant from the investigation if—

- (a) he contravenes the conditions imposed by the Committee; and
- (b) he has any interest in the investigation which may impede the conduct of the investigation.

(7) Any person participating in the investigation conducted by the Committee of any accident or serious incident under sub-rules (1), (2) and (5) as an observer, participant, accredited representative, advisor or consultant, as the case may be, shall, subject to such conditions as may be determined by the Committee, and under the supervision of the Investigator-in-Charge (IIC) may—

- (a) enter the site of an aircraft accident or serious incident;

- (b) examine the aircraft, parts of aircraft and components related to aircraft accidents and serious incidents;
- (c) unless otherwise prohibited, examine all documents and relevant evidences related to the following matters, namely:—
 - (i) the operational activities during aircraft accident and serious incidents;
 - (ii) the crew members involved in aircraft accidents and serious incidents; and
 - (iii) aircraft, its components and contents;
- (c) attend the laboratory tests and analyses.

(8) The person participating in the investigation of aircraft accidents and serious incidents conducted by the Committee under the sub-rules (3) and (4), shall, unless otherwise prohibited, be granted the rights and entitlements specified in the Standards and Recommended practices set out in Annex 13 of the Chicago Convention.

(9) Unless approved by the Head of the Committee, the observers, participants, accredited representatives, advisers or consultants, as the case may be, shall not present during the interview of a witness on the matter under investigation.

(10) During the test of an aircraft or any part thereof related to any aircraft accident or serious incident, the owner of such aircraft or the concerned representative to be invited by the Committee to observe the test, may record or cause to be recorded the condition of components being tested of the aircraft.

Explanation.— For carrying out the purposes of this rule, "consultant" means a person appointed by the Government on the basis of his qualification to assist in the investigation.

19. Rights to access.— In the case of conducting the investigation of any aircraft accident and serious incident in accordance with these rules, the Investigation Team shall have free access to the place of occurrence of the aircraft accident and serious incident, and none shall interfere while conducting the investigation.

20. Conflict of interest.— (1) If the experts from the Authority or any other Organization participate in the investigation conducted by the Committee, they shall not perform any duty of the Authority or the organization during their engagement in the investigation.

(2) Before appointing an expert as a member of the Investigation Team, he shall inform the Committee in writing that he has no interest in the matters related to the investigation.

21. Preservation of evidence of aircraft accident and serious incident.—

(1) If an aircraft accident or serious incident occurs, the owner of the aircraft, operator and crew member shall not take any steps to remove the aircraft or its components without the instruction of the Committee to ensure the protection of the evidences of investigation and shall keep them in safe custody as long as required for the purpose of investigation:

Provided that in an emergency situation, the owner of the aircraft, operator or crew member may take necessary steps to remove the aircraft and its components to ensure the safety of a person and property.

(2) If any person of any agency, other than the investigators appointed by the Head of the Committee, is engaged in the preservation, supervision or handling of evidences of aircraft accidents and serious incidents, he shall record the evidences to the best extent possible circumstances in order to preserve the evidences before the commencement of his activities.

(3) The removal of all evidences, including the aircraft and its wreckages, should be delayed until the arrival or visit of the Go-Team, the Investigation Team or accredited representative, nominated by the Committee so that the important evidences to be used for the prevention of accident and safety of aircraft, may not be destroyed:

Provided that, the persons engaged in fire-extinguishing, or the persons engaged in rescue operations for injured or disabled passengers shall, in so far as possible, discharge their duties so that aircraft and its wreckages and the evidences may remain intact.

(4) If it requires to remove the damaged aircraft and its wreckage, parts, etc. to another place in order to clear the runway, adequate photographs shall be taken and, if possible, video recording of the evidences shall be made prior to the removal of the aircraft wreckage, parts, evidences, etc.

22. Statement of crew members.— All crew members of aircraft fall in an accident or serious incident shall, as soon as possible, forward a report to the Committee specifying the facts, of such aircraft accident or serious incident and the condition at that time:

Provided that, if any crew member is sick in that time, he shall submit a report after his recovery.

23. Voluntary reporting.— (1) Any person, having knowledge related to aircraft safety other than an aircraft accident and serious incident, may voluntarily submit a report to the Committee if he thinks to be relevant.

(2) If any person submit a report pursuant to sub-rule (1), his identity or any information sent by him shall not be disclosed without his written consent.

(3) On the basis of the information of the report specified in sub-rule (1), no disciplinary, civil or administrative action shall be taken against the person submitting the report, and the said report shall not be used in any criminal proceedings.

(4) The person who voluntarily provides a report by distorting any information pursuant to sub-rule (1), in such cases the provisions of sub-rules (2) and (3) shall not be applied.

24 Protection of information related to the investigation of aircraft accident and serious incident.— (1) The Committee shall not disclose the following objects and information obtained in the course of conducting the investigation of any aircraft accident and serious incident for any purpose other than the investigation of an aircraft accident or serious incident, namely:-

- (a) cockpit voice recordings, airborne image recordings and any transcripts related thereto; and
- (b) records or information in the custody or control of the committee, namely:—
 - (i) reports collected from any person;
 - (ii) exchange of messages related to aviation;
 - (iii) medical report or personal information of the persons involved in the aircraft accidents and serious incidents;
 - (iv) air traffic control recordings or transcripts of such recordings;
 - (v) analysis of and opinion about information related to aircraft accident and serious incident including flight recorder information; and
 - (vi) final report of an aircraft accident or serious incident.

(2) The audio of cockpit voice recordings and audio content of airborne image recordings shall not be released to the public.

(3) If the non-disclosure of information related to the investigation of aircraft accidents and serious incidents affects the international relations, the Committee may decide at its own discretion regarding the disclosure of such information.

25. Balancing test.— (1) The balancing test shall be carried out by the Government or any representative nominated by the Government before publishing the information related to the investigation of aircraft accidents and serious incidents specified in sub-rule (3) of rule 24.

(2) The following matters shall be considered, in the case of conducting the balancing test, namely:—

- (a) the purpose of cockpit voice record and airborne image record;
- (b) the rationality of using the cockpit voice record and airborne image record for requester's intention;
- (c) whether the disclosure or use of the cockpit voice record and airborne image record would adversely affect the rights or interests of any person or organization or not;
- (d) whether the person or organization to whom that record relates has consented to make the record available;
- (e) whether suitable safeguards are in place to limit the disclosure or use of that record;
- (f) whether the records can be individually, summarized or aggregated;
- (g) whether there is an urgent need to access that record to prevent a serious risk to health or life;
- (h) whether the record is of a sensitive or restrictive nature; and
- (i) whether the record reasonably indicates that the aircraft accident or serious incident may have been caused by gross negligence, willful misconduct or criminal intent in accordance with the Act or rules.

(3) The administration of the balancing test may be done once for a certain category of records.

Explanation.— For carrying out the purposes of these rules, “balancing test” means the determination of possible effect of the disclosure or use of any record of investigation of aircraft accident and serious incident, on current or future investigation, by the concern Authority under the Act and these rules and in accordance with the relevant guidelines of Annex 13 of Chicago Convention.

26. Attendance of Investigators in Court.—The members of the Committee shall not appear as witnesses other than in any judicial or administrative court for the purpose of accusation or determining the liability of an aircraft accident and serious incident.

27. Publication of preliminary investigation report.— The preliminary report of an aircraft accident and serious incident shall be published in public within a maximum of 30 (thirty) days after the occurrence as per the instruction of ICAO.

28. Sending of the draft final report of the investigation.— (1) The Committee may, before publishing the final report, send the draft final report with intended safety recommendation to the following organizations, for their comments on the report, namely:-

- (a) any concerned organization of Bangladesh;
- (b) the States or organizations directly concerned with the aircraft accident and serious incident in accordance with Annex-13 of Chicago Convention; and
- (c) any other organization concerned with the investigation of the aircraft accident and serious incident.

(2) Comments on the draft investigation report specified in sub-rule (1) shall be given within 60 (sixty) days from the date of sending the report:

Provided that the said time limit may be extended, if necessary, through mutual understand between the sender and receiver and if no comment is received within the extended time, it shall be deemed that no one has any comment on the matter.

(3) Without the consent of the Committee, no person shall disclose or make public of the draft investigation report or any part thereof or send to any person during the investigation of aircraft accident and serious incident unless such report or document has already been published by the Committee.

(4) The Committee may, in the light of the comments received within the time limit specified in sub-rule (2), if necessary, revise the draft final report and finalize it and include the related comments, an annexure to the said report on the basis of the opinion of the State or Authority.

(5) After receiving the draft report from any State conducting investigation, the Committee shall, within the time limit specified by the Committee or specified in sub-rule (2), send its comments on the matter or, if it intends to attach it as an annex to the final report, inform it to the state:

Provided that if the Committee intends not to send any comment, it shall inform the same to the State conducting the investigation.

29. Publication of the final report of investigation.— (1) The Committee shall publish the final report as soon as possible, preferably within 12 (twelve) months in the interest of preventing the aircraft accident and serious incident.

(2) The Committee shall send the final report of investigation to the following organizations, namely:—

- (a) all concerned organizations in Bangladesh;
- (b) all the States or organizations directly concerned with the aircraft accident and serious incident in accordance with Annex-13 of Chicago Convention;
- (c) the ICAO, where applicable;
- (d) the states the citizens of which have died or suffered serious injuries in the concerned aircraft accident and serious incident; and
- (e) any other person or organization having a direct interest in the investigation.

30. Safety recommendations for investigation.— At any stage of the investigation of an aircraft accident and serious incident, the Committee may recommend, in a dated transmittal correspondence to the aircraft accident and serious incident investigation authorities and concerned organizations of all the countries concerned, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.

(2) After completion of the investigation, the Committee shall send the safety recommendations arising out of its investigation to the aircraft accident and incident investigation authorities of concerned States, organizations and to ICAO, when ICAO documents are involved.

(3) The safety recommendations prepared by the Committee of aircraft accident and serious incident investigation shall be sent to the following persons or organization, namely:—

- (a) any concerned organization in Bangladesh;
- (b) the Government of the States concerned with aircraft accidents and serious incidents, where applicable;
- (c) the concerned person or organization responsible for the implementation of safety recommendations of aircraft accidents and serious incidents;
- (d) the investigation Authorities of the aircraft accident and serious incident of the concerned States in accordance with Annex-13 of the Chicago Convention;
- (e) the concerned airlines, aircraft maintenance organizations, aircraft manufacturers, air traffic services, airport operators, etc.; and
- (f) other concerned persons or organizations who may be benefitted from such recommendation.

(4) After receiving the recommendations of the investigation of any aircraft accident or serious incident, the person or organization specified in sub-rule (3) shall, within 90 (ninety) days of receipt of the said recommendations, advise the Committee in accordance with annex-13 in writing of any action taken or proposed to be taken, in response to the recommendations or if no safety measures taken, provide written reasons as to why no action has been taken.

(5) If any statement for safety recommendation is received from any State on the recommendation of the investigation according to sub-rule (4), the said State shall be informed in writing within 90 (ninety) days of receipt of the statement about the action taken against it.

(6) The comments received under sub-rule (5), if any, the Committee shall review the same and determine whether the safety related risk has been mitigated.

(7) Upon the comments received under sub-rule (5), the Committee shall determine a procedure for monitoring the progress of implementation of the safety recommendations.

(8) The Committee shall notify the ICAO about the issuance of Safety Recommendation of Global Concern and their answers with dated transmittal correspondence.

Explanation.— For carrying out the purposes of these rules, the “Safety Recommendation of Global Concern” means a safety recommendation regarding a systemic deficiency having a probability of recurrence, with significant consequences at a global level, and requiring timely action to improve safety.

31. Reopening of investigation.— If, after closing the investigation, any new and significant information or evidence becomes available, the committee may re-open the investigation:

Provided that in case of reopening the investigation conducted by a different State, the Committee shall have to take the consent of the State concerned.

32. Incoming notification about aircraft accidents and serious incidents.— (1) Where an aircraft accident and serious incident takes place, the aircraft owner, operator, pilot-in-command, crew member, the operator of the airport, the air traffic controller or any other person having knowledge of an aircraft accident and serious incident shall, as soon as possible, notify the Committee about information of such aircraft accident and serious incidents, whether complete or not.

(2) At the time of notification under sub-rule (1), the following particulars shall be furnished, namely:—

- (a) manufacturers, model, nationality, registration number and manufacturers serial number, etc. of the concerned aircraft;
- (b) name of the owner, operator and charterer, if any, of the aircraft;
- (c) qualification of the pilot-in-command, and the nationality of crew and passengers;
- (d) date, time (local time or UTC), etc. of the aircraft accident and serious incident;
- (e) last point of departure and point of intended landing of the aircraft;
- (f) the geographical point of the aircraft and the position of the aircraft with latitude and longitude;

- (g) information related to the number of crew members and passengers, aboard, died, seriously injured, others, killed and seriously injured;
- (h) description of the aircraft accident or serious incident and the extent of damage to the aircraft so far as is known; and
- (i) description of dangerous goods on board of the aircraft.

(3) In the event of any aircraft accident and serious incident, the information may be provided using the hotline specified in the website of the Ministry of Civil Aviation and Tourism.

(4) In the event of any aircraft accident or serious incident, the removal of any evidence of the aircraft and its wreckages shall be awaited until the inspection of the Investigation Team so that the important evidences are not destroyed which would be used for the prevention of aircraft accident and serious incident and safety of aircraft:

Provided that the persons engaged in fire-extinguishing, or rescue operations for injured or disabled passengers shall, as far as possible, discharge their duties by protecting the evidences of aircraft and its wreckages intact:

Provided further that if it is necessary to rescue the concerned aircraft which fall in any aircraft accident and serious incident and clear the runway, adequate photographs shall be taken and, if possible, video recording of shall be made prior to the removal of such aircraft and its wreckage, parts, etc.

33. Notification of aircraft accidents and serious incidents.—(1) Upon receiving a notification of an aircraft accident or serious incident and if it is decided to conduct the investigation, the Committee shall, within the shortest period of time after the said accident and serious incident, inform the information related thereto to the following parties in the form of notification in accordance with Annex-13, namely:—

- (a) any concerned departments related to aircraft accidents and serious incidents;
- (b) state of registry, state of operator, state of designer of the aircraft of the aircraft, state of manufacturer of the concerned aircraft, as applicable;
- (c) concerned aircraft operator, airport operator, air traffic control unit;

- (d) such local authority or organization which may assist in the investigation of the Committee; and
- (e) to ICAO, if the weight of the concerned aircraft is 2,250 (two thousand two hundred and fifty) kg or more or driven by turbojet engine.

Explanation.— For carrying out the purposes of these rules—

- (1) “Air Traffic Control Unit” means a unit consisting of Area Control Centre, Approach Control Unit or Aerodrome Control Tower.
- (2) "State of registry" means the State in which any aircraft has been registered.
- (3) “State of manufacture” means the State having jurisdiction over the organization for the final assembly of an aircraft, aircraft engine or propeller.

(2) The following particulars shall be included in the ‘notification’ mentioned in the sub-rule (1), namely:—

- (a) for accidents ‘ACCID’ for serious incidents ‘SINCID’ and for investigable incidents INCID shall be referred to as the identifying abbreviation;
- (b) manufacturer, model, nationality and registration number, and manufacturer’s serial number, etc. of the aircraft;
- (c) name of owner, operator and charterer, if any, of the aircraft;
- (d) qualification of the Pilot-in-Command, and nationality of crew and passengers;
- (e) date and time (local time or UTC) etc. of the aircraft accident or serious incident;
- (f) the last point of departure and point of intended landing of the aircraft;
- (g) the geographical point of the aircraft and the position of the aircraft with reference to latitude and longitude;

- (h) information related to the number of crew members and passengers aboard, died, seriously injured, others, killed and seriously injured;
- (i) description of the aircraft accident and serious incident and the extent of damage to the aircraft so far as is known;
- (j) the scope investigation of aircraft accident and serious incident;
- (k) infrastructural or physical characteristics of the site of the aircraft accident or serious incident, obstacles to access or any special requirements for access therein, if any;
- (l) the means to contact with the investigator-in-charge or the investigating authority, from time to time, including the name of the investigating authority; and
- (m) description of dangerous goods on board of the aircraft.

(3) If, in the course of an investigation it becomes known, or it is suspected, that there is any involvement of undue interference in matters related to the investigation of any aircraft accident or serious incident, the Committee shall immediately initiate action to ensure that the aviation security authorities concerned are so informed.

(4) The Committee shall transmit the accident information as far as possible in plain, simple and prescribed language by ICAO.

(5) The information shall be sent promptly without waiting for complete information of accident:

Provided that after sending the information, if any new information is available, it shall be forwarded to the concerned parties, as soon as possible.

34. Decision making on investigation on the basis of criteria.— In the event of an aircraft accident or serious incident, the Head of the Committee shall decide on the basis of the following criteria regarding the investigation, namely:—

- (a) all aircraft accidents shall be investigated;
- (b) all serious incidents involving aircraft of a maximum mass of over 2250 (two thousand two hundred and fifty) kg shall be investigated; and
- (c) all serious incidents involving aircraft of less than mass of 2250 (two thousand two hundred and fifty) kg should be investigated;

- (d) investigation of any incident due to collision of an aircraft with another aircraft or any other objects shall be investigated; and
- (e) all types of incidents of aircraft may be investigated.

35. Investigation by a foreign state.— (1) Where the Committee has been notified through the State of occurrence of an aircraft accident or serious incident that occurred outside the territory of Bangladesh involving an aircraft registered in Bangladesh, operated by a Bangladeshi operator, designed in Bangladesh or manufactured in Bangladesh, the Committee shall—

- (a) acknowledge the receipt of the notification;
- (b) provide the notifying State with the following information immediately, namely:—
 - (i) all relevant information related to the aircraft and flight crew members involved in the aircraft accident and serious incident; and
 - (ii) details of any dangerous goods carried on the aircraft.

(2) The following matters shall be specified in the notification referred to in sub-rule (1), namely:—

- (a) whether intends to appoint or has appointed an accredited representative to assist the investigation;
- (b) if it is necessary to send an accredited representative to assist in the investigation, the contact details and the expected date of arrival of the accredited representative in such State:

Provided that in the case of an aircraft accidents and serious incidents involving an aircraft of a maximum of over 2,250 (two thousand two hundred and fifty) kg, a representative shall be appointed if the investigating State requests to send a representative through notification.

36. Interim statement of investigation.— (1) If the final report on an investigation cannot be published within 12 (twelve months) of the occurrence of the aircraft accident and serious incident, the Committee shall issue an interim statement of the investigation on each anniversary of the occurrence of such aircraft accident and serious incident:

Provided that if it is not possible to publish an interim statement of the investigation on the anniversary of any aircraft accident and serious incident by the Committee, it shall issue the report in details stating the progress of the investigation along with safety issues raised.

(2) If the interim statement of the investigation referred to sub-rule (1) is published, it shall be sent to the following places, namely:—

- (a) all concerned organisations of Bangladesh;
- (b) the States having a direct interest in the occurrence of an aircraft accident and serious incident, or where applicable, to ICAO; and
- (c) the States the citizens of which have died or suffered serious injuries in the aircraft accident and serious incident.

(3) The Committee shall make the interim statement of the investigation publicly available.

Explanation.—For carrying out the purposes of this rule, “interim statement of investigation” means a statement used by an aircraft accident and serious incident investigation committee in each anniversary of the occurrence to inform about the progress of the investigation and any safety issues raised to those concerned who are having direct interest in the occurrence.

37. Making of database of the aircraft accidents and serious incidents and maintenance thereof.—The Committee may make and maintain database of aircraft accidents and serious incidents to facilitate the effective analysis of any information obtained on actual or potential safety deficiencies and to determine any preventive actions required.

38. Repeal and savings.—(1) As soon as may be after the commencement of these rules, Part-XIII (AIRCRAFT ACCIDENT INQUIRY) of the Civil Aviation Rules, 1984, hereinafter referred to as Part-XIII (AIRCRAFT ACCIDENT INQUIRY) of the Civil Aviation Rules, 1984, is hereby repealed.

(2) Notwithstanding the repeal under sub-rule (1),—

- (a) any act done or any action taken, any report or document made, any order, instruction or circular issued, any notification issued or any agreement or document executed under Part-XIII (AIRCRAFT ACCIDENT INQUIRY) shall be deemed to have been done or taken, made, issued, issued, given or executed;

- (b) any proceedings going on or pending under Part-XIII (AIRCRAFT ACCIDENT INQUIRY) shall, as far as possible, be disposed of under these rules; and
- (c) if any case or any proceeding of court remains pending under Part-XIII (AIRCRAFT ACCIDENT INQUIRY), it shall be disposed of in such way as if the said Part-XIII (AIRCRAFT ACCIDENT INQUIRY) had not been repealed.

39. Publication of Authentic English text.— (1) After the commencement of these rules, the Government shall, by notification in the official Gazette, publish an Authentic English Text of these rules.

(2) In the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

By order of the President

Anup Kumar Talukder
Joint Secretary.