

SECTION 11 – Investigation of Accidents

Chapter 1. General

11.1.1 **Introduction.** The investigation of aircraft accidents is a complex and highly technical process requiring considerable expertise in both operational and airworthiness disciplines, as well as considerable investigative abilities. It will take many years before Bhutan has accumulated the required skills to undertake its own investigations in the event of an aircraft accident. The following regulations are therefore an interim measure to cover the period up to the point when Bhutan is able to conduct its own investigations.

11.1.2 **Definitions.** Bhutan has agreed to follow the International standard and Recommended Practices as laid down in the ICAO Annex 13 “ Aircraft Accident Investigation”, and therefore the following definitions will apply:-

11.1.2.1 *Accident.* An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such times as all such persons have disembarked, in which:

- a) a person is fatally or seriously injured as a result of;
 - being in the aircraft, or
 - direct contact with any other part of the aircraft, including parts which may have become detached from the aircraft, or
 - 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:
 - adversely affects the structural strength, performance or flight characteristics of the aircraft; and
 - would normally require major repair or replacement of the affected component,
except for the engine failure or damage, when the damage is limited to the engine, its cowlings or accessories, or the damage limited to the propellers, wing tips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or
- c) the aircraft is completely missing or is inaccessible

- 11.1.2.2 *Accredited representative.* A person designated by a State, on the basis of his qualifications, for the purpose of participating in an investigation conducted by another state.
- 11.1.2.3 *Adviser.* A person appointed by a State, on the basis of his qualifications
- 11.1.2.4 *Aircraft.* 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.
- 11.1.2.5 *Cause.* Action(s), omission(s), event(s), condition(s), or a combination thereof, which led to the accident or the incident.
- 11.1.2.6 *Flight recorder.* Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.
- 11.1.2.7 *Incident.* An occurrence other than an accident, associated with the operation of an aircraft which affects or could affect the safety of the operation.
- 11.1.2.8 *Investigation.* 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 cause(s) and, when appropriate, the making of safety recommendations.
- 11.1.2.9 *Investigator-in-charge.* A person charged, on the basis of his qualifications, with responsibility for organization, conduct and control of an investigation.
- 11.1.2.10 *Maximum mass.* Maximum certified take-off mass
- 11.1.2.11 *Operator.* A person, organization or enterprise engaged in or offering to engage in aircraft operation.
- 11.1.2.12 *Preliminary report.* The communication used for the prompt dissemination of data obtained during the early stages of the investigation.
- 11.1.2.13 *Safety recommendation.* A proposal of the accident investigation authority of the state conducting the investigation, based on information derived from the investigation, made with the intention of preventing accidents or incidents.
- 11.1.2.14 *Serious injury.* An injury which is sustained by a person in an accident and which:
- a) requires hospitalization for more than 48 hours, commencing within seven days from the date of the injury was received; or
 - b) result in fracture of any bone (except simple fractures of fingers, toes or nose); or
 - c) involves laceration which cause severe haemorrhage, nerve, muscle or tendon damage; or
 - d) involves injury to any internal organ; or
 - e) involves second or third degree burns, or any burns affecting more than 5 % of the body surface; or
 - f) involves verified exposure to the infectious substances or injurious radiation.
- 11.1.2.15 *State of Manufacture:* The State(s) responsible for the certification as to airworthiness of the prototype.
- 11.1.2.16 *State of Occurrence:* the state in the territory of which an accident or incident occurs.

11.1.2.17 *State of Operator:* the state in which the operator has his principle place of business or, if he has no such place of business, his permanent residence.

11.1.2.18 *State of Registry:* the State on whose register the aircraft is entered.

11.1.3 **The Investigation of aircraft accidents in Bhutan.** In the event of an aircraft accident occurring within the territory of Bhutan, the Department shall request an authorized investigation team to conduct the investigation, as follows:-

- a) if the accident occurs to an aircraft registered in Bhutan the Department will request the State of Manufacture to conduct the investigation; or
- b) if the accident occurs to an aircraft registered in a State of Registry to conduct the investigation.

In both the cases the Department shall reserve the right to appoint an accredited representative to attend such investigations.

11.1.4 **Notification of an Aircraft Accident.** The Department shall forward a notification with a minimum of delay and by the most suitable and quickest means available to:

- a) the State of Registry;
- b) the State of the operator;
- c) the State of Manufacture.

11.1.4.1 *Format and content.* The notification shall be in plain language and contain as much of the following information as is readily available, its dispatch shall not be delayed due to the lack of complete information;

- a) the identifying abbreviation ACCID;
- b) manufacturer, model, nationality and registration marks of the aircraft;
- c) name of owner, operator and hirer, if any, of the aircraft;
- d) name of the pilot-in-command;
- e) date and time (local time or UTC) of the accident;
- f) last point of departure and point of intended landing of the aircraft;
- g) position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
- h) number of crew and passengers, aboard, killed and seriously injured, others, killed and seriously injured;
- i) nature of the accident and the extent of the 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 the state of Occurrence;
- k) physical characteristics of the accident area;
- l) identification of the originating authority.

