

AIR NAVIGATION ACT
(CHAPTER 6)

**AIR NAVIGATION
(INVESTIGATION OF ACCIDENT)
REGULATIONS**

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(CHAPTER 6, SECTION 12)

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(INVESTIGATION OF ACCIDENT)
REGULATIONS

ARRANGEMENT OF REGULATIONS

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[1st May 1977]

Citation

1. These Regulations may be cited as the Air Navigation (Investigation of Accident) Regulations.

Definitions and application

2.—(1) In these Regulations, unless the context otherwise requires —

“accident” includes a fortuitous or unexpected event by which the safety of any aircraft or any person is threatened;

- “accredited representative” means a person appointed by a State for the purpose of participating in an investigation conducted by another State;
- “adviser” means a person appointed by a State for the purpose of assisting its accredited representative at an investigation;
- “Authority” means the Civil Aviation Authority of Singapore established under section 3 of the Civil Aviation Authority of Singapore Act (Cap. 41);
- “chief executive officer” means the chief executive officer of the Authority and includes any person authorised by him to act on his behalf and any person acting in that capacity;
- “Chief Inspector” means the Chief Inspector of Accidents appointed under regulation 7;
- “commander”, in relation to an aircraft, means the member of the flight crew designated as commander of that aircraft by the operator thereof, or failing such person, the person who is for the time being the pilot in command of the aircraft;
- “foreign aircraft” means an aircraft registered in a country other than Singapore;
- “Inspector” means an Inspector of Accidents appointed under regulation 7;
- “missing” — an aircraft is deemed to be missing when the official search has been terminated and the wreckage has not been located;
- “notifiable accident” means an accident of which notification is required to be given under regulation 3;
- “operator” means a person, organisation or enterprise engaged in or offering to engage in aircraft operation;
- “owner” means, where an aircraft is registered, the registered owner;
- “pilot in command”, in relation to an aircraft, means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“public transport aircraft” means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;

“serious injury”, in relation to a person, means an injury which —

- (a) requires hospitalisation for a period of more than 48 hours, such period commencing within 7 days from the date of the injury;
- (b) results in a fracture of any bone other than a simple fracture of any finger, toe or the nose;
- (c) involves lacerations which cause severe haemorrhages, nerve, muscle or tendon damage;
- (d) involves injury to any internal organ; or
- (e) involves second or third degree burns or any burns affecting more than 5% of the surface of the body;

“State of Manufacture” means the State responsible for the certification of airworthiness of the prototype;

“State of Occurrence” means the State in whose territory an accident or incident occurs;

“State of Registry” means the State on whose register the aircraft is entered;

“substantial damage”, in relation to an aircraft, includes any damage or structural failure which adversely affects the structural strength, performance or the flight characteristics of the aircraft and which necessitates the major repair or replacement of a component of the aircraft.

(2) These Regulations shall apply to accidents which occur to any —

- (a) civil aircraft in Singapore;
- (b) Singapore aircraft elsewhere; or
- (c) military aircraft during a flying display.

(3) For the purposes of paragraph (2) —

- (a) “flying display” means an exhibition of flying at a civilian organised event (including any rehearsal for such event) which —

- (i) consists wholly or partly of an exhibition of flying comprising any civil or military aircraft; and
 - (ii) takes place at an aerodrome or premises other than a naval, military or air force aerodrome or premises;
- (b) an aircraft shall be treated as being a military aircraft at any time, if but only if —
 - (i) it was at that time an aircraft belonging to the Singapore Armed Forces;
 - (ii) not being an aircraft referred to in sub-paragraph (b) (i), it was at that time an aircraft belonging to any of the naval, military or air forces of any country.

Notification of accident

3. An accident shall be notified in accordance with regulation 4 if, between the time when any person boards an aircraft with the intention of flight and such time as all persons have disembarked therefrom —

- (a) any person suffers death or serious injury while in the aircraft or by direct contact with any part of the aircraft, including parts which have become detached from the aircraft or by direct exposure to jet blast;
- (b) the aircraft receives substantial damage; or
- (c) the aircraft is missing or though located is completely inaccessible.

Requirement as to notification of accident

4.—(1) Where a notifiable accident occurs, the commander of the aircraft involved at the time of the accident, or if he is killed or incapacitated, then the owner, operator, hirer or other person on whose behalf he was in command of the aircraft, as the case may be, shall forthwith —

- (a) send notice thereof to the chief executive officer by the quickest means of communication available; and
- (b) in the case of an accident occurring in Singapore, notify the police of the accident and of the place where it occurred.

(2) The notice to the chief executive officer referred to in paragraph (1) shall state as far as possible —

- (a) the type, model, nationality and registration marks of the aircraft;
- (b) the name of the owner, operator and hirer, if any, of the aircraft;
- (c) the name of the commander of the aircraft;
- (d) the date and Greenwich Mean Time of the accident;
- (e) the last point of departure and the next point of intended landing of the aircraft;
- (f) the position of the aircraft with reference to some easily defined geographical point and the latitude and longitude;
- (g) the number of persons (including members of the crew) on board the aircraft —
 - (i) killed; or
 - (ii) seriously injured,as a result of the accident;
- (h) the number of persons (other than persons on board the aircraft including members of the crew) —
 - (i) killed; or
 - (ii) seriously injured,as a result of the accident;
- (i) the nature of the accident so far as is known;
- (j) brief particulars of damage to the aircraft; and
- (k) the physical characteristics of the area in which the accident occurred.

(3) Where an accident to which these Regulations apply occurs in Singapore or elsewhere, the commander, owner, operator or hirer of the aircraft shall, if so required by notice in writing from the chief executive officer, send to the chief executive officer within such time as may be specified in the notice, such information with respect thereto in such form, as the chief executive officer may require.

(4) Upon receipt of the notification of an accident to a Singapore aircraft in a foreign country, the Minister shall —

- (a) with the least possible delay provide the State of Occurrence with any relevant information he has available regarding the aircraft and flight crew involved in the accident; and

- (b) inform the State of Occurrence whether he intends to be represented at the investigation and, if so, indicate the probable date of arrival of his accredited representative.

Notification of accident involving foreign aircraft

5.—(1) Where a notifiable accident occurs in Singapore to a foreign aircraft which is a civil aircraft, the Minister shall —

- (a) with the least possible delay and by the quickest means of communication available, forward a copy of the notice referred to in regulation 4 (2) to the State of Registry and the State of Manufacture; and
- (b) inform such authorities either in the communication forwarding such copy or as soon as practicable —
 - (i) as to whether, and, if so, the extent to which an investigation will be carried out or an inquiry held;
 - (ii) as to whether the whole or part of the investigation is to be conducted by the accredited representative of the State of Registry; and
 - (iii) as to whether the participation in any investigation by the accredited representative of the State of Manufacture is necessary.

(2) If the aircraft is a public transport aircraft, the Minister shall send to the State of Registry and the State of Manufacture, a communication each containing such information as may be required by any standard relating to or made under Article 37 of the Chicago Convention —

- (a) where matters directly involving the safety of aircraft are involved, as soon as such information is available and by the quickest means of communication available; and
- (b) in any other case, by airmail within 30 days of the day upon which the accident occurred.

Interference with aircraft involved in accident

6.—(1) Where a notifiable accident occurs in Singapore, no person other than an authorised person shall have access to the aircraft involved in the accident and the aircraft shall not except under the authority of the chief executive officer, be moved or otherwise interfered with.

(2) Notwithstanding paragraph (1) —

- (a) the aircraft may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals involved, removing any mails carried by the aircraft, preventing destruction by fire or any other cause, or preventing any danger or obstruction to the public or to air navigation or to other transport;
- (b) goods or passenger's baggage may be removed from the aircraft under the supervision of a police officer, but if the aircraft has come from a place outside Singapore it shall not be removed from the vicinity of the aircraft except on clearance by or with the consent of an officer of customs; and
- (c) if an aircraft is wrecked on the water, the aircraft or any contents thereof may be removed to such extent as may be necessary for bringing it or them to a place of safety.

(3) Where an accident occurs in Singapore and the chief executive officer is of the opinion that the aircraft involved in the accident is likely to be a danger or obstruction to the public or to air navigation or to other transport, he may order the owner of such aircraft to remove it to such place as the chief executive officer shall indicate.

(4) In the absence of the owner or in the event of his non-compliance with the order referred to in paragraph (3), the chief executive officer shall be empowered to remove the aircraft himself.

(5) The expense incurred in removing such aircraft shall be paid by and be recoverable from the owner of the aircraft under paragraph (3) or (4).

(6) The Authority shall not be liable for any damage occurring to the aircraft during its removal in accordance with paragraph (3) or (4).

(7) In this regulation, “authorised person” means —

- (a) any person authorised by the chief executive officer either generally or specially to have access to any aircraft involved in an accident and includes any police officer or any officer of customs; and
- (b) in relation to an accident involving military aircraft belonging to the Singapore Armed Forces, includes any person authorised by the Chief of Air Force.

Investigation by an Inspector

7.—(1) For the purposes of carrying out investigations into the causes and circumstances of accidents under these Regulations the Minister may appoint persons to be Inspectors of Accidents, one of whom shall be appointed by him as the Chief Inspector of Accidents.

(2) The Chief Inspector, if he thinks fit, may himself carry out an investigation or cause an investigation to be carried out by an Inspector of any accident to which these Regulations apply whether or not such accident is a notifiable accident.

(3) Without prejudice to the power of an Inspector to seek such advice or assistance as he may think necessary in making an investigation, the Minister may at the request of the Chief Inspector appoint persons to assist any Inspector in a particular investigation and such persons shall for the purpose of so doing have such of the powers of an Inspector under these Regulations as may be laid down in their appointment.

(4) Where the Minister is of the opinion that it would be desirable for public notice to be given that an investigation is taking place, he may do so in such manner as he may think fit.

(5) The notice shall state that any person who desires to make representations concerning the circumstances or causes of the accident may do so in writing within a time to be specified in the notice.

(6) The main object of the investigation is to ascertain the causes thereof with a view to prevent future accidents and not to apportion blame or liability on any party involved.

Procedure on investigation

8.—(1) An Inspector by whom the investigation is made shall have power —

- (a) by summons under his hand to call before him and examine all such persons as he thinks fit, to require such persons to answer any question or furnish any information or produce any books, papers, documents and articles and to retain any such books, papers, documents and articles until the completion of the investigation;

- (b) to take statements from all such persons as he thinks fit and to require any such person to make and sign a declaration of the truth of the statement made by him;
- (c) to have access to and examine any aircraft involved in the accident and the place where the accident occurred, and for that purpose to require any such aircraft or any part or equipment thereof to be preserved unaltered pending examination;
- (d) to examine, remove, test, take measures for the preservation of, or otherwise deal with the aircraft or any part thereof or anything contained therein;
- (e) to enter and inspect any place or building the entry or inspection where it appears to the Inspector to be necessary for the purpose of the investigation;
- (f) to take measures for the preservation of evidence; and
- (g) to order a toxicological examination on flight crew members, if in his opinion, such examination would contribute towards the determination of the cause of the accident.

(2) Any expenses incurred by reason of anything done during, in or incidental to the investigation mentioned in paragraph (1) shall be paid by the owner of the aircraft and be recoverable from him.

(3) The Authority shall not be liable for any damage done to the said aircraft during the course of such investigation where there has been no negligence on the part of the Authority's officers or agents.

(4) The investigation shall be held in private.

(5) Where it appears to the Inspector that in order to resolve any conflict of evidence or that for any other reason it is expedient so to do, he may permit any person to appear before him and call evidence and examine witnesses.

(6) Where it appears to the Inspector that any degree of responsibility for the accident may be attributed to any person and if it appears to the Inspector to be practicable so to do, that person, or if he is deceased, his legal personal representative shall be given notice that blame may be attributed to him and be permitted to make a statement or give evidence and to produce witnesses and to examine any witnesses from whose evidence it appears that he may be blameworthy.

(7) The Attorney-General may intervene at any stage of an investigation in order to make representations or to examine witnesses, if it appears to him expedient so to do in the public interest.

(8) Every person summoned by the Inspector as a witness in accordance with this regulation shall be allowed such expenses as the Minister may from time to time determine.

Report of Inspector

9.—(1) Upon the completion of an investigation under regulation 7, the Inspector who has carried out the investigation shall make a report to the Minister.

(2) The Inspector shall in the report state —

(a) the circumstances of the case and his conclusion as to the cause of the accident, adding any observations and recommendations which he thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future; and

(b) the extent to which effect has been given to regulation 8 (6).

(3) The Minister may cause the whole or any part of such report to be made public in such manner as he thinks fit.

Public inquiry

10.—(1) Where it appears to the Minister that it is expedient to hold a public inquiry into the causes and circumstances of an accident to which these Regulations apply, he may direct that a public inquiry shall be held by such person as he may appoint for that purpose; and in any such case any Inspector's investigation relating to the accident shall be discontinued.

(2) The person appointed under paragraph (1) to hold a public inquiry (referred to in this regulation as the Court) shall be either a person who holds or has held judicial office in Singapore; and the Court shall be assisted by one or more Assessors possessing aeronautical, engineering or other special skill or knowledge (one of whom may be an Inspector) to be appointed by the Minister.

(3) Where the Minister has directed a public inquiry to be held, the case shall be remitted to the Attorney-General, and thereafter the preparation and presentation of the case shall be conducted by or

under the direction of the Attorney-General; and the Chief Inspector shall render every assistance to the Court and to the Attorney-General as is in his power and for that purpose shall have all the powers conferred on an Inspector under regulation 8 (1).

(4) Every public inquiry held under these Regulations shall be conducted in such manner that, if a charge is made against any person, that person shall have an opportunity of making a defence.

(5) When a public inquiry has been ordered, the Attorney-General may cause a notice of inquiry (referred to in these Regulations as a notice) to be served upon the owner, the operator, the hirer and the commander of any aircraft involved in the accident, as well as upon any person who in his opinion ought to be served with such notice.

(6) The notice referred to in paragraph (5) shall contain a statement of the questions which, on the information then in the possession of the Attorney-General, he intends to raise on the hearing of an inquiry, and the Attorney-General may at any time before the hearing of the inquiry, by a subsequent notice amend, add to, or omit any of the questions specified in the notice.

(7) The Attorney-General, the owner, the operators, the hirer, the commander of the aircraft, and any other person upon whom a notice has been served, shall be deemed to be parties to the proceedings.

(8) Any other person may by leave of the Court appear, and any person who so appears shall thereupon become a party to the proceedings.

(9) The Court shall have, for the purposes of the inquiry, all the powers of a District Court when acting as a Court in the exercise of its ordinary jurisdiction and without prejudice to those powers, the Court may —

- (a) enter and inspect, or authorise any person to enter and inspect, any place or building, entry or inspection of which appears to the Court necessary for the purposes of the inquiry;
- (b) by summons require the attendance as witnesses of all such persons as the Court thinks fit to call and examine, and require such persons to answer any questions or furnish any information or produce any books, papers, documents and articles which the Court may consider relevant; and

- (c) administer the oath to any such witness, or require any witness to make and sign a declaration of the truth of the statements made by him in his examination.

(10) The Assessors shall have the same power of entry and inspection as the Court under paragraph (9).

(11) Affidavits and statutory declarations may, by permission of the Court, be used as evidence at the hearing.

(12) At the time and place appointed for holding the inquiry the Court may proceed with the inquiry whether the parties, upon whom a notice has been served, or any of them are present or not.

(13) The Court shall hold the inquiry in public except to the extent to which the Court is of the opinion that in the interest of justice or in the public interest any part of the evidence, or any argument relating thereto, should be heard in camera.

(14) The proceedings of the inquiry shall commence with the production and examination of witnesses on behalf of the Attorney-General; and —

- (a) these witnesses, after being examined on behalf of the Attorney-General, may be cross-examined by the parties in such order as the Court may direct, and may then be re-examined on behalf of the Attorney-General;
- (b) questions asked and documents tendered as evidence in the course of the examination of these witnesses shall not be open to objection merely on the ground that they do or may raise questions which are not contained in or which vary from the questions specified in the notice or subsequent notices referred to in paragraphs (5) and (6).

(15) When the examination of the witnesses produced on behalf of the Attorney-General has been concluded, the Attorney-General shall state the questions in reference to the accident and the conduct of persons connected with the accident upon which the opinion of the Court is desired.

(16) In framing the questions for the opinion of the Court, the Attorney-General shall make such modifications in, additions to, or omissions from, the questions in the notice or subsequent notices referred to in paragraphs (5) and (6), as, having regard to the

evidence which has been given, the Attorney-General or the Court may think fit.

(17) After the questions for the opinion of the Court have been stated, the Court shall proceed to hear the parties to the proceedings upon and determine the questions so stated; and —

- (a) each party to the proceedings shall be entitled to address the Court and produce witnesses or recall any of the witnesses who have already been examined for further examination and generally adduce evidence;
- (b) the parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the Court shall direct;
- (c) further witnesses may also be produced and examined on behalf of the Attorney-General and may be cross-examined by the parties and re-examined on behalf of the Attorney-General.

(18) When the whole of the evidence in relation to the questions for the opinion of the Court has been concluded, any of the parties who desire so to do may address the Court upon the evidence and the Court may be addressed in reply upon the whole case on behalf of the Attorney-General.

(19) The Court may adjourn the inquiry from time to time and from place to place; and where an adjournment is asked for by any party to the inquiry, the Court may impose such terms as to payment of costs or otherwise as it may think just as a condition of granting the adjournment.

(20) The Court shall make a report to the Minister stating fully its opinion in respect of the questions stated under paragraph (15), the circumstances of the case and the opinion of the Court as to the causes of the accident and adding any observations and recommendations which the Court thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future, including a recommendation for the cancellation, suspension or endorsement of any licence, certificate or other document.

(21) Each Assessor shall either sign the report, with or without reservations, or state in writing his dissent therefrom and his reasons

for such dissent, and such reservations or dissent and reasons (if any) shall be forwarded to the Minister with the report.

(22) The Minister shall, unless there are good reasons to the contrary, cause such report and reservations or dissent and reasons (if any) to be made public wholly or in part in such manner as he thinks fit.

(23) Every person attending as a witness before the Court shall be allowed such expenses as would be allowed to a witness attending before a Court, and in the case of dispute as to the amount to be allowed, the matter shall be referred by the Court to an Assistant Registrar of the Supreme Court who on request signed by the Court shall ascertain and certify the proper amount of the expenses.

(24) Notwithstanding paragraph (23), in the case of any party to the proceedings or of any person in the employment of such party, any such expenses may be disallowed if the Court in its discretion so directs.

(25) The Court may order the costs and expenses of the inquiry, or any part thereof, to be paid by any party, if it finds that the accident was due to the default or negligence of that party or of any person in the employment of that party; and any such order shall, on the application of any person entitled to the benefit thereof, be enforced by a Court of competent jurisdiction as if the costs and expenses were a penalty imposed by that Court, but, subject to any such order, such costs and expenses shall be paid by the Minister.

(26) Any notice, summons or other document issued under this regulation may be served by sending it by registered post to the last known address of the person to be served.

(27) The service of any notice, summons or other document may be proved by the oath or affidavit of the person by whom it was served.

Rehearing of public inquiry

11.—(1) The Minister may, in any case where a public inquiry has been held, direct a rehearing of the inquiry either generally or as to any part thereof and shall do so —

- (a) if new and important evidence which could not be produced at the inquiry has been discovered; or

(b) if for any other reason there is in his opinion ground for suspecting that a miscarriage of justice has occurred.

(2) If the Minister directs any inquiry to be reheard, he may order that the inquiry shall be reheard either by the Court by whom the inquiry was heard in the first instance or by some other person or persons appointed by him to hold the rehearing.

(3) Any rehearing shall be subject to and conducted in accordance with the provisions of these Regulations relating to the holding of public inquiries.

Representation of certain countries at investigation or inquiry

12.—(1) Where an investigation carried out by an Inspector or a public inquiry relates to a notifiable accident which has occurred in Singapore to a foreign aircraft which is a civil aircraft, an accredited representative —

- (a) of the State of Registry;
- (b) of any country which has, on request, furnished information in connection with the accident; and
- (c) of the State of Manufacture, if the aircraft is a turbine-engine public transport aircraft and if, in the notification made in accordance with regulation 5 (1), the appropriate authority of that country has not been informed that its participation in the investigation is unnecessary,

may take part in the investigation or inquiry, as the case may be, and may be accompanied by such technical or other advisers as may be considered necessary by the authority of the country which has accredited him.

(2) Where an accident has occurred in Singapore to a foreign aircraft which is a civil aircraft the Minister may authorise an investigator appointed by the State of Registry and the State of Manufacture to make inquiries and in that event the Minister shall, so far as he is able, facilitate inquiries by the investigators so appointed.

Provision of reports to other countries and to International Civil Aviation Organisation

13.—(1) The Minister shall send a copy of the report of the investigation or inquiry into any accident to which regulation 5

applies to the State of Registry and the State of Manufacture and to the country which, on request, has furnished information in connection with the investigation or inquiry.

(2) The Minister shall send to the International Civil Aviation Organisation a summary of the report of an investigation or inquiry, as the case may be, into an accident to which regulation 5 applies, provided that the aircraft involved in the accident was being used for hire or reward, or the report of the investigation or inquiry discloses information likely to contribute to the promotion of aviation safety.

(3) The summary of the report referred to in paragraph (2) shall be made in accordance with any standard relating thereto made under Article 37 of the Chicago Convention.

Penalty for obstruction

14.—(1) No person shall obstruct or impede the Court or an Inspector or an Assessor or any person acting under the authority of the Minister in the exercise of any powers or duties under these Regulations.

(2) No person shall without reasonable excuse (the proof of which shall lie on him) fail, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the Court holding a public inquiry or an Inspector carrying out an investigation under these Regulations.

(3) Any person who contravenes paragraph (1) or (2) shall be guilty of an offence under these Regulations and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 2 months.

Saving of powers

15. Nothing in these Regulations shall limit the powers of cancelling, suspending or endorsing any licence, certificate or other document under the Act or subsidiary legislation made thereunder.

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