

PART XIII

AIRCRAFT ACCIDENT ENQUIRY

234. Definitions.- (1) In this PART, unless there is anything repugnant in the subject or context,-

(a) **accident** means an occurrence associated with operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which:

(i) a person is fatally or seriously injured as a result of being in the aircraft or direct contact with any part of the aircraft, including parts which 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 the injuries are to stowaways hiding outside the areas normally available to the passengers & crews.

(ii) 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 components except for engine failure or damage, when the damage is limited to the engine, its cowling or accessories; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin.

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

(b) **accredited representative** means a person designated by a state, on the basis of his or her qualifications for the purpose of participating in an investigation conducted by another state.

(c) **adviser** means a person appointed by a state, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.

(d) **causes means** actions, omissions, events, conditions or combinations thereof, which led to the accident or incident.

(e) **flight recorder** means any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.

(f) **incident** means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation of aircraft, or in relation to an aircraft, means an occurrence taking place either on ground or in flight in which-

(i) the aircraft suffers damage or a person suffers injury in circumstances other

than those specified in the definition of accident;

(ii) the aircraft has a forced landing;

(iii) the aircraft is compelled to land at the aerodrome of departure without completing the intended flight;

(iv) the aircraft lands in an unairworthy condition;

(v) the aircraft lands owing to conditions which make continuance of flight inadvisable;

(vi) the position of the aircraft become unknown for any period; or

(vii) the safety of the aircraft or its occupants or of any other person or property is jeopardized;

(g) **investigation** means a process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and, when appropriate, the making of safety recommendation.

(h) **investigator-in-charge** means a person charged, on the basis of his/her qualifications, with the responsibilities for the organization, conduct and control of an investigation.

(i) **maximum mass** means maximum certificated take-off mass.

(j) **operator** means a person, organization or enterprises engaged in or offering to engage in an aircraft operation.

(k) **preliminary report** means the communication used for the prompt dissemination of data obtained during the early states of the investigation.

(l) **safety recommendations** means 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.

(m) **serious incident** means an incident involving circumstances indicating that an accident nearly occurred.

(n) **serious injury** means an injury which is sustained by a person in an accident and which:

(i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or

- (ii) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
 - (iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
 - (iv) involves injury to any internal organ; or
 - (v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or involves verified exposure to infectious substances or injurious radiation.
- (o) **State of occurrence** means the State in the territory of which an accident or incident occurs.
- (p) **State of the operator** means the State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.
- (q) **Substantial Damage** means damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft which would normally require major repair or replacement of the affected component.

(2) **Objective of the investigation:** the sole objective of the investigation of an accident or serious incident or incident shall be the prevention of accidents, serious incidents and incidents. It is not the purpose of this activity to apportion blame or liability.

(3) **Applicability:** unless otherwise stated, the specifications in this rule apply to activities following accidents, serious incidents and incidents wherever they occur and specifications shall apply only when an aircraft is leased, chartered or interchanged and if CAAB discharges, in part, or in whole the functions and obligation of the State of registry.”

235. Notification.- Accident or serious incident in the territory of a contracting State to aircraft of other contracting State responsibilities of the State of occurrence.

(1) When an accident, serious incident or incident occurs to:

- (a) a Bangladesh registered aircraft, or
- (b) any aircraft in Bangladesh territory, the owner, the operator or hirer (if any) shall each be responsible for ensuring that a notification is furnished by the most suitable and quickest means immediately after the accident, serious incidents or incident followed by a written report to the Chairman.

(2) Any pilot observing any aircraft accident, serious incidents or incident in Bangladesh shall report the same in details to the Chairman.

(3) The Chairman shall forward a notification of an accident, serious incident or incident with minimum of delay by the most suitable and quickest means available to the:

(i) State of registry in case of foreign aircraft

(ii) State of operator in case of foreign operator

(iii) State of design

(iv) State of manufacture

(v) International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2250 kg.

(4) When Bangladesh is not the State of occurrence of an accident or serious incident but is the State of registry or the State of operator of the aircraft, the Chairman shall forward notification of the accident or serious incident occurring outside the territory of Bangladesh and/or in a non-contracting State or outside the territory of any contracting State or where the State of occurrence is not aware of the accident or serious incident, to;

(a) all the States involved

(b) ICAO.

(5) The Chairman shall establish a voluntary occurrence reporting system on potential safety deficiencies and ensure that the voluntary occurrence reporting system is non-punitive and protects the sources of information.”

236. Format and contents of notification.- (1) The notification shall be in plain language and contain as much of the following information as it is readily available, but it's dispatch shall not be delayed due to the lack of complete information:

(a) for accidents the identifying abbreviation ACCID, for serious incident, "INCID"

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

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

(d) name of the pilot-in-command and nationality

(e) date and time (local time or UTC) of the accident or serious incident

(f) last point of departure and point or intending landing of the aircraft;

(g) position of the aircraft with reference to some easily defined geographical point and latitude and longitude;

(h) number of passengers and crews, aboard, killed and seriously injured; others, killed and seriously injured;

(i) description of the accident or serious incident and the extent of damage to the aircraft so far as is known;

(j) physical characteristics of the accident or serious incident area, as well as an indication of accesses difficulties or special requirements to reach the site;

(A) presence and description of dangerous goods on board the aircraft (if any) and

(B) If all the particulars specified in sub-rule (1) are not immediately available, the report shall so state and supplementary reports containing particulars not included in the first report shall be furnished at the earliest possible time.

(C) As soon as it is possible to do so, the State of occurrence/the Chairman shall dispatch the details omitted from the notification as well as other known relevant information.”

237. Responsibility in case of accident or serious incident of foreign registered aircraft in Bangladesh.-(1) If a foreign registered aircraft meets an accident, incident or serious incident in the territory of Bangladesh, the Chairman, shall forward a notification of the accident or serious incident indicating the nature of the investigation or inquiry being conducted with respect to the accident or incident with a minimum of delay and by the most suitable and quickest means available to the:

(a) State of registry

(b) State of operator (if Bangladesh registered aircraft is operated by another State on wet lease)

(c) State of design

(d) State of manufacture, and

(e) International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2250 kg.

238. Responsibilities for Protection of evidence, custody and removal of aircraft.

(1) When an accident or serious incident or incident in the territory of Bangladesh to any aircraft either registered in Bangladesh or any other State, the Chairman being the authority of State of occurrence shall take all responsible measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purpose of an investigation.

(2) Safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration and shall be deemed to be in the custody of the Chairman. The aircraft shall not be removed or otherwise interfered with out the permission of the Chairman.

(3) if a request is received from the State of registry, the State of operator, the State of design or the State of manufacture that the aircraft, its contents and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, the Chairman being the authority of State of occurrence shall take all necessary steps to comply with such request, so far this is reasonably practicable and compatible with the proper conduct of investigation, provided that the aircraft may be moved to the extent necessary to extricate persons, animal, mails and valuables, to prevent destruction by fire or other causes, or to eliminate other dangers or obstruction to air navigation, to other transport, work to the public, and provided that it does not result in undue delay in returning the aircraft to service where this is practicable.

(4) The removal of aircraft and its contents to a place of safety when the aircraft is wrecked in water.

(5) The removal of goods or baggage under the supervision of a police officer, but in the care of an aircraft, which has come from outside Bangladesh, the goods or baggage shall not be removed from the vicinity of an aircraft except on a clearance by or with the consent of a custom officer or under the supervision of an officer of Civil Aviation Authority nominated by the Chairman

(6) The removal of mails under the supervision of an officer of the police department or an officer of the postal department or an official of the Civil Aviation Authority, nominated by the Chairman.

(7) The Chairman may authorize any person, so far as is necessary for the purpose or any investigation or inquiry:

(a) to take measures for the preservation of the aircraft.

(b) to secure and safe keeping of all air traffic services communication recordings and documents associated with the flight.

(c) to have access to, examine, remove or otherwise deal with the aircraft; and

(d) to make records of photographic or other adequate means of any material evidence which are of transitory nature or can be removed or effaced or lost or destroyed.

239. Aircraft of foreign State to remain undisturbed on request.- (1) Upon receipt of the notification from a state to which rule 237 applies of its intention to send an accredited representative together with a request by that State that the aircraft, its contents and any other evidence shall remain undisturbed pending inspection by the accredited representative, the Chairman shall, subject to the provisions of sub rule (2), take such steps as are reasonably necessary and practicable to comply with the request, including the facilitation of access to the aircraft, contents or evidence.

(2) If any aircraft, its contents or evidence lies in a restricted or prohibited area including a temporary restricted or prohibited area, the Chairman may refuse access to that area, but shall effect removal of the aircraft, its contents or evidence, as the case may be, to a point outside that area for the purpose of access.

240. Release of aircraft etc., from custody.- When the retention of an aircraft, any parts or the contents thereof is no longer necessary for the purpose of an investigation or an inquiry, the Chairman shall in writing, release from his custody the aircraft, parts or contents, as the case may be, to the owner of the aircraft, or in the case of aircraft other than a Bangladesh aircraft, to the persons duly authorized by the State of registration.

241. Investigation-Appointment of investigator.- Responsibility for instituting and conducting investigation to an accident or incident in the territory of Bangladesh:

(1) If an accident or serious incident occurs to an aircraft in Bangladesh either foreign registered or Bangladesh and in case to an aircraft stated later, the Chairman, being the authority of State of occurrence, shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation. However, in case of foreign registered aircraft, the Chairman may delegate the whole or part of conducting such investigation to another State by mutual agreement and consent. In any event, the Chairman shall use every means to facilitate the investigation.

(2) When the accident or serious incident has occurred of Bangladesh registered aircraft in the territory of a non-contracting State which does not intend to conduct an investigation in accordance with Annex-13, the Chairman shall institute an investigation in co-operation with the State of occurrence, but failing such co-operation, shall conduct an investigation with such information as it is available.

(3) Where the location of the accident or serious incident cannot definitely be established, as being the territory of State, the Chairman shall institute and conduct necessary investigation of the accident or serious incident. However, in this case, it may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.

(4) If an accident occurs in international waters near to Bangladesh, the Chairman shall

provide such assistance as possible in respond to requests of the concerned contracting State.

(5) If accident or serious incident of an aircraft registered in non-contracting State occurs in Bangladesh territory and no State intend to conduct an investigation in accordance with ICAO Annex-13, the Chairman may conduct the investigation in whole or part with the mutual consent and arrangement with the State.

(6) The Chairman may appoint an investigator to conduct an investigation into any of the following matters occurring in Bangladesh and where more than one investigator has been appointed, one of the investigator shall be designated as the chief investigator and shall initiate the investigation immediately:

- (a) accident
- (b) serious incident
- (c) incident
- (d) unlawful interference against aviation.

242. (1) Powers of the investigators.- For the purpose of an investigation, authorized under rule 241, an investigator has the following powers:

- (a) the investigators shall have unhampered access to the wreckage and all relevant materials, including flight records and ATS record and shall have unrestricted control over it to ensure that a detailed examination can be made without delay by authorized personnel participating in the investigation.
- (b) summon any person or witness
- (c) take evidence on oath or affirmation
- (d) require the production of documents or any part, or component or an aircraft relevant to the investigations
- (e) require all or any flight crew members of the aircraft involved in the accident or incident to undergo medical examination promptly after the occurrence; by a physician, preferably experienced in accident investigation. These examinations should be expeditious.
- (f) where an investigator has required the production of a document or a part or component of an aircraft relevant to the investigation, he may retain the document, part or component of the aircraft, as the case may be, for such period as it is necessary for the purpose of the investigation and may take copies of, or take extracts from, the documents so produced or retained.

(g) a summon under these rules shall be in writing under the hand of the investigator and shall specify the time and place for taking of evidence and the documents and the part or components of an aircraft (if any) required to be produced.

(h) a summon under these rules may be served either personally on the person to be served or by prepaid registered letter addressed to the person at his last known place of abode or business.

(2) **Tasks of the investigators:** The investigators appointed by the Chairman shall have independence in the conduct of the investigation and unrestricted authority over its conduct, consistent with the provisions of the Convention. Tasks of the investigators shall include:

(a) the gathering, recording and analysis of all available information on that accident or incident

(b) if appropriate, the issuance of safety recommendations,

(c) if possible, determination of cause,

(d) the completion of final report,

(e) the scene of the accident shall be visited, the wreckage examined and statements taken from witness

(f) any judicial or administrative proceeding to apportion blame or liabilities shall be separated from any investigation conducted under the provisions of annex-13.

(g) effectiveness shall be made of Flight Recorder in the investigation of an accident or incident. Operator of the aircraft on which accident or incident has occurred shall arrange for read out of the Flight Recorder without delay. In the event that the operator does not have adequate facilities to read out the Flight Recorder, the operator may use the facilities made available to it by other state, giving consideration to the capabilities of the read-out facilities, the timelines of read-out and the location of read-out facilities.

(h) the investigators appointed by the Chairman and conducting the investigation into a fatal accident shall arrange for complete autopsy examination of fatally injured flight crews and, subject to the particular circumstances, of fatally injured passengers and cabin attendants, by a pathologist, preferably experienced in an accident investigation. These examinations shall be expeditions and complete.

(i) the investigators conducting the investigation shall recognize the need of coordination between the investigator-in-charge/ chief investigator and the judicial authorities. Particular attention shall be given to evidence which requires prompt

recording and analyzing for the investigation to be successful, such as the examination and identification of victims and read-out of Flight Recorder recordings.

(j) if in the course of investigation it becomes known or it is suspected that an act of unlawful interference was involved, the investigator in-charge/chief investigator shall have to initiate action to ensure that the aviation security authorities of CAAB concerned are so informed.

(k) if it appears to the investigator that the investigation may result in framing charge against any person for an offence under these rules or in the cancellation of any license or certificate issued under the rules or of a rating or other endorsement endorsed in a license or certificate issued under these rules the investigators shall give that person or holder of that license or certificate an opportunity of making any statement or given any evidence and calling witness on his behalf.

243. (1) Non-Disclosure of Records.- The investigators conducting the investigation of an accident or incident shall not make the following records available for purposes other than accident or incident investigation, unless the appropriate authority for the administration of justice in the State determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigation:

(a) all statement taken from persons by the investigation authorities in the course of their investigation.

(b) all communication between persons having been involved in the operation of the aircraft.

(c) medical or private information regarding persons involved in the accident or incident.

(d) cockpit voice recordings and transcripts from such recordings.

(e) recordings and transcriptions of recordings from air traffic control units and

(f) opinion expressed in the analysis of information including flight recorder information.

(2) The records stated in sub-rule (1) of this rule shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident. Parts of the records not relevant to the analysis shall not be disclosed.

(3) Reopening of the investigation: If after the investigation has been closed, new and significant evidence become available, the Chairman shall re-open the investigation.

(4) Information-accidents and incidents: Any State shall, on request from the State

conducting the investigation of an accident or incident, provide that State with all the relevant information available to it.

(5) Any state, the facilities or services of which have been, or would normally have been, used by an aircraft prior to an accident or incident, and which has information pertinent to the investigation shall provide such information to the State conducting the investigation.

(6) Responsibilities of the State of register and the State of operator; Flight Recorders: When an aircraft involved in an accident or incident or a serious incident lands in a State other than the State of occurrence, the State of registry or the State of operator shall, on request from the State conducting the investigation, furnish the latter State with the flight recorders records and, if necessary, the associated flight recorders.

(7) Organization information: The State of registry and the State of operator, on request from the State conducting the investigation shall provide pertinent information on any organization whose activities may have directly or indirectly influenced the operation of aircraft.

(8) Rights of person who may charged: If it appears to the investigator that the investigation may result in framing a charge against any person for an offence under these or in the cancellation of any license or certificate issued under these rules or of a rating or other endorsed in a license or certificate issued under these rules or of rating or other endorsed in a license or certificate issued under these rules, the investigator shall give that person or the holder of that license or certificate, an opportunity of making any statement or giving any evidence and calling witness on his behalf.

244. Witness.- (1) A person summoned as a witness at an investigation shall be guilty of an offence, if he/she

(a) disobeys the summon;

(b) refuses to be sworn or to make an affirmation as a witness;

(c) fails to answer any question which is lawfully required by the investigator to answer or

(d) refuses or fails to produce any document or part or component of an aircraft which he/she is lawfully required to provide.

(2) If a person objects to answering a question asked to him/her as a witness at an investigation on the ground that the answer might tend to incriminate him/her or make him/her liable to any penalty and the investigator informs that person of his/her obligation to answer that question, the person shall not refuse to answer the question but the answer given shall not be admissible in evidence in any proceedings against him/her other than proceedings in respect of the falsity of the answer or in respect of the refusal or

failure to answer the question.

(3) A person summoned as a witness shall be paid such fees and traveling expenses as may be determined by the Chairman.”

245. Report of the Investigator.- (1) Upon conclusion of an investigation, the investigator shall forward a report in writing to the Chairman including all signed statements and other documents which have come into his possession in course of the investigation.

(2) The investigation report shall be submitted according to the format outlined in the Convention and promulgated by the Chairman.

246. Publication of the report.- (1) Investigators conducting the investigation into an accident serious incident shall not circulate, publish or give access to a draft report or any part there of, or any documents obtained during an investigation of an accident or incident without permission of the Chairman, unless such reports or documents have already been published or released.

(2) In case of a foreign or Bangladesh registered aircraft, the Chairman shall send a copy of the investigation report to the following organisations as may be applicable:

- (a) State of registry;
- (b) State of the operator;
- (c) State of design;
- (d) State of manufacture;
- (e) All States involved in the investigation;
- (f) Any States having suffered fatalities or serious injuries to its citizens;
- (g) Any States that provided relevant information, significant facilities or experts;
and
- (h) ICAO.

(3) In the interest of accident prevention, the investigators conducting the investigation of an accident or incident shall submit the final report as soon as possible and practicable.

(4) Upon receipt of a report of an investigation under rule-245 the Chairman will forward the report to the Government with his comment/recommendation and may make public whole or any part of the report.

(5) The Chairman shall ensure that incident data report for investigations into incidents

to aircraft of a maximum mass of over 5700 kgs is forwarded to ICAO.

(6) At any stage of the investigation of an accident or incident, the accident and investigation authority of the State conducting the investigation shall recommend to the appropriate authority, including other states, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.

(7) Investigators appointed by the Chairman investigating an accident or incident may address when appropriate, any safety recommendation arising out of the investigations to the accident investigation authorities of other States concerned and, when ICAO documents are involved, to ICAO.

(8) The Chairman shall ensure that, in case of safety recommendations received from other contracting States, the concerned proposing States shall be informed of the prevention action taken or the recommendations under consideration, or reasons of why no action will be taken.

(9) **ADREP Reporting:** When aircraft involved in an accident (either Bangladesh registered or foreign registered) is of a mass (maximum) of over 2250 kg, in the territory of Bangladesh, the investigator appointed by the Chairman, shall send preliminary report to the:

- (a) State of registry;
- (b) State of the operator;
- (c) State of design;
- (d) State of manufacture;
- (e) All States involved in the investigation;
- (f) Any States having suffered fatalities or serious injuries to its citizens;
- (g) Any States that provided relevant information, significant facilities or experts;
and
- (h) ICAO.

(10) **Accident or aircraft of 2250 kg or less:** When an aircraft not covered rule-246 (9) is involved in an accident, in the territory of Bangladesh and when airworthiness or matters considered to be of interest to the other States are involved, Bangladesh conducting the investigation shall forward the preliminary report to the:

- (a) State of registry;
- (b) State of operator;

- (c) State of design;
- (d) State of manufacturer; and
- (e) any State that provided relevant information, significant facilities or experts.

(11) The preliminary report shall be submitted to the appropriate States and to the ICAO in English language.

(12) The preliminary report shall be sent by facsimile, e-mail or airmail within thirty days of the date of the accident. When matters directly affecting safety are involved, it shall be sent as soon as the information is available and by the most suitable and quickest means available.

247. Accident of foreign registered aircraft in Bangladesh (1) When an accident occurs in Bangladesh to a foreign registered aircraft:

(a) the State of registration, the State of operator and the State of manufacture may each appoint a representative, who may be accompanied by technical or other advisers, to take part in all or any portion of the investigation conducted in Bangladesh.

(b) when neither the State of registry, nor the State of operator appoints an accredited representative, the Chairman may invite the operator to participate in the investigation conducted in Bangladesh.

(c) the State of design and the State of manufacture shall be entitled to appoint one or more advisers, proposed by the organization responsible for the type design and the final assembly of the aircraft.

(d) when neither the State of design nor the State of manufacture appoint an accredited representative, the Chairman being the authority of State of occurrence may invite the organization responsible for type design and the final assembly of the aircraft to participate in the investigation.

(e) when the Chairman conducting the investigation of an accident to a foreign registered aircraft of a maximum mass of over 2250kg specially requests participation by the State of registry, the State of operator, the State of design or the State of manufacture, the States concerned shall each appoint an accredited representative.

(f) any State which on request provides information, facilities or experts to Bangladesh conducting an investigation, shall be entitled to appoint an accredited representative to participate in the investigation.

(g) the representatives may examine witness and shall be given access by the

Chairman to all information and evidence.

(h) the Chairman may authorize any persons appointed by the State of registration to conduct the investigation and the person so authorized shall submit the report of investigation to the Chairman.

(i) the State of registration or any State taking part in investigation may request the Chairman to re-open the investigation if new and material evidence become available.

(2) A State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall upon making a request to do so, may be permitted by the Chairman to appoint an expert who shall be entitled to:

(a) visit the scene of accident;

(b) have access to the relevant factual information;

(c) participate in the identification of victims;

(d) assist in questioning surviving passengers who are citizens of expert's state; „mw

(e) receive a copy of the final report.

(3) The Chairman conducting an investigation into the accident of foreign registered aircraft shall send through the State of operator, a copy of draft final report to the operator to enable the operator to submit comments on the draft final report.

(4) The Chairman conducting the investigation should send through the State of design and the State of manufacture, a copy of the draft final report to the organization responsible for the type design and final assembly of the aircraft to enable them to submit comments on the draft final report.

(5) The Chairman shall ensure amendment of the draft final report for inclusion of substances of the comments received from the State of operator or the State of design or the State of manufacture. Alternately, the comments may be appended to the final report.

(6) The Chairman shall forward a copy of the final report of the investigation with a minimum delay to the:

(a) State of registry;

(b) State of the operator;

(c) State of design;

(d) State of manufacture;

- (e) All States involved in the investigation;
- (f) Any States having suffered fatalities or serious injuries to its citizens;
- (g) Any States that provided relevant information, significant facilities or experts;
and
- (h) ICAO.

(7) The Chairman conducting the investigation should release the final report in the shortest possible time and, if possible, within twelve months of the date of the accident. If the report cannot be released within twelve months, the Chairman may release an interim report on each anniversary of the accident, detailing the progress of the investigation and any safety issues rose and forward to the:

- (a) State of registry;
- (b) State of the operator;
- (c) State of design;
- (d) State of manufacture;
- (e) All States involved in the investigation;
- (f) Any States having suffered fatalities or serious injuries to its citizens;
- (g) Any States that provided relevant information, significant facilities or experts;
and
- (h) ICAO.

248. Accident/Incidents to Bangladesh registered aircraft in foreign states.- (1) Where an accident/incident occurs to a Bangladesh registered aircraft in a foreign State: Upon receipt of notification from the State of occurrence, the Chairman shall provide pertinent information on organization whose activities may have directly or indirectly influenced the operation of aircraft.

(2) Where an accident/incident occurs to a Bangladesh registered aircraft in a foreign state, the Chairman may appoint an accredited representative to participate in the investigation if conducted by the State of occurrence.

(3) The Chairman may, being the State authority, appoint one or more advisers, proposed by the operator to assist the accredited representative.

(4) The Chairman entitled to appoint an accredited representative shall also be entitled

to appoint one or more advisers to assist the accredited representative in the investigation.

(5) Advisers assisting accredited representatives shall be permitted, under the accredited representative's supervision, to participate in the investigation to the extent necessary to enable accredited representatives to make their participation effective.

(6) Participation in the investigation of accidental Bangladesh registered aircraft in a foreign State shall confer entitlement to participate in all aspects of the investigation, under the control of the investigator-in-charge/chief investigator or equivalent of the State of occurrence in particular to:

(a) visit the scene of the accident/incident;

(b) examine the wreckage;

(c) obtain written information and suggest areas of questioning;

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

(e) receive copies of all pertinent documents;

(f) participate in read-outs of recorded media;

(g) participate in off-scene investigative activities such as components examinations, technical briefings, tests and simulations;

(h) participate in investigation progress meeting including deliberations related to analysis, findings, causes and safety recommendations and

(i) make submissions in respect of the various elements of the investigation.

(7) Accredited representatives and advisers nominated by the Chairman:

(a) shall provide the State conducting the investigation with all relevant information available to them; and

(b) shall not divulge information on the process and the findings of the investigation without the express consent of the State conducting the investigation.

(8) The Chairman shall on request from the State of occurrence conducting the investigation furnish that authority with all relevant information.

(9) The State of registry for foreign registered aircraft, the State of operator, Bangladesh registered aircraft in foreign state, the State of design, and the State of manufacture shall acknowledge the receipt of notification of an accident or serious incident (Ref: sub-rule-1 of rule-237).

(10) In reference to this rule sub-rule (2), (3) & (4), Bangladesh being the State of registration shall provide the State of occurrence with any relevant information available regarding the aircraft and flight crews involved in the accident or serious incident, along with name (s) and contact detail of the accredited representative as well as their expected date of arrival to the State of occurrence.

(11) Upon receipt of notification, Bangladesh shall within minimum delay and by the most suitable and quickest means available, provide the State of occurrence with details of dangerous goods on board the aircraft (if any).

(12) When an accident or serious incident to a Bangladesh registered aircraft has occurred in the territory of a non-contracting State which does not intend to conduct an investigation and conduct an investigation in co-operation with the non-contracting State of occurrence but failing such co-operation, shall itself conduct an investigation with such information as is available.

249. Appointment of Board of Inquiry.- (1) Where an accident has been investigated under rule 247 or 248, the Government may, whenever it considers desirable to do so in the public interest, appoint a Board of Inquiry, hereinafter in this Part referred to as the Board, to inquire into the causes of the accident and such other matters relating to the accident as are referred to it by the Government.

(2) The Board shall have, for the purpose of the inquiry, all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), and without prejudice to those powers, the Board may-

(a) enter and inspect, or authorize any person to enter and inspect, any place or building, the entry or inspection whereof appears to the Board requisite for the purposes of the inquiry; and

(b) endorse the attendance of witness and compel the production of documents and material objects; and every person required by the Board to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Penal Code (Act XLV of 1860).

(3) Every such inquiry as aforesaid shall be judicial proceeding within the meaning of section 193 and section 228 of the Penal Code (Act XLV of 1860).

250. Constitution of Board of Inquiry.- (1) A Board appointed under rule 249 shall consist of a Chairman and such assessors as the Government considers necessary.

(2) The Chairman shall be a person who is, or has been, or is qualified to be, a Judge of the Supreme Court or possesses legal, aeronautical and engineering knowledge and experience including knowledge and experience of air navigation.

(3) The assessors shall be a person possessing legal, aeronautical or engineering knowledge and experience including knowledge and experience of air navigation.

(4) The Chairman of the Board and the assessors shall be paid such remuneration as the Government may determine.

251. Proceedings before a Board of Inquiry.- (1) A Board appointed under these rules shall conduct an inquiry into the causes of the accident and into other matters referred to it.

(2) The Chairman shall forward a report of the result of an investigation conducted under rule 247 or 248 to the Chairman of the Board.

(3) The time and place of conducting the inquiry shall be fixed by the Chairman of the Board after receipt by him of the report referred to in sub rule (2).

(4) The Chairman of the Board may grant leave to appear before the Board any person being-

(a) a person whom the Chairman considers may be affected or prejudice by the inquiry;

(b) the representative of an association which the Chairman considers may be affected or prejudice by the inquiry; and

(c) in the case of an accident to an aircraft of a foreign State, the representative of the concerned State.

(5) Any person granted leave to appear before the Board under sub rule (4) may be represented by the counsel, solicitor or agent who may examine witness and address the Board.

(6) Unless the Chairman of the Board otherwise directs, the sittings of the Board shall be open to the public.

(7) The Chairman of the Board may-

(a) direct that a witness be excluded from the sittings of the Board while another witness is giving evidence; and

(b) direct that the whole or specified part of the evidence not be published if, in his opinion, this course is in the public interest.

252. Powers of the Board.- (1)The Chairman of the Board may, by writing under his hand, summon a person to attend before the Board at a time and place specified in the summons to give evidence and to produce books, documents and writings or a part of component of an aircraft in the custody or control of the person which he is required by the summons to produce.

(2) The Board may inspect books, documents or writings or a part or component of an aircraft produced before it, and may retain them for such reasonable period as it thinks fit,

and may make copies of such portions of the books, documents or writings as are relevant to the inquiry.

253. Appearance of witness before a Board.- (1) The Board may examine on oath a person appearing as a witness before it, whether the witness has been summoned or appears without being summoned, and , for this purpose, may administer an oath to the witness.

(2) A person served with a summons to attend before a Board shall, without reasonable excuse-

(a) attend before the Board unless excused by the Chairman of the Board or until he is released from further attendance by the Chairman of the Board; or

(b) produce the books, documents or the part or component of an aircraft in his custody or control.

(3) A witness appearing before a Board shall not refuse to answer a question put to him which is relevant to the proceedings.

(4) A statement or disclosure made by a witness to the Board is not admissible in evidence against him in civil or criminal proceedings in a court except in a prosecution for giving false evidence before the Board.

(5) A witness summoned to attend before a Board shall be paid such fees and traveling expenses as may be determined by the Government.

254. Report of the Board.- (1) The Chairman of the Board shall, as soon as is convenient after conducting the inquiry, forward to the Government a written report stating the findings, together with any observations and recommendations which the Board thinks fit to make with a view to the preservation of life and property and the avoidance of similar accidents in future.

(2) The Chairman and each assessor constituting the Board shall sign the report.

(3) When the Chairman or assessor disagrees with a finding or recommendation of the Board, the Chairman or the assessor shall, state in writing his reasons for disagreement and those reasons shall be forwarded to the Government along with the report which shall be deemed to be part of the report.

255. Extension and reopening of inquiry.- (1) The Government may, at any stage of an inquiry, request the Board to inquire into such further matters relating to the accident as the Government thinks fit, and may, where an inquiry has been completed and a report has been forwarded, constitute a Board to inquire further into such matters relating to the accident as the Government thinks fir.

(2) The Government may make publish the whole or part of the report of the Board.

