

# Introduction;

The objective of this part is to regulate the handling of aviation accidents and incidents and the related investigation procedures for:

Accidents and incidents mandatory notification.

Accidents and incidents investigations.

Gathering and classification of accidents and incidents related information.

Protection and confidentiality of information.

Protection of the remains of aircraft and its contents involved in an accident.

Gathering, classification of data, and statistics concerning aircraft operations and related accidents and incidents.

# Contents

## **Subpart A General:**

12.1        Applicability

12.3        Definitions

## **Subpart B — Notification, Investigation, and Reporting, of Occurrences**

12.50        emergency powers of the Director General of the Civil Aviation Authority

12.51        Notification of accident

12.53        Details of accidents

12.55        Notification of an incident

12.57        Details of incident

12.59        Investigation and reporting

12.61        Confidentiality of information

12.63        Use of confidential information

**Subpart C — Preservation of Aircraft, its Contents, and Records**

- 12.101 Access to aircraft involved in an accident
- 12.103 Preservation of records
- 12.105 Retention of defective products and components

**Subpart D — Statistics**

- 12.151 Aircraft operating statistics
- 12.153 Confidentiality of statistical reports

**Appendix A — Information for Initial Notification of Incidents**

## Subpart A

### General:

It shall be succinctly understood and accepted that:

- "The sole objective of an investigation shall be the prevention of accidents and incidents."
- The purpose of an inquiry is: "To determine the facts, conditions and circumstances leading to the accident/incident with a view of establishing the probable causes thereof, so that appropriate steps may be taken to prevent a recurrence of the accident/incident and the factors which led to it."
- A well-conducted investigation should therefore identify all immediate and underlying systemic causes of an accident/incident and recommend appropriate safety actions aimed at avoiding the hazards or eliminating the accidents/incidents .... Thus, a properly conducted accident/incident investigation is an important method of accident/incident prevention.

### 12.1 Applicability

- (a) This Part prescribes regulations relating to accidents and incidents notification and investigation.
- (b) This Part shall not apply to aircraft operated under Parts 101, 103, 104, 105, or 106.
- (c) This Part prescribes regulations for the provision of statistical data concerning aircraft operations.

## 12.3 Definitions

In this Part;

**Aircraft accident;** means an occurrence associated with the operation of an aircraft which take place between the time any person boards the aircraft with the intention of flight, and the time all such persons have disembarked, in which any person suffers death or serious injury, or in which the aircraft sustains substantial damage.

**Substantial damage;** means damage or failure which adversely affects the structural strength, performance or flight characteristics of the aircraft and that would normally require major repair or replacement of the affected components. Damage not considered substantial for accident reporting purposes are as follows; engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin, small punctured holes in the metal skin or fabric, ground damage to rotor or propeller blades, and damage to the landing gear, wheels, tyres, flaps, engine accessories, brakes or wing flaps.

**Aircraft incident;** means any incident, not otherwise classified, associated with the operation of an aircraft:

**Aerodrome incident;** means an incident involving an aircraft which occurs within the limits of an aerodrome operating zone and;

- (1) An obstruction either on the aerodrome surface or protruding into the aerodrome obstacle limitation surfaces; or
- (2) Failure or abnormal functions of visual aid designated as a navigation guidance systems; or
- (3) A defective or irregular surface of the manoeuvre area, taxiway or runway; or
- (4) Any other un serviceability of aerodrome related facility:

**Airspace incident;** means an incident involving deviation from, or shortcomings of, the procedures or regulations which results in;

- (1) Avoiding collisions between aircraft; or
- (2) Avoiding collisions between aircraft and other obstacles when an aircraft is being provided with an Air Traffic Service:

**Bird strike incident;** means an incident where;

- (1) There is a collision between an aircraft or ingestion by aircraft engine of one or more birds; or

When one or flock of birds pass sufficiently close to an aircraft in flight to cause alarm to the pilot:

**Dangerous goods incident;** means an incident associated with and related to the handling and carriage of dangerous goods by air that;

- (1) Results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation, or other evidence that the integrity of the packaging was compromised; or
- (2) Involves dangerous goods incorrectly declared, packaged, labeled, marked, or documented;

**Defect incident;** means an incident that involves failure or malfunction of an aircraft or aircraft component, whether in flight or on the ground;

**Fatal injury;** means any injury which results in death within 30 days of the accident;

**Flight crewmember;** means a pilot, a flight engineer, a navigator or radio operator assigned flight duty on an aircraft during flight time;

**Facility malfunction incident;** means an incident that involves an aeronautical telecommunications facility;

**Occurrence** means an accident or incident:

**False or erroneous information incident;** means an incident that involves significantly incorrect, inadequate, or misleading information promulgated in any aeronautical information publication, map, or chart;

**Judicial investigation;** means an investigation carried out to establish whether an offence against the law was committed;

**Security incident;** means an incident that involves unlawful interference due to security lapses;

**Serious incident;** means an incident involving circumstances indicating that an accident nearly occurred;

**Serious injury;** means any injury that is sustained by a person in an accident and that;

- (1) Requires hospitalization for more than 48 hours, commencing within seven days from the date on which the injury was sustained; or
- (2) Results in a fracture of any bone, (except simple fractures of fingers, toes, or nose); or
- (3) Involves lacerations which cause severe haemorrhage, nerve, muscle, or tendon damage; or
- (4) Involves any internal organ; or
- (5) Involves second or third degree burns, or any burns affecting more than 5% of the body surface; or
- (6) Involves verified exposure to infectious substances or injurious radiation:

## **Subpart B — Notification, Investigation, and Reporting, of Occurrences**

### **12.50 emergency powers of the Director General of the Civil Aviation Authority**

In event of an aviation (aircraft) accident, in the interest of public interest and aviation safety, the DGCA has emergency legal powers to;

- (i) Impound the aircraft and its contents any public or private property directly or indirectly connected to the accident until the accident investigation has taken its course and the final accident report is published; and
- (ii) Retain, if she/he deems necessary, retain any structure, equipment, or any other material evidence in an aircraft accident even after the final accident report is published; and
- (iii) Summon any person or party to give evidence before the accident investigation board.

### **12.51 Notification of accident**

(a) The operator of an aircraft shall immediately notify the DGCA if any of the following occur:

- (i) Flight control system malfunction.
- (ii) An aircraft accident.
- (iii) Inability of any required flight crewmember to perform her/his normal duties as a result of injury or illness.
- (iv) Failure of structural components of a turbine engine excluding compressor and turbine blades and vanes.
- (v) In-flight fire.



(vi) Aircraft collide in-flight.

(vii) Certain incidents on large, multi-engine airplanes.

(viii) An aircraft is over due and is believed to have been involved in an accident.

(b) The pilot-in-command of an aircraft involved in an accident which results in a serious or fatally injury, or the aircraft sustains an extensive damage or is missing, or the operator, shall notify the DGCA of the accident as soon as possible.

(c) The notification under paragraph (a) shall be in a format acceptable to the DGCA and shall contain, where ascertainable, the;

- (1) Date and time of the accident; and
- (2) Nature of the accident; and
- (3) Type, nationality, and registration of the aircraft; and
- (4) Names of the aircraft owner and operator; and
- (5) Position or last known position of the aircraft with reference to an easily defined geographical point; and
- (6) Name of the pilot-in-command; and
- (7) Nature of flight; and
- (8) Last point of departure of the aircraft; and
- (9) Next point of intended landing of the aircraft; and
- (10) Details of the meteorological condition prevailing at the time of the accident; and
- (11) Number of persons on board the aircraft; and

- (12) Number of crewmembers and passengers killed or seriously injured as a result of the accident; and
- (13) Number of persons killed or seriously injured as a result of the accident other than the number of persons onboard; and
- (14) Details of damage to the aircraft.
- (15) Damage to property as a direct or indirect result consequence of the accident.

### **12.53 Details of accidents**

(a) The pilot-in-command of an aircraft involved in an accident which results in a fatal or serious injury to persons, or substantial damage to the aircrafts; or the operator, shall report the details of the accident to the DGCA;

- (1) On CAA form 005; or
- (2) By any other means acceptable to the DGCA.

(b) The details required by paragraph (a) shall include a statement by each flight crewmember who was onboard the aircraft at the time of the accident, detailing the circumstances relating to the accident from her/his point of view.

(c) Where a flight crewmember is incapacitated, the statement required by paragraph (b) shall be submitted in any manner the flight crewmember is able to affect.

### **12.55 Notification of an incident**

(a) Where a serious incident constitutes an immediate hazard to the safety of flight, each holder of a certificate issued under;

- (1) For an aircraft incident or dangerous goods incident

- (2) For an airspace incident; or
- (3) For a facility malfunction incident; or
- (4) For a defect incident; or
- (5) For a security incident;

Shall, if the certificate holder is involved in the incident, notify the DGCA as soon as possible.

(b) Every person who;

- (1) Is involved in a serious incident which constitutes an immediate hazard to the safety of aircraft operations; and
- (2) Is not employed by a certificate holder referred to in paragraph (a); and
- (3) Operates, maintains, services, engages in any profession connected to any aircraft operation, aeronautical product, or aviation related service;

Shall notify the DGCA of the incident as soon as possible.

(c) Every pilot-in-command of an aircraft involved in an airspace or bird strike incident shall notify the DGCA of the incident as soon as possible.

The notification of an incident required by paragraphs (a), (b), and (c) shall be conveyed by the most secure and expeditious means acceptable to the DGCA and shall contain, where ascertainable, the information listed below;

- (1) For airspace incidents, Appendix A-a; or
- (2) For defect incidents, Appendix A-b; or
- (3) For facility malfunction incidents, Appendix A-c; or

- (4) For aircraft incidents, Appendix A(d); or
- (5) For security incidents, Appendix A(e) ; or
- (6) For false or erroneous information incidents, Appendix A(f);  
or
- (7) For aerodrome incidents, Appendix A(g); or
- (8) For dangerous goods incidents, bird strike incidents, or any other incident, Appendix A(h).

### **12.57 Details of incident**

(a) Notwithstanding 12.55, each;

- (1) Certificate holder referred to in 12.55(a) involved in an incident; and
- (2) A person who;
  - (i) Is involved in an incident; and
  - (ii) Is not employed by a certificate holder referred to in paragraph (a)(1); and
  - (iii) Operates, maintains, or services, or engaged in any aircraft related activity, aeronautical product, or aviation related service; and
- (3) Pilot-in-command referred to in 12.55(c) involved in an airspace incident or a bird strike incident;

Shall provide, the DGCA with details of the occurrence in accordance with paragraph (b).

- (b) Each person required to provide occurrence details under paragraph (a) shall provide the details within 10 days of the incident;

- (1) On CAA form 005; or
- (2) By any other means acceptable to the DGCA.

### **12.59 Investigation and reporting**

Each certificate holder who submits details of an occurrence under 12.57(a)(1), unless otherwise notified by the DGCA, shall;

- (1) Acknowledge the compelling reasons for conducting an accident/incident investigation is to, identify the circumstances and facts involved in the incident/accident, and establish, so far as those circumstances and facts will allow, the cause or causes of incidents/accidents, and enhance aviation safety; and
- (2) On completion of the investigation, submit the conclusions and recommendations report of the investigation to the DGCA no later than 90 days after the incident unless unforeseen circumstances warrant a delay;
  - (i) On CAA form 12/005; or
  - (ii) By any other means acceptable to the DGCA; and
- (3) Advise the Authority of any actions taken to prevent repetition of the same occurrence.

### **12.61 Confidentiality of information**

The DGCA shall, when confidentiality is requested by a person submitting any information under 12.55 or 12.57;

- (1) As soon as practicable, remove any information that might reveal the identity of the source; and
- (2) Not make any further records of or divulge any of the information removed under subparagraph (1).

### **12.63 Use of confidential information**

The DGCA shall not use or make available for judicial investigation or prosecution action any information relating to an aviation accident or incident or violation of any CAA regulations confidentially submitted by a person under this Part unless:

- (1) The information reveals an intent to cause or have someone commit an act which constitutes any harm to persons or damage to property; or
- (2) False or erroneous information is submitted; or
- (3) The DGCA is obliged to release the information pursuant to a statutory requirement or judicial indictment by a Court order.
- (4) It remains to be said that; "Blame might sometimes be inferred from the [report's] findings. When such is the case, it is essential that all the causes established be clearly presented in the report. To do otherwise would jeopardise the objective of the investigation, which is the prevention of aircraft accidents and incidents" Furthermore, "deviation from the accepted norms of compliance with regulations and procedures should be clearly identified when relevant to the accident/incident ..... In order to explain the safety implications of the deviation." In addition, "For a contravention to be included as a cause it should be that complying with the regulation or procedure could have prevented the accident/incident or lessened its consequences."

## **Subpart C — Preservation of Aircraft, its Contents, and Records**

### **12.101 Access to aircraft involved in an accident**

- (a) Except if authorized by the DGCA, no person shall access, interfere with, or remove any of the contents of an aircraft involved in an accident.

(b) Subject to the limitations imposed by paragraph (a) the DGCA may, for the purpose of its investigation, access, inspect, secure, or remove, an aircraft or its contents involved in an accident.

(c) A person may, subject to paragraph (d);

- (1) To save lives of persons or livestock from the aircraft or wreckage; or
- (2) Protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or
- (3) Disconnect or deactivate any cockpit voice recorder, flight data recorder, or emergency location transmitter; or
- (4) Prevent obstruction to the public or to air navigation where no practical alternative is available.

(d) Any aircraft wreckage, mail, or cargo removed under paragraph (c) shall;

- (1) Be moved only so far as necessary to ensure its safety; and
- (2) Be kept in a protected and secure area and tagged with labels to indicate from which part on the aircraft it was taken; and
- (3) Where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.

### **12.103 Preservation of records**

(a) The holder of a certificate of registration of an aircraft involved in a serious incident or accident shall preserve all records, documents, licences, voice and flight recordings of that aircraft, for at least 6 calendar months after the serious incident or accident investigation is brought to a conclusion and the final report is published unless otherwise instructed by the DGCA.

- (b) Every holder of a certificate issued under;
- (1) Part 171 involved in a facility malfunction incident or an accident; or
  - (2) Part 172 involved in an airspace incident or accident;

### **12.105 Retention of defective products and components**

The holder of a certificate of registration, or a certificate issued under Parts 145, 146 and 148 shall retain any defective product or component associated with a defect incident reported under 12.59 for at least 6 calendar months after the final investigation report is published and the DGCA gives permission to dispose or otherwise of the items concerned.

## **Subpart D — Statistics**

### **12.151 Aircraft operating statistics**

(a) The operator of a Libyan registered aircraft issued with a standard or restricted category airworthiness certificate shall submit the following aircraft operating and statistical data and information for each aircraft, in accordance with the frequency and due dates listed in Table 1 for aircraft designated for hire or reward flights and Table 2 for aircraft, except gliders, conducting flights not for hire or reward:

- (1) The registration marks:
- (2) For aircraft used on international air transport flights, the hours flown and the number of passengers and freight only flights:
- (3) For aircraft used on domestic flights, the hours flown and the number of flights:
  - (i) Carrying passengers between two different aerodromes:



- (ii) Originating and ending at the same aerodrome without an intermediate landing:
  - (iii) Transporting freight only:
- (4) For aircraft Utilised on other flights, the hours flown.
- (b) The reports required by paragraph (a) shall be submitted;
- (1) On CAA form 12/006; or
  - (2) By any other means acceptable to the DGCA.

**Table 1** Reporting periods for aircraft engaged in flights for hire or reward:

Report	Period Covered	Due Date
1 <sup>st</sup> semester	1 Jan through 30 June	31 July
2 <sup>nd</sup> semester	1 July through 31 December	31 January

**Table 2** Reporting periods for aircraft engaged in flights for other than hire or reward:

Report	Period Covered	Due Date
Annual	1 January through 31 December	31 January

### 12.153 Confidentiality of statistical reports

- (a) The DGCA or any person engaged by the DGCA shall not communicate to any person or party, information provided in statistical reports specific to individual aircraft operator except;

- (1) With the consent of the aircraft operator; or
- (2) In accordance with Article 67 of the Convention; or
- (3) Pursuant to a statutory requirement.

(b) The DGCA may communicate to the International Civil Aviation Organisation flights statistics which relate to international commercial flights.

### **Appendix A — Information Required for Initial Notification of Incidents**

- (a) **Airspace incident** – The following information shall be deemed necessary for notification under 12.55(d)(1):
- (1) Date and time of the incident.
  - (2) Brief description of events.
  - (3) Aircraft nationality, registration, call sign, flight number, and type:
  - (4) Name of the aircraft operator:
  - (5) Aircraft position and altitude:
  - (6) Name of the pilot-in-command:
  - (7) Phase of flight:
  - (8) Effect on flight:
  - (9) Flight rules under which the aircraft was operating:
  - (10) Aircraft point of departure and destination:
  - (11) Location, type, and class of airspace, and the ATS unit involved:

- (12) Any other relevant information deemed important by the pilot-in-command concerned.
- (b) **Defect incident** – The following information is required for notification under 12.55(d)(2):
  - (1) Date and time the incident was detected:
  - (2) Brief description of events:
  - (3) Aircraft nationality, registration, and type:
  - (4) Name of the aircraft operator and owner:
  - (5) Location of the aircraft, at the time of the incident:
  - (6) Phase of flight:
  - (7) Effect on flight:
  - (8) Aircraft point of departure and destination:
  - (9) Name of the manufacturer of the aircraft, part, or equipment, and where appropriate, the part number, its modification standard, and its location on the aircraft:
  - (10) Description of the incident, its effects, and any other relevant information:
  - (11) Whether the person or organisation making the notification has instituted an investigation into the defect and expected time of completion:
  - (12) Name, organisation, and contact details of the person notifying the incident.
- (c) **Facility malfunction incident** – The following information shall be deemed necessary for notification under 12.55(d)(3):
  - (1) Date and time of the incident:

- (2) Brief description of events:
- (3) Aircraft nationality, registration, call sign, flight number, and type:
- (4) Name of the aircraft operator:
- (5) Aircraft position and altitude:
- (6) Name of the pilot-in-command:
- (7) Phase of flight:
- (8) Effect on the flight:
- (9) Identification, type, name, frequency, and provider of the aeronautical telecommunication facility involved:
- (10) Whether the person or organisation making the notification has instituted an investigation into the incident and, if so, expected time of completion:
- (11) Name, Organisation, and contact details of the person notifying the incident.
  - (a) **Aircraft incident;** The following information shall be deemed necessary for notification under 12.55(d)(4):
    - (1) Date and time of the incident:
    - (2) Brief description of events:
    - (3) Aircraft nationality, registration, radio call sign, flight number, and type:
    - (4) Name of the aircraft operator and owner:
    - (5) Aircraft position and altitude:
    - (6) Phase of flight:

- (7) If applicable, name of aerodrome and runway used:
  - (8) Effect on the flight:
  - (9) Name of the pilot-in-command:
  - (10) Type of operation being conducted:
  - (11) Number of persons on board the aircraft:
  - (12) Name, Organisation, and contact details of the person notifying the incident.
- (b) Security incident – The following information shall be deemed necessary for notification under 12.55(d)(5):
- (1) Date and time of the incident:
  - (2) Brief description of events:
  - (3) Aircraft nationality, registration, call sign, flight number, and type:
  - (4) Name of the aircraft operator and owner:
  - (5) Aircraft position and altitude or place of incident:
  - (6) Name of the aerodrome or aeronautical telecommunication facility if applicable:
  - (7) Name of the pilot-in-command:
  - (8) Phase of flight:
  - (9) Effect on the flight:
  - (10) Type of operation being conducted:
  - (11) Name, Organisation, and contact details of the person notifying the incident.

(c) False or erroneous information incident – The following information shall be deemed for notification under 12.55(d)(6):

(1) Date and time the incident was discovered:

(2) Brief description of events:

(3) Name of the publication, map, or chart:

(4) Information which gave rise to the incident:

(5) Name, Organisation, and contact details of the person notifying the incident

(d) Aerodrome incident – The following information shall be deemed necessary for notification under 12.55(d)(7):

(1) Date and time of the incident.

(2) Brief description of events.

(3) Name of the aerodrome and geographical coordinates.

(4) Part of the aerodrome where the occurrence took place.

(5) Description and the location of the reported defect or obstruction.

(6) Name, Organisation, and contact details of the person notifying the incident.

(e) Dangerous goods, bird strike, or other incidents – The following information shall be deemed necessary for notification under 12.55(d)(8):

(1) Date and time of the incident:

(2) Brief description of events:

Name, Organisation, and contact details of the person notifying the incident.