

Air Navigation (Investigation of Accidents and Incidents) Order 2003

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No. S 78

**AIR NAVIGATION ACT
(CHAPTER 6)**

**AIR NAVIGATION (INVESTIGATION OF ACCIDENTS AND INCIDENTS) ORDER
2003**

In exercise of the powers conferred by section 3(1) of the Air Navigation Act, the Minister for Transport hereby makes the following Order:

PART I
PRELIMINARY

Citation and commencement

1. This Order may be cited as the Air Navigation (Investigation of Accidents and Incidents) Order 2003 and shall come into operation on 24th February 2003.

Definitions and application

2.—(1) In this Order, unless the context otherwise requires —

“accident” means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all persons have disembarked, in which —

(a) a person is fatally or seriously injured as a result of —

- (i) being in the aircraft;
- (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
- (iii) direct exposure to jet blast,

except where the injuries arise from natural causes, are self-inflicted or inflicted by any other person, or where the person injured is a stowaway hiding outside the areas normally available to passengers and crew; or

(b) the aircraft sustains damage or structural failure which —

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

except for engine failure or damage which is limited to the engine, its cowlings or accessories, or for damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or

(c) the aircraft is missing or completely inaccessible;

“accredited representative” means a person appointed by a Contracting State, on the basis of his qualifications, for the purpose of participating in an investigation conducted by another State;

“adviser” means a person appointed by a Contracting State, on the basis of his qualifications, for the purpose of assisting its accredited representative in an investigation conducted by another State;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“Annex 13” means Annex 13 to the Chicago Convention as amended from time to time by the Council of the International Civil Aviation Organisation;

“ATS” means air traffic services and includes flight information service, alerting service, air traffic advisory service, air traffic control service, area control service, approach control service and aerodrome control service;

“causes” means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident;

“Chief Inspector” means the Chief Inspector of Accidents appointed under paragraph 7(2);

“Contracting State” means any State which is a party to the Chicago Convention;

“Final Report” means a report of an accident or incident in the format set out in Annex 13 and which may be adapted to the circumstances of the accident or incident under investigation;

“flight recorder” means any type of recorder installed in the aircraft for the purpose of complementing accident or incident investigation;

“flying display” means a civilian organised event (including any rehearsal for such event) which —

(a) consists, wholly or partly, of an exhibition of flying of any civil or military aircraft; and

(b) takes place at an aerodrome or premises other than a naval, military or air force aerodrome or premises;

“incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of such

operation;

“Inspector” means an Inspector of Accidents appointed under paragraph 7(1);

“investigator-in-charge” means a person designated by the Chief Inspector as such under paragraph 8(3) and charged with the responsibility for the organisation, conduct and control of an investigation;

“military aircraft” means an aircraft belonging to —

- (a) the Singapore Armed Forces; or
- (b) any of the naval, military or air forces of any State;

“Non-contracting State” means any State which is not a party to the Chicago Convention;

“operator” means a person engaged in or offering to engage in aircraft operation;

“owner”, in relation to an aircraft which is registered, means the registered owner of the aircraft;

“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;

“Preliminary Report” means the communication used for the prompt dissemination of data obtained during the early stages of an investigation;

“safety recommendation” means a proposal of the Chief Inspector, investigator-in-charge or the accident investigation authority of a State conducting an investigation which is based on information derived from the investigation and made with the intention of preventing accidents or incidents;

“serious incident” means an incident involving circumstances indicating that an accident nearly occurred, examples of which include those listed in the Schedule;

“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 or toe or the nose;
- (c) involves lacerations which cause severe haemorrhage or nerve,