

*Extraordinary*



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**CIVIL AVIATION (INVESTIGATION OF AIR ACCIDENTS  
AND INCIDENTS) REGULATIONS 2023**



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## S. I. No. 59 of 2023

**CIVIL AVIATION (INVESTIGATION OF AIR ACCIDENTS  
AND INCIDENTS) REGULATIONS 2023**

[27th Day of July, 2023] Commence-  
ment.

PART I—ESTABLISHMENT

**1.1** The Director-General, in exercise of the powers conferred by Section 5 sub-paragraph (b), Section 39 (1) and Section 60 of the Nigerian Safety Investigation Bureau (NSIB) Establishment Act, 2022 hereby makes the following Regulations prescribing for —

Enabling  
Powers.

(a) the manner of exercising and carrying out the Director-General/CEO's powers, duties and functions under the NSIB (Establishment) Act ;

(b) the standards that the aviation system needs, to achieve compliance with the provisions of the NSIB (Establishment) Act and relevant Annex to the Chicago Convention.

**1.2** These Regulations shall be cited as the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations, 2023 and shall come into force on the 27th day of July, 2023.

Citation and  
Commence-  
ment

**1.3** The following expressions except where the context otherwise requires, shall have the following meaning —

Interpretation

1.3.1 “*Accident*” means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which :

(a) 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 when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

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

- adversely affects the structural strength, performance or flight characteristics of the aircraft, and

— would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome) ; or

(c) the aircraft is missing or is completely inaccessible. An aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.

*Note 1.*— For statistical uniformity only, an injury resulting in death within thirty days of the date of the accident is classified, by ICAO, as a fatal injury.

*Note 2.*— An aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.

*Note 3.*— The type of unmanned aircraft system to be investigated is addressed in 5.1.

*Note 4.*— Guidance for the determination of aircraft damage can be found in Attachment E to Annex 13.

1.3.2 “*Accident Investigation Authority*” means the Authority designated by a State as responsible for aircraft accident and incident investigation within the context of Annex 13. In the case of Nigeria, the Nigerian Safety Investigation Bureau, (herein referred to as the Bureau) is the Accident Investigation Authority ;

1.3.3 “*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. The accredited representative would normally be from the State’s accident investigation authority ;

1.3.4 “*Act*” means the Nigerian Safety Investigation Bureau Establishment Act in force ;

1.3.5 “*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 ;

1.3.6 “*Aerodrome*” means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft ;

1.3.7 “*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 ;

1.3.8 “*Airport Operator*” means a person, organization or enterprise engaged in the operation of an airport ;

1.3.9 “*Annex 13*” means the Annex to the Convention on International Civil Aviation that contains the International Standards and Recommended Practices related to aircraft accident and incident investigation ;

1.3.10 “*Approved Training Organizations (ATO)*” means an organization approved by the Authority in accordance with the requirements to perform airman training and operating under the supervision of the Authority ;

1.3.11 “*Authority*” means the Nigeria Civil Aviation Authority ;

1.3.12 “*Automatic Deployable Flight Recorder (ADFR)*” means a combination of flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft” ;

1.3.13 “*Balancing Test*” means the determination whereby the competent authority(ies) assesses competing public interests and decides which interest should prevail leading to the determination referred to in Chapter 5, 5.12 of Annex 13 of the impact the disclosure or use of accident and incident investigation records may have on current or future investigations ;

1.3.14 “*Bureau*” means the Nigerian Safety Investigation Bureau; the Nigeria’s designated Accident Investigation Authority ;

1.3.15 “*Causes*” include actions, omissions, events, conditions or a combination thereof, which led to the accident or incident. The identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability ;

1.3.16 “*Competent Authority*” means the government entity(ies) empowered to administer the balancing test. In the case of Nigeria, it is the Federal High Court or any other authority or commission established or constituted in accordance with the Laws of the Federation ;

1.3.17 “*Contracting State*” means any state (including Nigeria) which is a party to the Convention on International Civil Aviation ;

1.3.18 “*Contributing Factors*” includes actions, omissions, events, conditions, or a combination thereof, which if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of contributory factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability ;

1.3.19 “*Coordinating Agency*” means the organization required to ensure that the necessary resources and agencies are brought into the proper relationship in order to provide accurate information and the optimum assistance to the aircraft accident victims and their families. In the case of Nigeria, the Nigerian Safety Investigation Bureau/CEO (herein referred to as the Bureau) is the coordinating agency ;

1.3.20 “*Coordinator*” means the person appointed by the Director-General of the Bureau in matters relating to Family Assistance to ensure that the necessary resources and agencies are brought into the proper relationship in order to provide accurate information and the optimum assistance to the victims and their families ;

1.3.21 “*Crew Member*” means a person assigned by an Operator to duty on an aircraft during a flight duty period ;

1.3.22 “*Dangerous Goods*” means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in ICAO Technical Instructions for Safe Transportation of Dangerous Goods by Air or which are classified according to those instructions ;

1.3.23 “*Director-General*” means the Chief Executive Officer of Nigerian Safety Investigation Bureau appointed pursuant to the Act ;

1.3.24 “*Draft Final Report*” means a report sent to the relevant State, Authority and other interested parties in the investigation, inviting their significant and substantiated comments on the report ;

1.3.25 “*Family*” means persons who are the: spouse, children, parents, brothers, sisters and grandparents of any victim or survivor involved in an aircraft accident ;

*Note* :— To avoid repetition, the words “*family*”, “*family members*”, “*families*” and “*relatives*” will be used hereafter when referring to the family members of aircraft accident victims.

1.3.26 “*Family Assistance*” means the provision of services and information to address the concerns and the needs of the aircraft accident victims and their families. The family assistance envisaged in this document applies to all aircraft accident victims and their families regardless of the size and circumstances of the accident ;

1.3.27 “*Fatal Injury*” means an injury resulting in death within thirty (30) days of the date of the accident ;

1.3.28 “*Final Report*” means the Bureau’s conclusive report on the investigation into an aircraft accident or incident which includes the pertinent factual information, analysis, conclusions and when appropriate, associated safety recommendations issued by the Director-General/CEO ;

1.3.29 “*Flight Recorder*” means any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation ;

*Note* :— See Annex 6 — Operation of Aircraft, Parts I, II and III, for specifications relating to flight recorders.

1.3.30 “*ICAO*” means the International Civil Aviation Organization ;

1.3.31 “*Incident*” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation ;

*Note.*— The types of incidents which are of main interest to the International Civil Aviation Organization for accident prevention studies are listed in Attachment C to Annex 13.

1.3.32 “*Interim Statement*” includes the communication issued by the Director-General/CEO to the public on each anniversary of the accident or incident for informing those having a direct interest in the investigation regarding the progress of an on-going investigation and any safety issues raised during the investigation ;

1.3.33 “*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/or contributing factors and when appropriate, the making of safety recommendations ;

1.3.34 “*Investigation Policy and Procedures Manual (iPPM)*” means the Bureau’s internal working document drawn by the Director-General to achieve the Bureau’s objectives ;

1.3.35 “*Investigator*” includes the Air Safety Investigator ;

1.3.36 “*Investigator-in-Charge*” means a person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation ;

*Note.*— Nothing in the above definition is intended to preclude the functions of an investigator-in-charge being assigned to a commission or other body.

1.3.37 “*Judicial Proceeding*” means a proceeding before a judicial authority involving a determination, including criminal and civil liability ;

1.3.38 “*Material Fact in Question*” means a fact that is significant or essential to the matter at hand; where one party alleges and the other controverts; and is to be determined by the competent authority administering the balancing test ;

1.3.39 “*Maximum Mass*” means maximum certificated take-off mass ;

1.3.40 “*Minister*” means Federal Minister responsible for Aviation and to the extent of the authority given, any person authorized in that behalf by such Minister ;

1.3.41 “*Next of kin*” includes the immediate family or other persons closely connected with the victim of an accident ;

1.3.42 “*Observer*” means a representative of a concerned organization or another State who is authorized by the Director-General/CEO to attend

an investigation as an observer, or the Bureau's investigator authorized to attend an investigation being conducted by another State ;

1.3.43 "*Occurrence*" includes accidents, serious incidents, incidents or other safety related events ;

1.3.44 "*Operator*" means a person, organization or enterprise engaged in or offering to engage in an aircraft operation ;

1.3.45 "*Passenger*" mean all persons, including an employee of an Aircraft Operator aboard an aircraft ;

1.3.46 "*Pilot-in-Command*" means a pilot designated by the Operator, or in the case of general aviation, the Owner as being in command and charged with the safe conduct of a flight ;

1.3.47 "*Police Officer*" means any person who is a member of the Nigeria Police Force ;

1.3.48 "*Preliminary Report*" means the communication used for the prompt dissemination of data obtained during the early stages of the investigation ;

1.3.49 "*Providers of Family Assistance*" means entities or persons having a role in providing such assistance to accident victims and their families, including government departments and agencies, the air operator(s), the airport operators, third parties (e.g. non-governmental aid agencies and commercial companies), and family associations ;

1.3.50 "*Regulations*" means Civil Aviation (Investigation of Air Accidents and Incidents) Regulations of Nigeria, made pursuant to the NSIB (Establishment) Act ;

1.3.51 "*Safety*" means the state in which risks associated with aviation activities, related to, or in support of the operation of aircraft, are reduced and controlled to an acceptable level ;

1.3.52 "*Safety data*" means a defined set of facts or set of safety values collected from various aviation-related sources, which is used to maintain or improve safety ;

1.3.53 "*Safety data Collection and Processing System (SDCPS)*" means the processing and reporting systems, safety databases, schemes for exchange of information, and recorded information including but not limited to :

(a) data and information pertaining to accident and incident investigations ;

(b) data and information related to safety investigations by State authorities or aviation service providers ;

(c) mandatory safety reporting systems as indicated in 5.1.2 of Annex 19 ;

(d) voluntary safety reporting systems as indicated in 5.1.3 of Annex 19 ; and

(e) self-disclosure reporting systems, including automatic data capture systems, as described in Annex 6, Part I, Chapter 3, as well as manual data capture systems.

*Note 1.*— Guidance related to SDCPS is contained in the Safety Management Manual (SMM) (Doc 9859).

*Note 2.*— The term “safety database” may refer to a single or multiple database(s).

*Note 3.*— SDCPS may include inputs from State, industry and public sources, and may be based on reactive and proactive methods of safety data and safety information collection.

*Note 4.*— Sector-specific safety reporting provisions are contained in other Annexes, PANS and SUPPs. There is a recognized benefit to the effective implementation of an SSP in having an integrated approach for the collection and analysis of the safety data and safety information from all sources.

1.3.54 “*Safety Information*” means safety data processed, organized or analyzed in a given context so as to make it useful for safety management purposes.

1.3.55 “*Safety Recommendation*” means a proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies ;

1.3.56 “*Safety Recommendation of Global Concern*” means a safety recommendation regarding a systemic deficiency having a probability of recurrence, with significant consequences at a global level, and requiring timely action to improve safety ;

*Note.*— The Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part IV — Reporting contains the criteria for a recommendation to be classified as an SRGC.

1.3.57 “*Serious incident*” means an incident involving circumstances indicating that there was a high probability of an accident, and is associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked ; or in case of an unmanned aircraft, takes place between the time the aircraft is ready to

move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.

*Note 1.*— The difference between an accident and a serious incident lies only in the result.

*Note 2.*— Examples of serious incidents can be found in Attachment C Annex 13.

1.3.58 “*Serious Injury*” means an injury which is sustained by a person in an accident and which —

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

(b) results in a fracture of any bone (except simple fractures of fingers, toes, or nose) ; or

(c) involves lacerations which cause severe hemorrhage, nerve, muscle or tendon damage ; or

(d) involves injury to any internal organ ; or

(e) involves second or third degree burns, or any burns affecting more than 5 percent of the body surface ; or

(f) involves verified exposure to infectious substances or injurious radiation ;

1.3.59 “*State*” means a contracting State of the International Civil Aviation Organization ;

1.3.60 “*State of Design*” includes the state having jurisdiction over the organization responsible for the type design ;

1.3.61 “*State of Manufacture*” includes the state having jurisdiction over the organization responsible for the final assembly of the aircraft, engine or propeller ;

1.3.62 “*State of Occurrence*” includes the state in the territory of which an accident or incident occurs ;

1.3.63 “*State of the Operator*” includes 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 ;

1.3.64 “*State of Registry*” includes the state on whose register the aircraft is entered ;

*Note.*— In the case of the registration of aircraft of an international operating agency on other than a national basis, the States constituting the agency are jointly and severally bound to assume the obligations which, under the Chicago Convention, attach to a State of Registry. See, in this regard, the Council Resolution of 14 December 1967 on Nationality and Registration of Aircraft Operated by International Operating Agencies which can be found in Policy and Guidance Material on the Economic Regulation of International Air Transport (Doc 9587).



1.3.65 “*State Safety Programme (SSP)*” means an integrated set of regulations and activities aimed at improving safety ;

1.3.66 “*Statement*” means the official account, record and statement of evidence and fact given by a person to an Investigator of the Bureau ;

1.3.67 “*Survivor*” means a victim who is not fatally injured as a result of the aircraft accident ;

1.3.68 “*Transportation occurrence*” means an aviation, railway, marine or road occurrence ;

1.3.69 “*Transport Safety Matter*” means the occurrences as listed in the NSIB (Establishment Act ;

1.3.70 “*Vehicle*” means any form of transportation that transports people, something or cargo, which includes aircraft, railed and tracked vehicles,, motor vehicles, ships, buses, vans, lorries, trucks, trailers, etc. ;

1.3.71 “*Victim*” means an occupant of the aircraft, or any person outside the aircraft, who is unintentionally directly involved in the aircraft accident. Victims may include the crew, revenue passengers, non-revenue passengers and third parties ;

1.3.72 “*Witness*” means a person required to attest to matters of facts, for this purpose, all statements taken from persons in the cause of accident investigation processes before the Director-General/CEO or any of his designated personnel there of which an affirmation may be required.

#### **1.4 Service of Notices and Other Documents**

1.4.1 Any notice, document, consent, approval or other communications required or authorized by any provision of these Regulations to be served on or given to any person shall be in writing and shall be served or given —

Service of  
Notices and  
other  
documents

(a) by delivering it to that person ;

(b) by leaving it at his usual or last-known residence or place of business, whether in Nigeria or elsewhere ;

(c) by sending it to that person by registered or recorded delivery mail, at that address; any Notice sent by mail shall be deemed to have been duly served five (5) working days after the date of posting ; or

(d) by sending it to that person at that address by telex, email, airmail, facsimile transmission or other electronic means in a form generating a record copy to the party being served at the relevant address ; in which event, the document shall be regarded as served when it is received.

1.4.2 In any case, any delivery made in accordance with the provisions of paragraphs 1.4.1 (b)-(d) shall be deemed served after seven (7)) days of the date of dispatch.

PART 2 — APPLICABILITY

Applicability	<p>2.1 Unless otherwise stated, the specifications in these Regulations apply to activities following any —</p> <ul style="list-style-type: none"><li>(a) civil aircraft accident or incident arising out of or in the course of air navigation and either occurring in or over Nigeria or occurring to Nigerian registered aircraft elsewhere and/or where the interest of Nigeria is involved ;</li><li>(b) accident or incident involving state and civil aircraft either occurring in or over Nigeria.</li></ul>
State of the Operator	<p>2.2 The specifications concerning the State of the Operator apply only when an aircraft is leased, chartered or interchanged and when a state is not the State of Registry and if it discharges in part or whole, the functions and obligations of the State of Registry.</p>

PART 3—GENERAL

Functions of the Bureau	<p><b>3.1</b> — The functions of the Bureau shall include, but not limited to —</p> <ul style="list-style-type: none"><li>(a) determination and classification of occurrences ;</li><li>(b) the conduct of investigation into any accident, serious incident or incident arising out of or in the course of air navigation and either occurring in or over Nigeria or occurring elsewhere as applicable to an aircraft registered in Nigeria or operated by Nigerian Operator ;</li><li>(c) the gathering, recording and analysis of all relevant information on air safety data, in particular, for accident or incident prevention purposes, in so far as those functions do not affect its independence and entail no responsibility in regulatory, administrative or standard matters ;</li><li>(d) visitation of the scene of the accident or incident ;</li><li>(e) preservation of the evidence ;</li><li>(f) examination of the wreckage and statements taken from witnesses ;</li><li>(g) if appropriate, the issuance of safety recommendations ;</li><li>(h) if possible, the determination of the causes and/or contributory factor(s) ;</li><li>(i) the compilation, completion and publication of the Final Report ;</li><li>(j) periodic review of global accidents, incidents, trends and advice ;</li><li>(k) the conduct of safety studies in accident or incident scenarios, arising from observed trends and other safety related issues.</li></ul>
Objective of the investigation	<p><b>3.2</b> The sole objective of the investigation of an accident or incident under these Regulations shall be the prevention of accidents and incidents. It is not the purpose of such an investigation to apportion blame or liability.</p>

3.3.1 The Bureau shall have independence in the conduct of the investigation and unrestricted authority over its conduct consistent with the provisions of the Nigerian Safety Investigation Bureau (Establishment) Act and in line with Annex 13 to the Convention on International Civil Aviation.

Independence of the investigations

3.3.2 The Bureau shall be independent from the civil aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation.

Independence from Civil Aviation Authorities

**3.4 Training of Safety Investigators**

3.4.1 The Director-General/CEO shall provide to the investigators various levels and categories of training, including advances in technologies for flight operations, engineering and other relevant aviation fields in order to ensure investigators acquire and maintain up-to-date knowledge, appropriate skills and required competence to conduct investigations.

Training of Safety Investigators

3.4.2 Airline Operator that acquires new aircraft type coming into Nigerian register shall conduct familiarization training for, at least one (1) safety investigator of the Bureau.

New aircraft familiarization training

3.4.3 The safety investigator in pursuance of subsection 3.4.2 above shall be required to undertake and attend certification courses on such new equipment to acquire system knowledge of aircraft for accident prevention purposes.

**3.5 Protection of Evidence, Custody and Removal of Aircraft**

3.5.1 Where an accident or a serious incident occurs in Nigeria, the Director-General/CEO shall take all reasonable 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 purposes of an investigation. Protection of evidence shall include the preservation, by photographic or other means of any evidence which might be removed, effaced, lost or destroyed. Safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration. Recovery and handling of flight recorder and its recordings shall be assigned to qualified personnel.

Protection of evidence, custody and removal of aircraft

3.5.2 No person other than the Director-General/CEO, the investigator-in charge or an authorized person shall —

Authorized access to site, aircraft contents or move wreckage

(a) have access to the aircraft involved in an accident or serious incident, the contents thereof, or the site of the accident or serious incident ; and

(b) move or interfere with the aircraft, its contents or the site of the accident or serious incident except under the authority of the Director-General/CEO or the investigator-in-charge.

3.5.3 Notwithstanding subsection 3.5.1 above —

(a) The aircraft involved in an accident or serious incident may be removed or interfered with to such extent as may be necessary for all or any of the following purposes —

(i) extricating persons or animals ;

(ii) removing any mail, valuables or dangerous goods carried by the aircraft for the purpose of preservation ;

(iii) preventing destruction by fire or other cause ;

(iv) preventing any danger or obstruction to the public, air navigation or other transport ; or

(b) if an aircraft is wrecked in water, the aircraft or any content thereof may be removed to such extent as may be necessary for bringing the aircraft or its contents to a place of safety.

3.5.4 Where the Director-General/CEO or investigator-in-charge has authorized any person to remove any goods or passenger baggage from the aircraft or to release any goods or passenger baggage from the custody of the Director-General/CEO or investigator-in-charge, the person may —

(a) remove the goods or passenger baggage or any other property from the aircraft under the supervision of a Police Officer not below the rank of an Assistant Superintendent of Police (ASP) ;

(b) release the goods or passenger baggage from the custody of the Director-General/CEO or investigator-in-charge, subject to clearance by or with the consent of the Nigeria Custom Service, if the aircraft has come from a place outside Nigeria.

Removal of aircraft from danger or obstruction to public or air navigation

3.5.5 Where the Director-General/CEO or investigator-in-charge is of the opinion that the aircraft involved in the accident or serious incident is likely to be in danger or obstruction to the public, air navigation or other transport, he shall order the Owner, Operator or Hirer of such aircraft to remove the aircraft to such place as the Director-General/CEO or investigator-in-charge shall indicate.

3.5.6 In the absence of the Owner, Operator or Hirer or in the event of non-compliance with the order in sub-section 3.5.5, the Director-General/CEO or investigator in-charge shall be empowered to remove or cause the removal of the aircraft.

3.5.7 The expenses incurred in removing such aircraft shall —

(a) be borne by the Owner, Operator or Hirer of the aircraft ; and

(b) where the aircraft is removed by the Director-General/CEO or investigator in-charge under sub-section 3.5.6, be borne by the Owner, Operator or Hirer or all of them.

3.5.8 In this paragraph, “*authorized person*” means —

(a) any person authorized by the Director-General/CEO or investigator-in-charge either generally or specifically to have access to any aircraft involved in an accident or a serious incident and includes any appropriate authority ; and

(b) in relation to an accident involving a military aircraft belonging to the Nigerian Armed Forces includes any person authorized by the Chief of the appropriate military service or the State of the Operator, as may be applicable, and shall observe the provisions of subparagraph 3.5.3.

**3.6** If a request is received from the State of Registry, the State of the Operator, State of Design or State of Manufacture, that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, with Nigeria as the State of Occurrence, the Director-General/CEO shall take all necessary steps to comply with such request, so far as this is reasonably practicable.

Request from other States to keep aircraft, its contents and any other evidence undisturbed

**3.7 Release of aircraft from custody of the Bureau**

3.7.1 Subject to subparagraph 3.5.1 and section 3.6, the Director-General/CEO shall release custody of the aircraft, its contents or any part(s) thereof as soon as they are no longer required in the investigation, to any authorized person or persons duly designated by the State of Registry or the State of the Operator, as applicable. For this purpose, the Director-General/CEO shall facilitate access to the aircraft, its contents or any part thereof lying in an area within which it finds it impracticable to grant such access, otherwise, it shall itself effect removal to a point where access can be given.

Release of aircraft from custody of the Bureau

3.7.2 In this paragraph, the expression “*authorized person*” means —

(a) any person authorized by the Director-General/CEO either generally or specially to have access to any aircraft involved in an accident or serious incident ;

(b) a Police Officer, not below the rank of Assistant Superintendent of Police (ASP) ;

(c) an officer of Customs and Excise, not below the rank of Assistant Comptroller ;

(d) the Operator, Owner or Hirer of the aircraft.

### 4.1 Reporting of Aircraft Accidents and Incidents

Reporting of aircraft accidents and incidents

4.1.1 Where an accident or incident occurs anywhere in Nigeria, the relevant person or any other person having knowledge of an accident, a serious incident or an incident shall immediately report it to the Bureau with much information as is readily available by the quickest means of communication available.

Operator to report occurrence

4.1.2 In the event of any occurrence, the Operator shall immediately notify the Bureau by the quickest means available. The contact information of the Bureau is published on its website : *www.aib.gov.ng*, including Emergency hotline : 0807 709 0908 and 0807 709 0909, AIB NIGERIA App. Further detailed information on the occurrence can be submitted to the Bureau using the Accident/Incident Reporting Form (NSIB Form 001) within 72 hours from the time of occurrence.

Classification of occurrences

4.1.3 The classification of all air occurrences shall be the prerogative of the Bureau.

Relevant persons to report occurrence

4.1.4 In this paragraph, the expression “relevant person” means —

(a) (i) in the case of an accident or serious incident occurring in or over Nigeria or occurring elsewhere to an aircraft registered in Nigeria, the Air Traffic Service (ATS) provider ;

(ii) in the case of an aerodrome accident or incident occurring on or adjacent to an aerodrome, the Operator of the Airport ;

(iii) the Pilot-In-Command of the aircraft involved at the time of the accident or incident or, if he or she is fatally injured or incapacitated, Owner or the Operator of the aircraft ;

(b) other crew members, if physically able at the time the report is submitted shall attach a statement setting forth the facts, conditions and circumstances relating to the accident or incident as they appear to him or her. If any of the crew members is incapacitated, he or she shall submit the statement as soon as he or she is physically able ;

(c) any surviving passenger or witness ;

(d) local police or military personnel ; and

(e) in the case of a serious incident occurring in or over any country or territory other than a Contracting State to an aircraft registered elsewhere than in Nigeria but operated by a Nigerian Operator, that Operator.

### 4.2 Language of reporting

Language of reporting

Reporting to the Bureau by any person pursuant to subsections 4.1.1 and 4.1.2 shall be in plain English language.

### 4.3. Forwarding notification of accidents or incidents to other states

The Director-General/CEO shall forward a notification of an aircraft accident, a serious incident, or an incident to be investigated within the context of these Regulations and in compliance with Annex 13 with a minimum delay and by the most suitable and quickest means available to —

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2,250 kg or is a turbojet-powered aeroplane.

Forwarding notification of accidents or incidents to other states'

### 4.4 Format and content of notification

4.4.1 The notification shall be in plain language and contain as much of the following information as is readily available, but its dispatch shall not be delayed due to the lack of complete information —

Format and content of notification

- (a) in the case of an accident, the identifying abbreviation “*ACCID*” or in the case of a serious incident, the identifying abbreviation “*SINCID*” or in the case of incident, the identifying abbreviation “*INCID*”;
- (b) the manufacturer, model, nationality and registration marks and serial number of the aircraft;
- (c) the name of the Owner, Operator and Hirer (if any) of the aircraft ;
- (d) the qualification of the Pilot-in-Command of the aircraft and nationality of the crew and passengers;
- (e) the date and time (local or coordinated universal time) of the accident or serious incident;
- (f) the last point of departure and the point of intended landing of the aircraft;
- (g) the position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
- (h) the number of crew and passengers; aboard, killed and seriously injured ; others, killed and seriously injured;
- (i) the nature of the accident or serious incident and the extent of the damage to the aircraft as far as is known;
- (j) an indication to what extent the investigation will be conducted or is proposed to be delegated by the Director-General/CEO;
- (k) the physical characteristics of the accident or serious incident area as well as an indication of access difficulties or special requirements to reach the site;
- (l) the identification of the originating authority and means to contact the investigator in charge and the Nigerian Safety Investigation Bureau at any time;
- (m) presence, description and location of dangerous goods on board the aircraft.

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Language of notification

4.4.2 The notification shall be in English language.

Forwarding of additional/detailed information other States

4.4.3 As soon as it is possible to do so, the Director-General/CEO shall dispatch the details omitted from the notification as well as other known relevant information.

Notification when the State of Occurrence is unaware of the serious incident

**4.5** When the State of Occurrence is not aware of a serious incident or an incident to be investigated involving an aircraft registered in Nigeria or operated by a Nigerian Operator, the Director-General/CEO shall forward a notification of the serious incident or an incident to the State of Design, the State of Manufacture and the State of Occurrence.

Notification of accidents or serious incidents in the territory of a non-Contracting State or outside the territory of any State

### **4.6 Notification of accidents or serious incidents in the territory of a non-Contracting State or outside the territory of any State**

4.6.1 When Nigeria, as the State of Registry, institutes the investigation of an accident or serious incident that occurs in a Non-Contracting State or outside the territory of any State, the Director-General/CEO shall forward a notification in accordance with these regulations, with a minimum delay and by the most suitable and quickest means available to —

(a) The State of the Operator ;

(b) The State of Design ;

(c) The State of Manufacture ; and

(d) The International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2,250 kg or is a turbojet-powered aeroplane.

4.6.2 The notification shall be in line with 4.4.1 and 4.4.2 above and shall contain as much of the following information as is available but its dispatch shall not be delayed due to lack of complete information.

### **4.7 Response to notification received from other States**

Acknowledge receipt of notification

4.7.1 The Director-General/CEO shall acknowledge receipt of any notification of an accident or serious incident received from another State.

Provision of information on crew, aircraft accredited representative to the State conducting the investigation

4.7.2 Upon receipt of the notification and Nigeria is the State of Registry or the State of the Operator, the Director-General/CEO shall as soon as possible, provide the State conducting the investigation with any relevant information available to him/her regarding the aircraft and flight crew involved in the accident or serious incident. The Director-General/CEO shall also inform the State whether he/she intends to appoint an accredited representative and if such an accredited representative is appointed, the name and contact details ; as well as the expected date of arrival if the accredited representative will travel to the State of Occurrence.



4.7.3 Upon receipt of the notification from the State of Registry and Nigeria being the State of the Operator, the Director-General/CEO shall upon request, provide the State of Registry with any relevant information available to him/her regarding the flight crew and the aircraft involved in the accident or incident. The Director-General/CEO shall also inform the State of Registry whether he/she intends to appoint an accredited representative, and if such an accredited representative is appointed, the name and contact details; as well as the expected date of arrival if the accredited representative will be present at the investigation.

4.7.4 Upon receipt of a notification and Nigeria being the State of the Operator, the Director-General/CEO shall with a minimum of delay and by the most suitable and quickest means available, as much as possible provide the State of Registry or the State conducting the investigation with details of dangerous goods on board the aircraft.

4.7.5 The Director-General/CEO shall on request, provide the State conducting the investigation with any relevant information available to him/her including the flight crew and the aircraft involved in the accident or serious incident.

#### **4.8 Appointment of the Bureau's accredited representatives and Advisers to participate in an investigation by another State**

4.8.1 The Director-General/CEO shall immediately appoint an accredited representative upon receipt of request or invitation to participate in the investigation into an accident or incident which occurs in another State with one or more advisers to assist the accredited representative where —

(a) Nigeria is the State of Registry and State of the Operator of the aircraft involved in the accident or incident ; or

(b) Nigeria has, at the request of the State conducting the investigation, provided information, facilities or experts to that State in connection with the investigation.

4.8.2 When specifically requested to do so by the State conducting the investigation of an accident to an aircraft over 2 250 kg that is registered in Nigeria or operated by a Nigerian Operator, the Director-General/CEO shall appoint an accredited representative, who shall be present to participate in the investigation.

4.8.3 When Nigeria is the State of Registry or the State of the Operator, the Director-General/CEO shall appoint one or more advisers, proposed by the Operator, to assist its accredited representative.

Appointment of the Bureau's accredited representatives and Advisers to participate in an investigation by another State

### **5.1 Instituting and conducting investigation of accidents or incidents in Nigeria to aircraft of a contracting State**

Instituting and conducting investigation of accidents or incidents in Nigeria to aircraft of a contracting State

5.1.1 The Director-General/CEO shall immediately institute an investigation into the circumstances of an accident or serious incident which occur in or over Nigeria to which these Regulations apply in compliance with Annex 13, and shall be responsible for the conduct of the investigation. In the case of investigation of an unmanned aircraft system, only aircraft with a design and/or operational approval are to be considered.

5.1.2 If the State of Occurrence does not institute and conduct an investigation into the circumstances of an accident or serious incident to an aircraft registered in Nigeria or operated by an Operator established in Nigeria, and does not delegate the investigation to another State or a regional accident and incident investigation organization, the Director-General/CEO is entitled to request in writing the State of Occurrence to delegate the conducting of such investigation. If the State of Occurrence gives express consent or does not reply to such a request within 30 days, the Director-General/CEO shall institute and conduct the investigation with such information as is available.

Investigating accidents or incidents in a non-Contracting State

**5.2** When an accident or serious incident to an aircraft registered in Nigeria or operated by an Operator established in Nigeria, has occurred in the territory of a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13, the Director-General/CEO shall institute and conduct an investigation in cooperation with the State of Occurrence, but failing such cooperation, the Director-General/CEO shall conduct the investigation with such information as is available.

### **5.3 Investigating accidents or incidents outside any State**

Investigating accidents or incidents outside any State

5.3.1 When an accident or a serious incident has occurred to an aircraft registered in Nigeria at a location which cannot definitely be established as being in the territory of any State, the Director-General/CEO shall institute and conduct any necessary investigation of the accident or serious incident.

5.3.2 Where an accident or serious incident occurs in international waters nearest to Nigeria, the Director-General/CEO shall provide such assistance as it is able and shall, likewise, respond to requests by the State of Registry.

5.3.3 When an accident or a serious incident has occurred to an aircraft operated by an Operator established in Nigeria, at a location which cannot definitely be established as being in the territory of any State, and the State of Registry neither institute and conduct an investigation nor delegate the investigation to another State or a regional accident and incident investigation organization, the Director-General/CEO is entitled to request in writing the

State of Registry to delegate the conducting of such investigation. If the State of Registry gives express consent or does not reply to such a request within 30 days, the Director-General/CEO shall institute and conduct the investigation with such information as is available.

5.3.4 When an accident or serious incident to an aircraft operated by an Operator established in Nigeria has occurred at a location which cannot definitely be established as being in the territory of any State, and the State of Registry is a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13, the Director-General/CEO shall institute and conduct the investigation with such information as is available.

#### **5.4 Independence in the conduct of investigation**

5.4.1 The Director-General/CEO shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Nigerian Safety Investigation Bureau (Establishment) Act and Annex 13 to the Convention on International Civil Aviation. Any investigation to be conducted by the Director-General/CEO shall normally include :

Independence  
in the  
conduct of  
investigation

- (a) the gathering, recording and analysis of all relevant information on that accident or incident ;
- (b) the protection of certain accident and incident investigation records in accordance with 5.14 of these regulations ;
- (c) if appropriate, the issuance of safety recommendations ;
- (d) if possible, the determination of the causes and/or contributory factors ; and
- (e) the compilation of the Final Report.

Where feasible, the scene of the accident shall be visited, the wreckage examined, witnesses invited and their statements taken. The extent of the investigation and the procedure to be followed in carrying out such an investigation shall be determined by the Director-General/CEO, depending on the lessons it expects to draw from the investigation for the improvement of safety.

5.4.2 Any investigation conducted under the provisions of these Regulations shall be separate from any judicial or administrative proceedings to apportion blame or liability. Coordination between the two processes would likely be required at the accident site and in the gathering of factual information, with due consideration to the provisions in 5.14 below.

5.4.3 There shall be cooperation between the Bureau and judicial authorities so that an investigation is not impeded by administrative or judicial investigations or proceedings.

5.4.4 The Director-General/CEO, when conducting any investigation under the provisions of these Regulations in compliance with Annex 13 shall have unrestricted access to all available evidential material without delay.

Delegation of the whole or part of an investigation of accidents or incidents

**5.5 Delegation of the whole or part of an investigation of accidents or incidents**

5.5.1 The Director-General/CEO may delegate the whole or part of an investigation into an accident or a serious incident to another contracting State or a regional accident investigation organization (RAIO) by mutual arrangement and consent.

5.5.2 Where the Director-General/CEO delegates the whole or part of an investigation to another State or a regional accident and incident investigation organization, he/she shall so far as possible, use every means to facilitate inquiries by the investigator appointed by the relevant State or regional accident and incident investigation organization.

Assistance to other States to conduct the whole or part of an investigation

**5.6 Assistance to other States to conduct the whole or part of an investigation**

5.6.1 The Director-General/CEO shall carry out, or cause an investigator-in-charge to carry out, an investigation into an accident or incident where the investigation has been delegated to Nigeria by another State or a regional accident and incident investigation organization.

5.6.2 When requested to do so by the State or regional accident and incident investigation organization (RAIO), the Director-General/CEO may provide assistance to that State or RAIO by supplying :

- (a) installations, facilities and equipment for —
  - (i) the technical investigation of wreckage, aircraft equipment and other objects relevant to the investigation ;
  - (ii) the evaluation of information from flight recorders, Air Traffic Services recorder, computer storage and evaluation of air accident data ; and
- (b) accident investigation experts to undertake specific tasks but only when an investigation is opened following a major accident.

Investigation of incident other than serious incident

**5.7 Investigation of incident other than serious incident**

5.7.1 The Director-General/CEO may, when he expects to draw safety lessons from it, carry out, or cause an Investigator to carry out, an investigation into an incident, other than a serious incident, which occurs :

- (a) in or over Nigeria ; or
- (b) outside Nigeria involving a Nigerian registered aircraft or an aircraft operated by a Nigerian Operator.

5.7.2 The Owner, Operator, Pilot-In-Command or Hirer of the aircraft, if so required by notice given to such a person by the Director-General/CEO, shall send to the Director-General/CEO such information as is in his or her possession or control with respect to the incident in such form and at such times as may be specified in the notice.

**5.8 Appointment of Safety Investigators**

Appointment of Safety Investigators

5.8.1 The Director-General/CEO may arrange for any of his powers and obligations under these Regulations to be performed on his behalf by any personnel of the Bureau designated by him/her.

5.8.2 For the purpose of carrying out investigation into an accident or incident to which these Regulations apply, the Director-General/CEO shall appoint one or more Air Safety Investigators to conduct the investigation, one of whom shall be designated as the investigator-in-charge (IIC) of the investigation and shall initiate the investigation immediately.

5.8.3 An Air Safety Investigator or any person so appointed by the Director-General/CEO to participate in an investigation shall be deemed to perform his investigative duties under the authority of the investigator-in-charge of the investigation.

**5.9 Power to appoint technical expert to assist investigator-in-charge**

Power to appoint technical expert to assist investigator-in-charge

Without prejudice to the power of an investigator-in-charge to seek advice or assistance as he may deem necessary in making an investigation, the Director-General/CEO may appoint persons to assist an investigator-in-charge in a particular investigation and such persons shall for the purpose of so doing have such of the powers of an Investigator under these Regulations or as may be specified in their appointment or on the basis of collaboration.

**5.10 Issuance of Credentials to investigators**

5.10.1 The Director-General/CEO shall issue appropriate credentials to the Bureau’s investigator-in-charge, safety investigators and any person (s) so authorized to participate in an investigation. The credential shall include —

- (a) reference to empowering legislation ;
- (b) method to control currency of credentials ; and
- (c) photo of the holder.

5.10.2 For the purpose of enabling the investigator-in-charge to carry out an investigation into any accident or incident in the most efficient and effective manner within the shortest time, an investigator-in-charge shall —

Access and control over the site and evidences

- (a) have unhampered access to the site of the accident or incident as well as to the aircraft, its contents or its wreckage 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) ensure an immediate documenting, photographing or copying of evidence thereof and controlled removal of debris, or components for examination or analysis purposes or preparing a study for the purpose of prevention of accidents ;

(c) have immediate unrestricted access to and control over all relevant evidential material, including the flight recorders and Air Traffic Services records and any other recordings, 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 ;

(d) ensure the detailed examination and effective use of the contents of the flight recorders, Air Traffic Services records and any other recordings in the investigation of an accident or an incident and shall arrange for the readout of the flight recorders without delay ;

(e) interview, examine and take statements from witnesses ; and

(f) have free access to, or request from any State any relevant information or records held by the Owner, the Operator or the Manufacturer of the aircraft and by the authorities responsible for civil aviation or airport operation.

5.10.3 When conducting investigation into a fatal accident, the Director-General/CEO shall arrange for complete autopsy examination of fatally injured flight crew and, subject to particular circumstances, of fatally injured passengers, and cabin attendants, preferably by a pathologist experienced in accident investigation. These examinations shall be expeditious and complete.

5.10.4 When appropriate, the Director-General/CEO shall arrange for medical examination of the crew, passengers and involved aviation personnel, by a physician, preferably experienced in accident investigation. These examinations shall be expeditious.

5.10.5 In any circumstance, the investigator-in-charge of the investigation shall have access to the results of examination of the bodies of victims of the people involved in the operation of the aircraft or of tests made on samples taken from such people.

5.10.6 No person having been involved in the operation of the aircraft shall refuse or fail to produce information to an investigator, or to appear before an investigator and give statement, to provide information or to submit to a medical examination.

5.10.7 For the purpose of subsections 5.10.1 and 5.10.2 above, the investigator-in-charge shall have the following unrestricted power —

(a) to invite and take such positive steps to call before him, to examine from all such persons as he thinks fit, to require such persons to answer question or furnish information or produce books, papers, documents and

articles which the Investigator may consider relevant and to retain such books, papers, documents and articles until the completion of the investigation ;

(b) to take statements from all such persons as the Investigator may think fit and to require any such person to make and sign a declaration of the truth of the statement made by such Declarant ;

(c) on production, if required of his credentials, to enter and inspect anyplace, building or aircraft, where it appears to the Investigator to be necessary for the purposes of the investigation ;

(d) on production, if required of his or her credentials, to remove, test, take measures for the preservation of or otherwise deal with any aircraft other than an aircraft involved in the accident or incident where it appears to the Investigator that it is required for the purposes of the investigation ;

(e) to take such measures for the preservation of any evidence as the investigator considers appropriate ;

(f)(i) where the circumstances so require, particularly in cases where a witness becomes hostile or stubborn, the Investigator shall cause a summons to be issued under the hand of a competent Legal Officer to secure the attendance of such a witness(s) ;

(ii) it shall be an offence, where relevant parties pertinent to an occurrence refuse access to investigator or fail to provide the necessary information when required or impede investigation ;

(iii) when it is determined that any person or party has supplied false information, the information shall be disregarded and use may be made of the facts available.

5.10.3 Any expert or witness invited by an investigator-in-charge under paragraph 5.10.2(a) above shall be entitled to reimbursement of such reasonable expense(s) as the Director-General/CEO may determine.

### **5.11 Recorded data- Accidents and incidents**

5.11.1 The Director-General/CEO shall make effective use of flight recorders in the investigation of an accident or serious incident and shall arrange for the read-out of the flight recorders without delay.

5.11.2 In the event that the Bureau does not have adequate facilities to read out the flight recorders, it shall use the facilities made available to it by other States, considering the following :

- (a) the capabilities of the read-out facility ;
- (b) the timeliness of the read-out ; and
- (c) the location of the read-out facility.

5.11.3 The Director-General/CEO shall make effective use of available ground-based recordings, including surveillance data and ATS communications in the investigation of an accident or an incident.

Recorded  
data-  
Accidents  
and  
incidents

**5.12 Coordination with Judicial Panel/ Tribunal of Inquiry**

Coordination with Judicial Panel/ Tribunal of Inquiry

5.12.1 The Director-General/CEO while conducting an investigation shall recognize the need for coordination between the investigator-in-charge and the judicial authorities. Particular attention shall be given to evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and read-outs of flight recorders recordings.

5.12.2 Any possible conflict between the Bureau and judicial authorities regarding custody of the flight recorders and their recordings may be resolved by an official of judicial authority carrying the recordings to the place of read-outs of flight recorders.

5.12.3 Any possible conflict between the Bureau and judicial authorities regarding the custody of the wreckage may be resolved by an official of the judicial authority accompanying the wreckage to the place of examination and being present at such examination when a modification of the condition of the wreckage is required, thus maintaining custody.

5.12.4 Any investigation conducted in accordance with the provisions of these Regulations shall conform to Annex 13 and particularly sections 3.2 and 3.3 above and shall be separate from any judicial or administrative proceedings to apportion blame or liability.

5.12.5 No safety investigator of the Bureau shall be compelled to appear to give evidence on issues that apportions blame or liability or to disclose technical information that could affect the outcome of its investigation.

**5.13 Informing aviation security authorities**

Informing aviation security authorities

If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the investigator-in-charge shall immediately initiate an action to ensure that the national aviation security authority and other relevant authorities are informed.

**5.14 Protection of accident and incident investigation records**

Protection of accident and incident investigation records

5.14.1 Nobody shall disclose to the public or make the following records available for purposes other than accident and incident investigations unless the competent authority designated for this purpose determines, in accordance with the Nigerian Safety Investigation Bureau (Establishment) Act and subject to appendix 2 to Annex 13 and paragraph 5.14.1(c), that their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigations —

- (a) cockpit voice recordings and airborne image recordings and any transcripts from such recordings ;
- (b) records in the custody or control of the Bureau being —



(1) all statements taken from persons by the Director-General/CEO in the course of investigation ;

(2) all communications between persons having been involved in the operation of the aircraft ;

(3) medical or private information regarding persons involved in the accident or incident ;

(4) recordings and transcripts, of recordings from air traffic control units ;

(5) analysis of and opinions about information, including flight recorder information, made by the Director-General/CEO and accredited representatives in relation to the accident and incident ; and

(6) The draft Final Report of an accident or incident investigation.

(c) Audio content of cockpit voice recordings as well as image and audio content of airborne image recordings and any transcript, from such recordings shall not be disclosed to the public ;

(d) The records listed in subsection 5.14.1 above 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 to the public.

*Note :— The records listed in paragraphs 5.14.1 (a) - (c) above include information relating to an accident or incident. The disclosure or use of such information for purposes where disclosure or use is not necessary in the interest of safety may mean that, in the future, the information will no longer be openly disclosed to investigators. Lack of access to such information would impede the investigation process and seriously affect aviation safety.*

5.14.2 The Director-General/CEO shall determine whether any other records it obtained or generated as part of an accident or incident investigation need to be protected in the same way as the records in paragraphs 5.14.1(a)-(c) of these Regulations.

5.14.3 The Director-General/CEO shall not disclose to the public the names of persons involved in the accident or incident.

5.14.4 Request for records in the custody or control of the Bureau shall be directed to the original source of the information, where available.

5.14.4.1 The Director-General/CEO shall retain where possible, only copies of records obtained in the course of investigation.

5.14.5 The Director-General/CEO shall take measures to ensure that draft Final Report it received or issued is not disclosed to the public.

5.14.6 Federal High Court is the designated competent authority for applying the balancing test where the disclosure of the records in paragraphs 5.14.1 (a) to (c) is for criminal or civil proceedings.

5.14.7 The provisions of the Freedom of Information Act shall apply in the case where the purpose of the request for disclosure of the records in Sub-section 5.14.1 is for public accessibility.

Competent authority

5.14.8 Where the request is for a record to be disclosed or used in a criminal, civil, administrative or disciplinary proceeding, the competent authority shall be satisfied that a material fact in question in the proceedings cannot be determined without that record, before administering the balancing test.

When administering the balancing test, the competent authority shall take into consideration factors such as —

- (a) The purpose for which the record was created or generated ;
- (b) The requester's intended use of that record ;
- (c) Whether the rights or interests of a person or organization will be adversely affected by the disclosure or use of that record ;
- (d) Whether the person or organization to whom that record relates has consented to make that record available ;
- (e) Whether suitable safeguards are in place to limit the further disclosure or use of that record ;
- (f) Whether that record has been or can be de-identified, summarized or aggregated ;
- (g) Whether there is an urgent need to access that record to prevent a serious risk to health or life ;
- (h) Whether that record is of a sensitive or restricted nature ; and
- (i) Whether that record reasonably indicates that the accident or incident may have been caused by an act of omission considered in accordance with relevant laws and regulations, to be gross negligence, willful misconduct, or done with criminal intent.

5.14.9 The competent authority shall record the reasons for its determination when administering the balancing test. The reasons shall be made available and referred to as necessary for subsequent decisions.

### 5.15 Reopening of investigation

Reopening of investigation

5.15.1 The Director-General/CEO shall cause the investigation of an accident or an incident to be reopened, if, after the investigation has been closed and —

- (a) new and significant evidence becomes available after the investigation has been closed ;
- (b) where an aircraft which was considered missing, following an official search is subsequently located ; and
- (c) if for any other reason there is, in the opinion of the Director-General/CEO, ground for suspecting that the reputation of any person has been unfairly and adversely affected.

However, where Nigeria is not the State that instituted the investigation, the Director-General/CEO shall first obtain the consent of that State which instituted the investigation prior to reopening the investigation.

5.15.2 Any investigation reopened shall be subject to and conducted in accordance with the provisions of these Regulations.

#### **5.16 Information to the State conducting investigation**

5.16.1 The Director-General/CEO shall, on request from the State conducting the investigation of an accident or an incident, provide that State with all the relevant information available to him/her.

5.16.2 The Director-General/CEO shall cooperate with other States to determine the limitations on disclosure or use that will apply to information before it is exchanged between them for the purposes of an incident investigation.

5.16.3 Where the facilities or services in Nigeria have been, or would normally have been, used by an aircraft prior to an accident or incident and, which the Bureau has information pertinent to the investigation, on request by the State conducting the investigation, the Director-General/CEO shall provide such information on the activities which may have directly or indirectly influenced the operation of the aircraft.

**5.17** When an aircraft involved in an accident or a serious incident lands in a State other than the State of Occurrence, and Nigeria is the State of Registry or the State of the Operator, the Director-General/CEO shall, on request from the State conducting the investigation, furnish the latter State with the flight recorder records and, if necessary, the associated flight recorders.

#### **5.18 Organizational information**

5.18.1 When Nigeria is the State of Registry or State of the Operator, the Director-General/CEO, shall provide on the request of the State conducting the investigation, pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft involved in an accident or incident.

5.18.2 Any Organization whose activities may have directly or indirectly influenced the operation of the aircraft shall provide all pertinent information related to the operation of the aircraft to the Director-General/CEO on request.

#### **5.19 Rights of participation of other States in the investigation**

5.19.1 Where an investigation of accident or serious incident is being carried out by an Investigator-in-Charge pursuant to Part 5 of these Regulations, the following States shall each be entitled to appoint an accredited representative to participate in the investigation —

- (a) the State of Registry ;

Information  
to the State  
conducting  
investigation

When  
aircraft lands  
in a State  
other than  
the State of  
Occurrence

Organizational  
information

Rights of  
participation  
of other  
States in the  
investigation

- (b) the State of the Operator ;
- (c) the State of Design ;
- (d) the State of Manufacture ;

(e) any State which has, on request, furnished information, facilities or experts to the Bureau in connection with the accident or the incident investigation.

Nothing in Sub-section 5.19.1 above, is intended to preclude the Director-General/CEO from requesting the State that designed or manufactured the powerplant or major components of the aircraft and any State that provided an operational base for field investigations, or was involved in search and rescue or wreckage recovery operations, or was involved as a State of code-share or alliance of the Operator, to appoint an accredited representative whenever the Director-General/CEO believes that a useful contribution can be made to the investigation or when such participation might result in increased safety.

5.19.2 The State of Registry or the State of the Operator is entitled to appoint one or more advisers, proposed by the operator, to assist its accredited representative

5.19.3 When neither the State of Registry nor the State of the Operator appoints an accredited representative, the Director-General/CEO shall invite the Operator to participate.

5.19.4 The State of Design and the State of Manufacture shall be entitled to appoint one or more advisers, proposed by the organizations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives.

5.19.5 When neither the State of Design nor the State of Manufacture appoints an accredited representative, the Director-General/CEO shall invite the Organizations responsible for the type design and the final assembly of the aircraft to participate in line with the Bureau's procedures.

5.19.6 When the State conducting an investigation accident of an aircraft of a maximum mass of over 2 250 kg registered in Nigeria or operated by an Operator located in Nigeria, specifically requests participation by the Bureau, the Director-General/CEO shall appoint an accredited representative.

5.19.7 A State entitled to appoint an accredited representative shall also be entitled to appoint one or more advisers to assist the accredited representative in the investigation.

Nothing in the above provisions is intended to preclude a State participating in an investigation from calling upon the best technical experts from any source and appointing such experts as advisers to its accredited representative.

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

5.19.9 Participation in the investigation shall confer entitlement to participate in all aspects of the investigation, under the control of the investigator-in-change, in particular to —

- (a) visit the scene of the accident ;
- (b) examine the wreckage ;
- (c) obtain witness 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 component examinations, technical briefings, tests and simulations ;
- (h) participate in investigation progress meetings including deliberations related to analysis, findings, causes, contributing factors and safety recommendations ; and
- (i) make submissions in respect of the various elements of the investigation.

However, participation of States other than the State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall be limited to those matters which entitled such States to participation under these Regulations.

5.19.10 A representative of a State or an accident investigation authority from a State other than the States specified in subsection 5.19.1 above may, upon a request be allowed by the Director-General/CEO, to participate in the investigation as an observer.

**5.20** The accredited representatives and their advisers shall —

- (a) provide the Bureau with all relevant information available to them ; and
- (b) not divulge information on the progress and the findings of the investigation without the express consent of the Director-General/CEO on whose behalf the investigation is conducted.

Obligations  
of accredited  
representatives  
and their  
advisers

Nothing in the above provision precludes prompt release of facts when authorized by the Director-General/CEO, nor does the above provision preclude accredited representatives from reporting to their respective States in order to facilitate appropriate safety actions.

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Rights and entitlement of States having suffered fatalities or serious injuries to their citizens

**5.21** The Director-General/CEO shall, upon receipt of a request from any State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens, permit the State to appoint an expert who shall have the following entitlements—

- (a) Visit the scene of the accident ;
- (b) Have access to the relevant factual information, which is approved for public release by the State conducting the investigation and information on the progress of the investigation ;
- (c) Participate in the identification of the victims ;
- (d) Assist in questioning surviving passengers who are citizens of the expert's State ; and
- (e) Receive a copy of the final report.

Release of established factual information within the first year

**5.22** The Director-General/CEO shall release, at least during the first year of the investigation, established factual information and indicate the progress of the investigation in a timely manner.

Obstruction of investigation

### **5.23** Obstruction of investigation

5.23.1 No person shall obstruct or impede an investigator or any person acting under the authority of the Director-General/CEO in the exercise of any powers or duties under these Regulations.

5.23.2 No person shall, without reasonable cause, fail to comply with any summons of an investigator conducting an investigation. The onus of proving reasonable cause for failing to comply with the summons shall lie on the person relying on such cause.

5.23.3 No person shall refuse to make available the body of the deceased person or other human remains involved in an accident for the performance of an autopsy or medical examination required in these Regulations.

5.23.4 An investigator appointed under section 5.8 above, may apply for a court order from the competent authority to compel compliance with orders or directives issued under this Regulation, when necessary.

## PART 6 — FINAL REPORT

**6.1 Format of the Final Report**Format of  
the Final  
Report

6.1.1 Upon completion of investigation into an accident or incident, the investigator-in-charge shall with minimum delay, prepare a Final Report of the investigation, including the use of the format of the Final Report in Appendix 1 to Annex 13 adopted to the circumstances of the accident or incident.

6.1.2 If it appears to the Investigator-in-Charge that the investigation of any accident or incident —

(a) involving a collision between a civil aircraft and a State aircraft at a civil aerodrome ; or

(b) occurring while a civil aircraft was on, or in the course of taking off from or landing on an aerodrome controlled by any Approved Training Organization(s) (ATO) ; or

(c) a military aerodrome, where the collision involves a civil aircraft ;

(d) except for the investigation of matters affecting the discipline or internal administration of any of those entities which are more appropriate for the investigation by some other person or body,

the investigation may be treated for the purposes of Sub-section 6.1.1 above as if it had been completed without such matters being investigated under these Regulations. In such a case the report of the investigation into the accident or incident shall state those matters to which the investigation has not extended by reason of this paragraph.

6.1.3 The Final Report of an investigation into an accident or incident shall —

(a) state the sole objective of the investigation as described in Section 3.2 above ;

(b) where appropriate, contain relevant safety recommendations ;

(c) protect the anonymity of the persons involved in the accident or incident ; and

(d) be circulated by the Director-General/CEO to the parties likely to benefit from its findings with regards to safety.

6.1.4 The Director-General/CEO may issue Bulletin when the occurrence is classified as an incident and, which in his opinion, does not require full Annex 13 investigation.

6.1.5 The Director-General/CEO may issue Safety Bulletin when there is several repeat of similar occurrences involving same operator, or same aircraft, or at same aerodrome.

**6.2 Release of information - Consent**

Release of information - Consent

6.2.1 It shall be unlawful for anyone, Organization or State to disclose, or permit to be disclosed, use, circulate, alter, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident or tender in any proceedings whatsoever any privileged information contained in any notice or report served on him pursuant to Section 6.3 or release to any other person without the prior consent in writing of the Director-General/CEO duly obtained, unless the reports or documents have already been published or released by the Director-General/CEO.

6.2.2 The Director-General/CEO shall not circulate, publish or give access to a draft report or any part thereof, or any documents it received from the State conducting investigation of an accident or incident, without the express consent of the State which conducted the investigation unless such reports or documents have already been published or released by that latter State.

**6.3 Consultation with stakeholders for substantial comments to draft Final Report**

Consultation with stakeholders for substantial comments to draft Final Report

6.3.1 The Director-General/CEO shall send a copy of the draft Final Report to the following States inviting their significant and substantiated comments on the report as soon as possible —

- (a) the State that instituted the investigation ;
- (b) the State of Registry ;
- (c) the State of the Operator ;
- (d) the State of Design ;
- (e) the State of Manufacture ; and
- (f) any State that participated in the investigation as per Part 5 of these Regulations.

6.3.2 The Director-General/CEO shall send through the State of the Operator, a copy of the draft Final report to the Operator to enable the Operator to submit comments on the draft Final Report.

6.3.3 The Director-General/CEO shall send through the State of Design and the State of Manufacture, a copy of the draft Final report to the organizations responsible for the type design and the final assembly of the aircraft to enable them to submit comments on the draft Final Report.

6.3.4 The Director-General/CEO shall send a copy of the draft Final Report to any Organizations or persons who in the opinion of the Director-General/CEO have a direct interest in the investigation of an accident or incident to enable them to submit their significant and substantiated comments on the draft Final Report.



6.3.5 If the Director-General/CEO receives comments within 60 days of the date of the transmittal letter, it shall either amend the draft Final Report to include the substance of the comments received or, if desired by the State that provided comments, append the comments to the Final Report.

6.3.6 If the Director-General/CEO receives no comments within 60 days of the date of the first transmittal letter, it shall issue the Final Report in accordance with 6.4, unless an extension of that period has been agreed by the Director-General/CEO and the entities concerned.

6.3.7 The Director-General/CEO shall have power to extend the period of 60 days prescribed in paragraph 6.3.10.3 and this power shall be exercisable notwithstanding that the period has expired.

6.3.8 If the Director-General/CEO receives no comments within the agreed extension period, it shall issue the Final Report without delay, and forward same to the President through the Minister, and publish.

6.3.9 The Director-General/CEO shall send, within 60 days of the date of receipt of transmittal letter, its significant comments on draft Final Report to the State conducting an accident or incident investigation to which the Director-General/CEO participated.

#### 6.3.10 **Notice of the draft Final Report**

6.3.10.1 No report, which is required by these Regulations to be published, shall be so published if, in the Director-General/CEO's opinion, it is likely to affect adversely the reputation of any person, until the Director-General/CEO has —

Notice of the  
draft Final  
Report

(a) where it appears to him to be practicable to do so, served a notice under these Regulations upon that person, or if that person is a deceased individual, upon the person who appears to the Director-General/CEO, at the time he proposes to serve notice pursuant to this paragraph, to represent best the interest of the deceased in the matter ; and

(b) made such changes to the report as he thinks fit following due consideration of any representations which may be made to him in accordance with paragraph 6.3.5 above by or on behalf of the person served with such notice.

6.3.10.2 The notice referred to in subparagraph 6.3.10.1(a) above, shall include particulars of any proposed analysis of facts and conclusions as to the cause or causes of the accident or incident which may affect the persons on whom or in respect of whom the notice is served.

6.3.10.3 Any representations made pursuant to subparagraph 6.3.10.1(b) above, shall be in writing and shall, subject to Sub-section 6.3.7 above, be served on the Director-General/CEO within 60 days of service of the notice referred to in subparagraph 6.3.10.1(a) above.

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Recipients  
of Final  
Report

### **6.4 Recipients of Final Report**

6.4.1 The Director-General/CEO shall send the Final Report of the investigation he/she conducted to the following States with a minimum of delay—

- (a) the State that instituted the investigation ;
- (b) the State of the Operator ;
- (c) the State of Registry ;
- (d) the State of Design ;
- (e) the State of Manufacture ;
- (f) any State that participated in the investigation ;
- (g) any State having suffered fatalities or serious injuries of its citizens ; and
- (h) any State that provided relevant information, significant facilities or experts.

6.4.2 The Director-General/CEO shall send the Final Report to ICAO where the accident or incident involves an aircraft of a maximum mass of over 5,700kg ;

6.4.3 The Director-General/CEO shall send the Final Report to any Organizations or persons who in the opinion of the Director-General/CEO have a direct interest in the investigation ;

6.4.4 A copy of the Final Report shall be sent to the President through the Minister responsible for civil aviation.

### **6.5 Release of the Final Report**

Release of  
the Final  
Report

6.5.1 The Director-General/CEO shall, in the interest of accident prevention, cause the Final Report of the investigation of an accident or incident the Bureau conducted to be made publicly available as soon as possible and, if possible within 12 months of the date of the occurrence.

Posting of  
Final Report  
on the  
website

6.5.2 A Final Report posted on the Bureau's website shall be deemed to be publicly available as the Final Report and hard-copy of the publication may not necessarily be required.

Issuance of  
interim  
statement

### **6.6 Issuance of Interim Statement**

6.6.1 If the report cannot be made publicly available within 12 months, the Bureau shall make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

6.6.2 In the event the Bureau is participating in an investigation conducted by another State and the State conducting the investigation does not make the Final Report or an interim statement publicly available within a reasonable time frame, the Director-General/CEO is entitled to request in writing from the State conducting the investigation express consent to release a statement containing safety issues raised with such information as is available.

6.6.3 If the State conducting the investigation gives express consent the Director-General/CEO in line with 6.6.2 above or does not reply to such a request within 30 days, the Director-General/CEO shall consider to release such a statement after coordinating with other participating States.

6.7 Subject to the provisions of paragraph 6.1.3 (c) above, the Director-General/CEO shall at any time publish, or cause to be published, information relating to an accident or incident whether or not such accident or incident is the subject of an investigation by the Bureau.

Publication  
of  
information  
relating to  
accidents or  
incidents

### 6.8 Safety Recommendations

6.8.1 At any stage of the investigation of an accident or incident, the Bureau shall recommend in a dated transmittal correspondence to the appropriate authorities, including those in other States, any preventive action that he considers necessary to be taken promptly to enhance aviation safety.

Safety  
Recommendations

6.8.2 Precedence for the issuance of Safety Recommendations from an accident or incident investigation is given to the Bureau as the State conducting the investigation; however, in the interest of safety, other States participating in the investigation shall be entitled to issue Safety Recommendations after coordinating with the Director-General/CEO. In the interest of safety, the Director-General/CEO, when participating in an investigation conducted by another State, shall be entitled to issue Safety Recommendations after coordinating with the State conducting the investigation.

6.8.3 A Safety Recommendations shall in no case create a presumption of blame or liability for an accident or incident.

### 6.9 Addressees of Safety Recommendations

6.9.1 The Director-General/CEO shall address, when appropriate, any Safety Recommendations arising out of the investigations in a dated transmittal correspondence to the accident investigation authorities of other State(s) concerned, entities, undertaking and to ICAO, when ICAO documents are involved.

Addressees  
of Safety  
Recommendations

6.9.2 When the Director-General/CEO issues a Safety Recommendations of global concern (SRGC), it shall inform ICAO of the issuance of that recommendation and its responses in dated transmittal correspondence, even when the SRGC is not addressed to ICAO.

6.9.3 When Final Reports contain safety recommendations addressed to ICAO, because ICAO documents are involved, these reports must be accompanied by a letter outlining the specific action proposed.

**6.10 Action on safety recommendations**

Action on safety recommendations

6.10.1 Any entity within Nigeria that receives safety recommendations shall inform the Director-General/CEO, within 90 days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why no action will be taken.

6.10.2 Where any safety recommendation is forwarded to the Bureau by the State conducting an investigation into accident or incident, the Director-General/CEO shall convey to that State within 90 days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why no action will be taken.

**6.11 Recording of safety recommendations issued**

Recording of safety recommendations issued

6.11.1 In the case where the Director-General/CEO is conducting the investigation or issuing a safety recommendation, he/she shall implement procedures to record the responses to the safety recommendation he/she has issued.

6.11.2 The Director-General/CEO shall direct and deploy follow-up measures to monitor the implementation of the safety recommendations issued by the Bureau.

**6.12** Where the Bureau receives a safety recommendation, the Director-General/CEO shall implement procedures to monitor the progress of the action taken in response to that safety recommendation.

Monitoring progress on safety recommendations received

**PART 7—ADREP REPORTING**

Forwarding Preliminary Reports of Accidents over 2,250kg

**7.1** When the aircraft involved in an accident is of a maximum mass of over 2,250 kg, the Director-General/CEO when conducting the investigation shall send the Preliminary Report to —

- (a) the State of Registry or the State of Occurrence as appropriate ;
- (b) the State of the Operator ;
- (c) the State of Design ;
- (d) the State of Manufacture ;
- (e) any State that provided relevant information, significant facilities or experts ; and
- (f) the International Civil Aviation Organization.

Forwarding Preliminary Report of accidents to aircraft 2 250 kg or less

**7.2** When an aircraft, not covered by section 7.1 above, is involved in an accident and airworthiness or matters considered to be of interest to other States are involved, the Director-General/CEO shall forward the Preliminary Report to —

- (a) the State of Registry or the State of Occurrence, as appropriate ;

- (b) the State of Operator ;
- (c) State of Design ;
- (d) State of Manufacture ; and
- (e) any State that provided relevant information, significant facilities or experts.

**7.3** The Preliminary Report shall be submitted to the appropriate States and the ICAO in English language.

**7.4** The Preliminary Report shall be sent by facsimile, email or airmail within 30 days of the date of the accident unless the accident/incident Data Report has been sent by that time. When matters directly affecting safety are involved, the Preliminary Report shall be sent as soon as the information is available and by the most suitable and quickest means available.

### **7.5 Forwarding Accident Data Report of aircraft over 2250kg**

**7.5.1** When the aircraft involved in the accident is of a maximum mass of over 2 250 kg, the Director-General/CEO when conducting the investigation shall send, as soon as practicable after the investigation, the Accident Data Report using ADREP or European Co-ordination Centre for Aviation Incident Reporting Systems (ECCAIRS) to the International Civil Aviation Organization.

**7.5.2** The Director-General/CEO when conducting the investigation shall upon request, provide other States pertinent information additional to that made available in the Accident/ Incident Data Report.

### **7.6 Forwarding Incident Data Report of aircraft over 5 700 kg**

**7.6.1** When the Director-General/CEO is conducting an investigation into an incident to an aircraft of a maximum mass of over 5,700 kg, the Director-General/CEO shall send, as soon as practicable after the investigation, the Incident Data Report to the International Civil Aviation Organization using ADREP or European Coordination Centre for Aviation Incident Reporting Systems (ECCAIRS).

**7.6.2** The types of incidents which are of main interest to the International Civil Aviation Organization for accident prevention studies are listed in Schedule 1 of these Regulations and as contained in Attachment C to Annex 13.

## **PART 8 — ACCIDENT PREVENTION MEASURES**

### **8.1 Safety data collection and processing systems (SDCPS)**

**8.1.1** The Bureau in conjunction with the Authority, shall establish and maintain a safety data collection and processing systems (SDCPS) to capture, store, aggregate and enable the analysis of safety data and safety information, as part of Nigeria's State Safety Program (SSP) to facilitate the effective analysis of information on actual or potential safety deficiencies and to determine any preventive actions required in order to achieve an acceptable level of safety performance.

8.1.2 The SDCPS database shall use an ICAO ADREP compatible system for collection, sharing and exchange.

**8.2 Access to safety data collection and processing systems**

Access to safety data collection and processing systems

8.2.1 The Bureau and the Authority, being authorities responsible for the implementation of the State Safety Program (SSP) in Nigeria shall have access to the SDCPS referenced in section 8.1 above to support their safety responsibilities.

8.2.2 Unless the principle of exception applies, safety data, safety information and related sources contained in the SDCPS referenced in section 8.1 above shall not be —

- (a) used for disciplinary, civil, administrative and criminal proceedings against employees, operational personnel or organizations;
- (b) disclosed to the public ; or
- (c) used for any purposes other than maintaining or improving safety.

8.2.3 The safety data and safety information contained in the database referenced in section 8.1 above shall be de-identified, summarized or aggregated prior to its use or disclosure in judicial or administrative proceedings.

Principles of Exception

**8.3** The Principles of Exception to the protection of safety data, safety information and related sources shall be granted when the competent authority —

- (a) determines that there are facts and circumstances reasonably indicating that the occurrence may have been caused by an act or omission considered, in accordance with national laws to conduct constituting gross negligence, willful misconduct or criminal activity ;
- (b) after reviewing the safety data or safety information, determines that its release is necessary for the proper administration of justice, and that the benefits of its release outweigh the adverse domestic and international impact such release is likely to have on the future collection and availability of safety data and safety information ; or
- (c) after reviewing the safety data or safety information, determines that its release is necessary for maintaining or improving safety, and that the benefits of its release outweigh the adverse domestic and international impact such release is likely to have on the future collection and availability of safety data and safety information.

Additional sources of safety recommendations

**8.4** In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies. If safety recommendations are addressed to an organization in another State, they shall also be transmitted to that State's accident investigation authority.

### **8.5 Mandatory reporting system**

8.5.1 The Director-General/CEO shall coordinate with the Authority to facilitate collection of information on actual or potential safety deficiencies using the Authority's platform for mandatory reporting by service providers to the Authority.

Mandatory reporting system

8.5.2 The scope of safety data collection is not limited to aircraft accidents and incidents, but also safety hazards and threats.

8.5.3 The Authority shall specify the mandatory reportable occurrences and events and the processes for reporting them to the Authority.

8.5.4 The Director-General/CEO shall have the prerogative of classification of the reported occurrences and shall ensure its consistency.

### **8.6 Voluntary Reporting System**

8.6.1 Any person having knowledge of any safety-related event, other than an accident or incident, may make a voluntary report to the Authority and provide any information that the person believes is relevant.

Voluntary Reporting System

8.6.2 Where a voluntary report is made to the Authority, no person shall release the identity of the person making the report or any information that could reasonably be expected to reveal that person's identity, unless the person making the report authorizes, in writing, its release.

8.6.3 A report made to the Authority under a voluntary reporting system shall not be used against the person who made the report in any disciplinary, civil, administrative and criminal proceedings.

8.6.4 The protection provided in Sections 8.6.2 and 8.6.3 above regarding the identity of the person making the voluntary report shall not apply to situations involving unlawful acts, gross negligence or willful infractions by that person, or unless an appropriate authority determines in accordance with national legislation, the value of its disclosure or use in any particular instance, outweighs the adverse impact such action may have on aviation safety.

8.6.5 The Director-General/CEO shall work closely with the Authority in all State Safety Program activities, including the collection, management of safety data and sharing safety information emanating from the voluntary reporting system to ensure consistency.

9.1 The Director-General/CEO shall —

Power to establish Rulemaking Handbook, Investigation Policy and Procedures Manual, Order, Directive, Bulletin and Guidance

(a) make and amend the Rulemaking Handbook to provide guidance on the processes for making and amending the NSIB (Establishment) Act, the Regulations, the Investigation Orders, Directives, Bulletins, the handling of ICAO State Letters conveying adoption of amendments to relevant ICAO SARPS and the identification and notification of Difference to ICAO ;

(b) make and amend an Investigation Policy and Procedures Manual (iPPM) to implement the provisions and future amendments of these Regulations, ICAO Annex 13, any relevant provisions of ICAO SARPs, as well as technical standards detailing the Bureau’s accident investigation duties, including organization and planning, investigation; and reporting.

(c) make and amend Investigation Order —

(i) in the event of an urgent need to amend these Regulations due to an amendment to relevant ICAO Annex or relevant ICAO Document, and where it is impracticable to amend these Regulations after the applicability date of the relevant Annex following the procedures laid down in Section 9.4 below and the Bureau’s Rulemaking Handbook ; or

(ii) due to emerging safety exigencies.

(d) issue Investigation Directive to require a mandatory action or compliance with any matter of operational safety that is not covered in these Regulations.

(e) provide guidance or safety information to the industry or require compliance with specific part of these Regulations.

Accessibility of the Bureau’s Documents and guidance materials.

9.2 The Director-General/CEO shall make available the Bureau’s establishing Act, Regulations, Rulemaking Handbook, Investigation Policy and Procedures Manual, Directives, Orders and other Guidance Materials to the public by means of uploading such on Bureau’s internet website.

9.3 Accident Report Review Panel

Accident Report Review Panel

9.3.1 Any person dissatisfied with the contents of an aircraft accident investigation report, may by petition in writing, appeal to the Minister for a review ;

9.3.2 The Petitioner shall obtain the support and signatures of at least five other persons ;

9.3.3 The petitioner’s request shall conform to the objective of the investigation as stipulated in section 3.2 of these Regulations ;



9.3.4 There shall be established by the Minister, an Ad-Hoc Accident Report Review Panel (hereinafter referred to as “the Panel”) ;

9.3.5 The Minister, if satisfied that a prima facie case has been established, may refer the Petition to the Panel ;

9.3.6 The Panel shall be made up of a chairman and four members, who shall be persons of integrity and having specialized knowledge in aircraft accident investigation and related profession, who shall not have conflict of interest with the matter at hand ;

9.3.7 The Panel shall review the accident investigation report and may adopt procedures which it deems fit, to resolve the issues raised by the petition ;

9.3.8 The Minister shall publish the report of the Panel within 30 days upon submission of same.

#### **9.4 Procedures for making and amending Regulations**

9.4.1 These Regulations shall be amended in a timely manner to ensure it conforms to the Nigerian Safety Investigation Bureau (Establishment) Act, timely transposition of provisions of Annex 13 and any amendments thereto inline with the Rulemaking Handbook of the Bureau.

Procedures  
for making  
and  
amending  
Regulations

9.4.2 There shall be established a Regulations Committee, which shall be a standing committee within the Bureau appointed by the Director-General/ CEO.

9.4.3 The Regulations Committee shall be responsible for —

(a) Monitoring amendments to the Standards and Recommended Practices contained in the Annexes to the Convention on International Civil Aviation ;

(b) Incorporating the amendments into these Regulations ;

(c) Considering proposals for amendment to these Regulations made by stakeholders and other members of the public by way of meetings prior to adoption and incorporation ;

(d) Proposing on its motion, amendments to the Regulations ;

(e) Notification of identification and filing with ICAO of differences and compliance with the ICAO Standards and Recommended Practices (SARPs).

9.4.4 The Committee shall send Notices of Proposed Amendments (NPA) to Operators and other stakeholders and request their comments thereto within a period of 30 days.

9.4.5 Upon receipt of comments, the Committee may consider and incorporate same into the Regulations.

9.4.6 The Committee shall keep a record of such comments and its deliberations thereon.

9.4.7 Submission of Proposal —

(a) Any interested person may submit to the Regulations Committee, a proposal on the introduction, amendment or withdrawal of a Regulation or technical standard ;

(b) The proposal shall be in writing and shall —

(i) state the name and address of the proposer ;

(ii) state the contents of the Regulation, technical standard or amendment proposed or specify the Regulation or technical standard which the proposer wishes to be withdrawn ;

(iii) explain the interests of the proposer ; and

(iv) contain any information, views or arguments supporting the proposal.

9.4.8 All amendments to these Regulations shall be signed and published by the Director-General/CEO of the Bureau.

### **9.5 Family Assistance Programme**

Family  
Assistance  
Programme

9.5.1 The Bureau shall be the coordinating agency for the integration of Federal Government resources and the resources of other organizations to support efforts of local and State governments and liaising with the Air Operator(s) involved to meet the needs of aviation disaster victims and their families.

9.5.2 As soon as practicable after being informed of an aircraft accident within Nigeria resulting in a major loss of life, the Director-General/CEO of the Bureau shall appoint and publicize the name, phone number and email address of the Family Assistance Coordinator, who shall be an employee of the Bureau and shall be responsible for acting as a point of contact for the families of passengers involved in the aircraft accident and a liaison between the Air Operator(s) and the families.

9.5.3 It shall be the responsibility of the Family Assistance Coordinator to request, as soon as practicable, from the Aircraft Operator involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.

9.5.4 The Family Assistance Coordinator shall initiate notification of the following agencies and organizations to activate their plans for addressing the needs of families of passengers involved in the aircraft accident and shall coordinate with the Aircraft Operator an appropriate response based on the magnitude of the accident —

- (a) Nigerian Civil Aviation Authority (NCAA)
- (b) Federal Airports Authority of Nigeria (FAAN) and/or affected Airport Operator
- (c) National Emergency Management Agency (NEMA)
- (d) Ministry of Aviation
- (e) Federal Ministry of Health
- (f) Ministry of Foreign Affairs
- (g) Ministry of Defence
- (h) Nigeria Police Forces
- (i) Nigerian Security and Civil Defence Corps (NSCDC)
- (j) Federal Road safety Commission (FRSC)
- (k) Nigerian Red Cross
- (l) Nigerian Red Crescent
- (m) Religious Disaster Relief Organizations

9.5.5 The Family Assistance Coordinator shall not release to any person information on a passenger manifest obtained under paragraph 9.5.3, except to the family of the passenger to the extent that the Family Assistance Coordinator considers appropriate.

9.5.6 In the course of its investigation of an accident, the Director-General/CEO shall, to the maximum extent practicable and to the discretion of the Bureau's Investigator-in-charge (IIC), ensure that the families of passengers involved in the accident are —

- (a) briefed, prior to any public briefing, about the accident, its causes, and any other findings from the investigation ; and
- (b) allowed to visit to the accident site, if such a visit will not impede the investigation and is believed safe for family members.

9.5.7 The Air Operator(s) involved shall have fundamental responsibility to victims and their families affected by the accident and shall be primarily responsible to —

- (a) activate and publicize a toll-free telephone number for family members to call to inquire if a passenger's name is on the manifest. The telephone system shall be capable of handling a significant volume of calls ;
- (b) notify family members of victims using contact information provided by the passengers prior to public release of names of passengers ;
- (c) train the callers to interact effectively with emotionally distraught persons and should be able to provide basic information concerning the next steps in the assistance process for the family members, including transportation, lodging, meals, security, communications and incidental expenses.

9.5.8 All personnel involved in providing services to assist victims and their family members must be trained in crisis response and must demonstrate compassion, technical expertise, and professionalism. Personal information provided by family members and victims through discussions, interviews, counseling, or any other form of information exchange shall remain confidential and shall not be used for future litigation purposes.

Establishment  
of Family  
Assistance  
Task Force.

9.5.9—(a) The Director-General/CEO of the Bureau, in cooperation with the Nigerian Civil Aviation Authority (NCAA), Federal Airports Authority of Nigeria (FAAN) and/or affected Airport Operator, National Emergency Management Agency (NEMA), Federal Ministry of Health, Ministry of Foreign Affairs, Ministry of Aviation, Ministry of Defence, Nigeria Police Forces, Federal Road safety Commission (FRSC), Nigerian Red Cross, Nigerian Red Crescent, Religious Disaster Relief Organizations, shall establish a task force consisting of representatives of such entities and families, representatives of air carrier employees, and representatives of such other entities as the Director-General/CEO considers appropriate.

(b) The task force established pursuant to paragraph (a) of this subsection, shall develop —

(i) guidelines to assist Aircraft Operators in responding to aircraft accidents ;

(ii) recommendations on methods to ensure that attorneys and representatives of media organizations do not intrude on the privacy of families of passengers involved in an aircraft accident ;

(iii) recommendations on methods to ensure that the families of passengers involved in an aircraft accident who are not citizens of Nigeria receive appropriate assistance ;

(iv) recommendations on methods to ensure that State mental health licensing laws do not act to prevent out-of-state mental health workers from working at the site of an aircraft accident or other related sites ;

(v) recommendations on the extent to which military experts and facilities can be used to aid in the identification of the remains of passengers involved in an aircraft accident ; and

(vi) recommendations on methods to improve the timeliness of the notification provided by Aircraft Operators to the families of passengers involved in an aircraft accident, including: —

(1) an analysis of the steps that Aircraft Operators would have to take to ensure that an accurate list of passengers on board the aircraft would be available within one (1) hour of the accident and an analysis of such steps to ensure that such list would be available within three (3) hours of the accident ;

(2) an analysis of the added costs to Aircraft Operators and travel agents that would result if Aircraft Operators were required to take the steps described in subparagraph (i) ;

(3) an analysis of any inconvenience to passengers, including flight delays, that would result if Aircraft Operators were required to take the steps described in subparagraph (i) ; and

(4) an analysis of the implications for personal privacy that would result if Aircraft Operators were required to take the steps described in subparagraph (i).

*Note* :— Nothing in this section may be construed as limiting the actions that an Aircraft Operator may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.

**9.6** Any person who contravenes provisions 3.5.2 or 4.1.1 or 5.10.1(a), or 5.10.1(b), or 5.10.1(c), 5.10.1(f), or 5.10.2(f)(iii) or 5.10.2(f)(ii) or 5.14.1(a) or 5.22.1 or 5.22.2 or 5.22.3 or 6.2.1 of these Regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦200,000:00 or to imprisonment for a term not exceeding 12 months or to both. Contraventions

**9.7** This Civil Aviation (Investigation of Air Accidents and Incidents) Regulations, 2023 hereby repeals the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations, 2019. Any investigation commenced under those Regulations where, in the case of a field investigation has not been completed or, in the case of a formal investigation has not been the subject of a report submitted to the Minister, shall continue as if it had been commenced under these Regulations. Repeals and savings provision

SCHEDULE

SCHEDULE 1: LIST OF EXAMPLES OF SERIOUS INCIDENTS

(As per attachment C to Annex 13)

1. The term “serious incident” is defined as follows —

*Serious incident* : An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an Unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.

2. There may be a high probability of an accident if there are few or no safety defences remaining to prevent the incident from progressing to an accident. To determine this, an event risk-based analysis (that takes into account the most credible scenario had the incident escalated and the effectiveness of the remaining defences between the incident and the potential accident) can be performed as follows :

(a) consider whether there is a credible scenario by which this incident could have escalated to an accident ; and

(b) assess the remaining defences between the incident and the potential accident as :

- effective, if several defences remained and needed to coincidentally fail ; or
- limited, if few or no defences remained, or when the accident was only avoided due to providence.

2.1 Consider both the number and robustness of the remaining defences between the incident and the potential accident.

Ignore defences that failed, and consider only those that worked and any subsequent defences still in place.

*Note 1.*— The most credible scenario refers to the realistic assessment of injury and/or damage resulting from the potential accident.

*Note 2.*— Defences include crew, their training and procedures, ATC, alerts (within and outside the aircraft), aircraft systems and redundancies, structural design of the aircraft and aerodrome infrastructure.

2.2 The combination of these two assessments helps to determine which incidents are serious incidents —

		(b) Remaining defences between the incident and the potential accident	
		Effective	Limited
(a) Most credible scenario incident	Accident	Incident	Serious
	No accident	Incident	

3. The incidents listed are examples of what may be serious incidents. However, the list is not exhaustive and, depending on the context, items on the list may not be classified as serious incidents if effective defences remained between the incident and the credible scenario.

3.1 Near collisions requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate.

3.2 Collisions not classified as accidents.

3.3 Controlled flight into terrain only marginally avoided.

3.4 Aborted take-offs on a closed or engaged runway, on a taxiway<sup>1</sup> or unassigned runway.

3.5 Take-offs from a closed or engaged runway, from a taxiway<sup>1</sup> or unassigned runway.

3.6 Landings or attempted landings on a closed or engaged runway, on a taxiway<sup>2</sup>, on an unassigned runway or on unintended landing locations such as roadways.

3.7 Retraction of a landing gear leg or a wheels-up landing not classified as an accident.

3.8 Dragging during landing of a wing tip, an engine pod or any other part of the aircraft, when not classified as an accident.

3.9 Gross failures to achieve predicted performance during take-off or initial climb.

3.10 Fires and/or smoke in the cockpit, in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents.

3.11 Events requiring the emergency use of oxygen by the flight crew.

3.12 Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident.

3.13 Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.

3.14 Flight crew incapacitation in flight —

(a) for single pilot operations (including remote pilot) ; or

(b) for multi-pilot operations for which flight safety was compromised because of a significant increase in workload for the remaining crew.

3.15 Fuel quantity level or distribution situations requiring the declaration of an emergency by the pilot, such as insufficient fuel, fuel exhaustion, fuel starvation, or inability to use all usable fuel on board.

3.16 Runway incursions classified with severity A. The Manual on the Prevention of Runway Incursions (Doc 9870) contains information on the severity classifications.

3.17 Take-off or landing incidents. Incidents such as under-shooting, overrunning or running off the side of runways.

3.18 System failures (including loss of power or thrust), weather phenomena, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties controlling the aircraft.

3.19 Failures of more than one system in a redundancy system mandatory for flight guidance and navigation.

3.20 The unintentional or, as an emergency measure, the intentional release of a slung load or any other load carried external to the aircraft.

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<sup>1</sup> Excluding authorized operations by helicopters



## SCHEDULE 2 — REFERENCES

- NSIB (Establishment) Act, 2022
- ICAO Annex 13 (12th Edition) — Aircraft Accident and Incident Investigation.
- ICAO Document 9756 — Manual for Accident and Incident Investigation, Parts 1 to 4 (as amended).
- ICAO Document 9859 (2013) — Safety Management Manual, (as amended).
- ICAO Circular 298 — Training Guidelines for Aircraft Accident Investigators.
- ICAO Document 9962 (2011) — Manual on Accident and Incident Investigation Policies and Procedures.
- ICAO Document 8984 (2012) — Manual of Civil Aviation Medicine (Third Edition).
- ICAO Document 9973 (2013) — Manual on Assistance to Aircraft Accident Victims and their Families.
- ICAO Document 9998 (2013) — ICAO Policy on Assistance to Aircraft Accident Victims and their Families.
- Model Aircraft Accident and Incident Investigation (AIG) Act (as amended).
- Model Aircraft Accident and Incident Investigation (AIG) Regulations (as amended).

DATED the 27th day of July, 2023.



ENGR. AKIN OLATERU  
*Director-General/CEO*