

# INVESTIGATION RULEMAKING HANDBOOK



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## CHAPTER 1 HANDBOOK ADMINISTRATION

### 1.1 PREAMBLE

- 1.1.1 This Investigation Rulemaking Handbook is an internal documentation of the Nigerian Safety Investigation Bureau (NSIB) herein referred to as the 'Bureau'). It has been produced to provide information and guidance to Bureau employees, specifically members of the Regulations Committee (RC) who are involved in managing the investigation Rulemaking process in relation to making and amendments of Nigerian Safety Investigation Bureau (Establishment) Act, Civil Aviation (Investigation of Air Accidents and Incidents) Regulations (CAIAAR), handling of ICAO State Letters (SLs), identifying and filing of differences with ICAO; and possibly making inputs in the publication of significant differences in the Aeronautical Information Publication (AIP).
- 1.1.2 The Handbook derives inspiration in terms of format and to a large extent its contents, from the Rulemaking Process Policy and Procedures Manual of Nigeria Civil Aviation Authority, to ensure commonality of policies, processes and procedures is achieved within the Nigeria civil aviation system.
- 1.1.3 The Director-General/CEO is accountable for approving the contents of this Handbook and any subsequent revisions thereof.
- 1.1.4 The handbook will be revised every 24 months or at any period it becomes necessary, to ensure that it contains up-to-date materials consistent with international best practices, evolution of new technology and changes in the aviation industry. Therefore, comments to bring about improvement of its format, content, application, usefulness or scope of coverage, would be highly appreciated. Any comment received will be examined and, if found suitable will be taken into consideration in the preparation of subsequent revisions. Comments concerning the Handbook should be addressed to: commissioner@aib.gov.ng,

I hereby approve this Handbook for use by relevant employees and non-employees of the Bureau, who may need the guidance contained therein in the performance of their assigned tasks.

Engr. Akin Olateru M.SC., CMILT, FRAES

Director-General/CEO

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## 1.4 RECORD OF REVISIONS

The Director General of the Bureau is the only person who can authorize amendments to this Investigation Rulemaking Handbook.

Amendments are by page replacement or addition, or by re-issue of the complete handbook. The table below shall be completed for effecting any amendments to this manual.

Issue No.	Revision No.	Date of Revision	Affected Pages	Entered by
01	0	22/05/2023	All Pages	Engr. Abdullahi Babanya
02	0	01/09/2023	All Pages	Engr. Abdullahi Babanya

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## 1.5 DEFINITION OF TERMS

The terms in this Handbook have the following meanings:

- a) Annexes to the Chicago Convention. The documents issued by the International Civil Aviation Organization (ICAO) containing the Standards and Recommended Practices applicable to civil aviation.
- b) Chicago Convention. ("Convention") The Convention on International Civil Aviation concluded in Chicago, U.S.A. in 1944, with effect in, 1947. The Articles of the Chicago Convention govern the actions of the contracting States in matters of international civil aviation safety directly and through the Annexes to the Convention, which set forth ICAO Standards and Recommended Practices.
- c) **Civil Aviation.** The operation of any civil aircraft for the purpose of general aviation operations, aerial work or commercial air transport operations.
- d) **Direct Final Rule**. A direct final rule is a type of final rule with request for comments. The reason for issuing a direct final rule without an NPA is that the Bureau would not expect to receive any adverse comments, and so an NPA is unnecessary. However, to be certain that the Bureau is correct, it will set the comment period to end before the effective date. If the Bureau receive an adverse comment or notice of intent to file an adverse comment, then the Bureau withdraws the final rule before it becomes effective and may issue an NPA.
- e) Final Rule. Sets out new or revised requirements and their effective date. It also may remove requirements. When preceded by an NPA, a final rule will also identify significant substantive issues raised by commenters in response to the NPA and will give the Bureau's response.
- f) Final Rule with Request for Comments. A final rule with request for comment is a rule that the Bureau issues in finality (with an effective date) that invites public interest on the rule. The Bureau gives reasons for this determination in the preamble. The comment period often ends after the effective date of the rule. A final rule not preceded by an NPA is commonly called an "immediately adopted final rule." The Bureau invites comments on these rules only if the Bureau thinks that it will receive useful information. For example, the Bureau would not invite comments when is just making an editorial clarification or correction.
- g) **Focal Point**. A Person nominated and approved by the Director-General/CEO to act as primary point of contact for all USOAP CMA processes and activities.
- h) **Notice of Proposed Amendment (NPA).** An NPA proposes Bureau's specific regulatory changes for public comment and contains supporting information. It includes proposed regulatory text.
- i) **Proposal for Rulemaking.** A petition for Rulemaking is a request to Bureau by an individual or entity asking the Bureau to adopt, amend, or repeal an existing Regulation.
- j) Regulations. The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations.

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### 1.6 ABBREVIATIONS AND ACCRONYMS

The abbreviations and acronyms in this manual have the following meanings:

- a) AIB Accident Investigation Bureau, Nigeria;
- b) AIG Aircraft accident and incident investigation;
- c) AIP Aeronautical Information Publication;
- d) BAGAIA Banjul Accord Group Accident Investigation Agency;
- e) CC/EFOD Compliance Checklist / Electronic Filing of Differences;
- f) CEO Chief Executive Officer;
- g) CMA Continuous Monitoring Approach;
- h) CRD Comment Response Document;
- i) DG Director-General;
- j) ICAO International Civil Aviation Organization;
- k) IRH- Investigation Rulemaking Handbook
- l) NASS National Assembly;
- m) NCAA Nigeria Civil Aviation Authority;
- n) NCMC- National Continuous Monitoring Coordinator;
- o) NPA Notice of Proposed Amendment;
- p) NSIB Nigerian Safety Investigation Bureau;
- q) OLF Online Framework;
- r) PPM- Policy and Procedures Manual;
- s) RIA Regulatory Impact Assessment;
- t) RC Regulations Committee;
- u) SARPs Standards and Recommended Practices;
- v) SSP State Safety Programme;
- w) USOAP Universal Safety Oversight Audit Programme;

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### 1.7 AMENDMENT PROCEDURES

- 1.7.1 The management of the Bureau recognizes that aviation is a high-tech industry that is continuously evolving with new innovations. It is acknowledged that this Handbook and the guidelines contained therein are also evolutionary in nature and will need to be updated periodically.
- 1.7.2 Thus, this handbook will be subject to a revision process as necessary based on periodic reviews to ensure that it contains up-to-date materials consistent with Nigerian laws, Regulations, Directives, international best practices, evolution of new technology and changes in the aviation industry. In the absence of any change of the legislation or international standards that affects its contents, the handbook will be reviewed periodically at an interval of once every 24 months.
- 1.7.3 The Chairman of the Regulations Committee is responsible to assign a member or a group of members of the Regulations Committee to develop and input the appropriate texts into the handbook, ensure timely amendment of the handbook, forwarding the amended handbook to Director-General/CEO for approval and in coordination with the Head of ICT ensure timely publication of the handbook.
- 1.7.4 The initial issue of this manual shall have issue number 01 and the revision number 0 annotated on the footer of each page. Any subsequent amendment to the manual or portion of it shall be accompanied with new List of Effective Pages (LEP) showing the new revision number and date of the revision against the affected pages, the Record of Revision page is also amended to indicate the new revision number and date inserted. All the affected pages of the manual shall have the new revision number and date annotated on the footer. If more than 45% of the contents of the manual is revised, the amendment shall be given the next consecutive ISSUE number and the revision number shall restart afresh from revision number 0.
- 1.7.5 This Handbook is a controlled document of the Bureau to be used by ASIs, other relevant personnel or the public as a guidance material. The Director-General/CEO has the Master Copy of this Handbook. A digital copy of the Handbook is uploaded unto the Bureau's website for access by all staff and the general public. Any copy printed or downloaded from the website shall be deemed to be valid only for that period. Inquiries about the most up-to-date version of the Handbook shall be forwarded to the Director-General/CEO. All persons who need to use this Handbook during performance of their assigned duties shall ensure that they obtain and use the most up-to-date version.
- 1.7.6 Individual or group comments and suggestions are welcome. It is believed that such comments and suggestions could be helpful to the overall improvement of the standards of this Handbook.
- 1.7.7 All comments/suggestions should be forwarded by email to the Chairman of Regulations Committee: <a href="mailto:rc@aib.gov.ng">rc@aib.gov.ng</a> and Cc: <a href="mailto:commissioner@aib.gov.ng">commissioner@aib.gov.ng</a>.
- 1.7.8 The Director-General/CEO is accountable for approving any changes to this Handbook.

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### CHAPTER 2 GENERAL INFORMATION

### 2.1 PURPOSE OF RULEMAKING HANDBOOK

The primary purpose of this Handbook is to describe the regulatory framework and Rulemaking processes for investigation and to provide guidance to the Bureau's Regulations Committee and all persons and entities involved to ensure timely transposition of Annex 13 in the development of the transport safety investigation legislation (Primary Legislation and Operating Regulations) and related matters so that they understand their responsibilities in making and amending the legislation.

### 2.2 OVERVIEW OF THE RULEMAKING PROCESS

- 2.2.1 Aviation is a complex enterprise. Any change to operational procedures or aviation infrastructure will have a profound effect on the entire system. To fully understand the degree of change that a new regulation or amendment may present to the system as a whole, there needs to be a comprehensive review process to mitigate potential unintended consequences.
- 2.2.2 In considering adoption of a new Act/regulation or amendment, analyses of safety, economic, operational, and sometimes, security factors are required to determine the broad reaching changes across the air transportation system in the country.
- 2.2.3 Additionally, circumstances may occasionally necessitate the Bureau to effectively implement an urgently needed regulation or amendment in a nimble yet prudent manner. Throughout the initial assessment and documentation phases of this consideration, such analyses will require human and financial resources. If the desired change is determined to be viable and necessary, approaches to implementation by all stakeholders must be developed and documented. Following this, actual implementation calls for additional resources by all stakeholders to update procedures, processes, system and related documents.
- 2.2.4 The processing of Rulemaking tasks follows several main phase: initiation, drafting, consultation, reviewing, adopting and publication as described in Chapter 4 of this Handbook.
- 2.2.5 With regard to initiation, it is important that clear parameters are set for each specific Rulemaking task identified in the annual Rulemaking plan and accorded a priority as a function of the preliminary regulatory impact assessment and the resources available.
- 2.2.6 This Handbook shall provide the RC members with guidance on their working methods and procedures.
- 2.2.7 The drafting phase is deemed to start after the drafting mechanism has been chosen and when working methods have been agreed and work proper can start properly. The criteria for rule drafting are set out in Chapter 4, Section 4.5 of this Handbook.
- 2.2.8 Upon completion of the drafting of the proposed rule, the RC shall verify that the rule satisfies the objectives of the Rulemaking project and shall issue a Notice of Proposed Amendment (NPA), which

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shall be published on the Bureau website. The NPA might be forwarded through transmittal letters to the industry.

- 2.2.9 The NPA mechanism described in Chapter 4, Section 4.5 provides for completely open consultation on proposed rules for a period of one month. The RC is provided with the flexibility necessary to adapt this period.
- 2.2.10 With respect to the review of comments received, means are provided for a review of comments. In some cases, experts who have not directly participated in the drafting of the rule in question can be involved in the review of comments. This has been included as an additional means of reducing the chance of valid comments not receiving the attention, they deserve due to 'interests' of those drafting the rules conflicting with those of consultees.
- 2.2.11 In the interest of transparency, the Director-General/CEO in coordination with the Chairman of RC is obliged to publish a formal response to the consultation process (Comments Response Document (CRD)) in the Bureau's official publication/website in accordance with a clear timescale indicated by the NPA. However, if the NPA elicits complex or several hundred comments, and the Bureau is unable to publish the CRD within the timescale indicated in the NPA, amendments to the timescale shall be published on the Bureau's website.
- 2.2.12 The Director-General/CEO follows procedures described in Section 4.7.3 of this Handbook with respect to rules to be applied by the industry where the latter raise major objections to the proposed rule. In such cases the RC is tasked with providing the Bureau a forum through which to consult on the issues.
- 2.2.13 The two-month minimum period between publication of the consultation summary and adoption and publication of any decision is intended to allow sufficient time for responses to the consultation response document prior to the finalization of any rule.

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# CHAPTER 3: ROLES, FUNCTIONS AND RESPONSIBILITIES

### 3.1 PURPOSE

This Chapter establishes the roles, functions and responsibilities of the staff and other entities involved in the rulemaking tasks.

### 3.2 THE BUREAU'S STRUCTURE FOR RULEMAKING PROCESS

The Bureau's Rulemaking process involves the Director-General/CEO, relevant Directors, Regulations Committee, AIG Focal Point and members of staff.

### 3.3 DIRECTOR-GENERAL/DIRECTORS/HEADS OF DEPARTMENTS/FOCAL POINT/STAFF

### 3.3.1 Director-General/CEO

The Director-General/CEO, being the Chief executive of the Bureau is responsible for setting and implementing the policy and direction of the Bureau and resolving any Rulemaking issues raised by the Regulations Committee (RC).

### 3.3.1.1 Functions and responsibilities of the Director-General/CEO

The Director-General/CEO shall be responsible for:

- a) Establishing and monitoring the Regulations Committee;
- b) Appointment of AIG Focal Point;
- c) Approving the Rulemaking projects and budget;
- d) Approving the Notices of Proposed Amendment (NPA)
- e) Approving the amendment to Regulations;
- f) Approving the completed CC and EFOD;
- g) Approving the Differences identified as Significant;
- h) Approving Investigation Orders, Circulars, Directives, Bulletins.

The Director-General/CEO may delegate any of his functions to the chairman of the regulations committee or any staff of the Bureau as appropriate.

### 3.3.2 Directors/Heads of Departments

The Directors/Heads of departments are responsible for making recommendations to the Director-General/CEO on implementation of the policies and direction of the Bureau and resolving of any Rulemaking issues in coordination with the RC.

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# 3.3.2.1 Functions and responsibilities of the Directors/ Heads of Departments

The Directors/Heads of Department shall be responsible for:

- a) Nomination of experts to the RC;
- b) Making recommendations to the RC to amend applicable sections of the Act, Civil Aviation (Investigation of Air Accidents and Incidents) Regulations (herein refereed to as Regulations);
- c) Making recommendations to the RC on the drafting of Act, Regulations, Investigation Directives, Circulars, Bulletins and Orders;
- d) Making recommendations to the RC on the review of ICAO State Letters related to ICAO Annex Amendments.

# 3.3.3 Legal Adviser (LA)

In addition to applicable functions and responsibilities listed for the Heads of Department, the Legal Adviser (LA) will be responsible for the gazette of the Regulations in coordination with the Chairman of RC.

### 3.3.4 AIG Focal Point

3.3.4.1 The Bureau's Focal Point of ICAO State Letters and activities regarding the Universal Safety Oversight Audit Program (USOAP) Continuous Monitoring Approach (CMA) is a senior investigator of the Bureau nominated and approved by the Director-General/CEO to act as primary point of contact for all matters relating State Letters and ICAO USOAP CMA processes and activities with respect to Accident and Incident Investigation (AIG). The Director-General/CEO also approves the appointment of an Alternate to the Focal Point.

### 3.3.4.2 The functions and responsibilities of the Focal Point include:

- a) Coordinating all internal and external ICAO USOAP CMA activities related to Accident and Incident Investigation (AIG), including liaison with ICAO West and Central Africa (WACAF) office for technical assistance and related matters;
- b) Coordinating ICAO Online Format (OLF) platform activities namely the upload of Accident and Incident Investigation (AIG) aspects of State Aviation Activity Questionnaire (SAAQ), Compliance Checklists (CC), Electronic Filing of Differences (EFOD) and answering USOAP CMA Protocol Questions (PQs);
- c) Ensuring data updates on USOAP CMA OLF platform;
- d) Coordinating with RC in reviewing the AIG PQs, Findings, Annex amendments and Corrective Action Plans (CAPs) related to Regulations;
- e) Coordinating development and management of the Bureau's Corrective Action Plans to address all ICAO USOAP CMA AIG Findings;
- f) Attending meetings, training or workshops related to ICAO USOAP CMA activities;
- g) Participating in the review and impact assessment of ICAO State Letters (SLs) and associated documents submitted to the Bureau;

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- h) Attending all RC's meetings to ensure harmony and efficiency, including discussion whenever relative views and/or information could be given and contribute proposals for the text of new/amended rules as appropriate;
- i) Advising Director-General/CEO on the amendment of the Act, Regulations and Bureau's associated Manuals/Handbooks/documents with regards to the SLs on relevant ICAO Annexes and Guidance Materials;
- j) Liaising with the National Continuous Monitoring Coordinator (NCMC) on matters relating to ICAO USOAP CMA on AIG (Accident and Incident Investigation);
- k) Conducting Self-Assessment of AIG part on the OLF;
- l) Preparing the Compliance Checklist of AIG part on the OLF;
- m) Completing and submitting Electronic Filling of Differences (CC-EFOD) to the Director-General/CEO for approval prior to forwarding to ICAO of AIG part on the OLF upon completion of the Rulemaking processes;
- n) Input and Managing Corrective Actions Plan (CAP) of AIG part on the OLF;
- o) Receiving, reviewing and processing in coordination with RC Chairman, ICAO State Letters relating to AIG;
- p) Periodic review of the ICAO Secure Portal for update/new ICAO State Letters, among others.

### 3.3.5 Members of staff

All members of staff are encouraged to provide suggestions as a form of proposal to the Regulations Committee for improving the Act and Regulations based on the challenges encountered with respect to the execution of their assigned duties investigation activities in the field through their respective Directorates or units.

# 3.4 REGULATIONS COMMITTEE (RC)

### 3.4.1 General

- 3.4.1.1 The Regulations Committee (RC) is formally constituted by the Director-General/CEO of the Bureau.
- 3.4.1.2 The Director-General/CEO shall establish a Regulations Committee (RC) in accordance with Section 9.4 of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulation, 2023.
- 3.4.1.3 The RC shall be a standing committee headed by a Chairman who inter alia shall act as a coordinator responsible for distribution and collating inputs from relevant Directorates/Units and stakeholders as relates to proposed amendments to the Regulations.
- 3.4.1.4 The membership of RC shall have representatives from Investigation Directorates, Legal Unit, AIG Focal Point and any specialists deemed necessary by the Director-General/CEO. Membership shall be limited while taking into account the need to include the necessary expertise to execute the

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Rulemaking tasks. The RC membership may be changed in case members cannot among others, fulfil their roles or additional expertise is needed to execute the tasks of the RC.

- 3.4.1.5 The RC is a high-level strategic group, with the following tasks:
  - a) provide advice on the overall priorities of the Rulemaking processes;
  - b) Provide advice on horizontal or controversial issues, including on concept papers;
  - c) Provide advice on the Bureau's Rulemaking processes and structures;
  - d) Provide advice on the understanding of provisions of the primary legislation;
  - e) Provide input on the implementation of rules, to assess the need for further Rulemaking activities;
  - f) Provide input on the coherence between existing rules and proposed rules;
  - g) Provide advice on any specific technical aspects on request of the Director-General/CEO.

# 3.4.2 Functions and Responsibilities

### 3.4.2.1 The RC shall be responsible for:

- a) Interactions with ICAO and all Civil Aviation Organizations and stakeholders with regards to amendments to the Regulations;
- b) Coordination of civil aviation international issues largely relating to amendment of relevant ICAO annexes;
- c) Monitoring and reviewing of amendments to relevant SARPs contained in the Annexes to the Convention on International Civil Aviation;
- d) Drafting the Rules (Act, Regulations, Orders, Directives, Circulars, Bulletins, etc.);
- e) Coordination of the consultation and review of Notice of Proposed Amendments (NPA)/Comment Response Document (CRD);
- f) Conducting Regulatory Impact Assessment (RIA) of proposals to amend the regulations/ NSIB Establishment Act;
- g) Developing and revising the Rulemaking inventory (RI);
- h) Evaluating the comments of NPA;
- i) Consideration of proposal for amendment to the Regulations made by stakeholders and other members of the public;
- j) Incorporating the amendments into the Regulations;
- k) Proposing on its motion, amendments to the Regulations;
- Working with the AIG Focal Point to Identify and draft the Electronic Filing of Differences (EFOD) and significant differences;
- m) Ensuring implementation of these procedures by all concerned Directorates, Units and industry;

## 3.4.3 Membership and participation

3.4.3.1 The process starts with the Director-General/CEO's sending of the invitation to the Directors/Heads of Units to request for nomination of qualified staff with the necessary expertise.

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- 3.4.3.2 The person nominated shall be a qualified expert who is able to advise authoritatively on the relevant subject matter.
- 3.4.3.3 The Director-General/CEO may invite regional or international organization or additional experts to join the RC as an observers when specific issues need to be elaborated/discussed.
- 3.4.3.4 The RC membership shall be approved by the Director-General/CEO.
- 3.4.3.5 Once approved, it is communicated to the affected staff through the Directors/Heads of Units.
- 3.4.3.6 Membership of RC may be modified if a member is unable to fulfil his/her duties as a result of illness, absence from duty, retirement, etc.
- 3.4.3.7 There will be maintained an RC contact list updated (Appendix A).the

# 3.4.4 Chairman of Regulations Committee

- 3.4.4.1 The RC shall be chaired by a senior technical or legal personnel of the Bureau appointed by the Director-General/CEO.
- 3.4.4.2 The RC Chairman shall be versed in regulation matters and has experience in drafting of rules and ICAO SARPs.
- 3.4.4.3 The tasks of the Chairman include:
  - a) Organizing and scheduling of RC meetings;
  - b) Chairing RC meetings and conduct the meeting in a fair, orderly and effective manner consciously, in this context, give room for opposing views and protect the weak or junior members from being intimidated by their superiors. It is also important that the chairman prevents a few over-active and loquacious members from dominating and monopolizing discussions. Most importantly, he/she must ensure judicious use of time and ensure that all contributions are relevant to the purpose at hand. It is his/her prerogative to decide who takes the floor to speak. The Chairman should establish synthesis of all opinions expressed in the RC meetings using if necessary, the principles of consensus and also the one to give clearance as to when break time should be served, if appropriate;
  - Directing on the preparation of the agenda and documentation for the meetings and should ensure the conduct of the meeting in a fair, orderly and effective manner, using as much as possible the adopted Agenda;
  - d) Signing the adopted minutes of the meetings and review of Matters arising that require actions;
  - e) Serving as the Bureau's contact point on subjects dealt with by RC Members between meetings;
  - f) Taking interest in welfare issues and ensuring that the Secretariat makes requisite arrangement for such matters as refreshment (Tea, Lunch), Duty Travel Allowance, Sitting Allowance, Honorarium, etc. as applicable;
  - g) Ensuring appropriate co-ordination with the work of the State aviation safety coordination platform under the State Safety Programme;
  - h) In bringing a meeting to a close, it is the duty of the Chairman to carry out a number of responsibilities of which the following are the most notable:

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- (i) summarize the conclusions of the forum to the agreement of the other members and for the benefit of the Secretariat which should reflect these in the minutes;
- (ii)highlight the follow-up actions required, the party responsible for each action and the time frame for action;
- (iii) direct the Secretariat as to the time for the production and circulation of the minutes of the meeting;
- (iv) secure agreement of the house on the date, time and venue of the next meeting, as applicable.
- 3.4.4.4 The RC, Chairman should report to the Director-General/CEO. Soon after each meeting, the Chairman/Secretary should provide the Director-General/CEO with the adopted minutes of meetings. Appendix B provides a template for the Minutes of Meeting. Action items from meeting shall be tracked by RC Secretary using the action tracker spreadsheet as in Appendix C.

# 3.4.5 Secretary of the RC

- 3.4.5.1 The Secretary supports the work of the RC, providing the necessary administrative and logistical support for meetings and to the Chairman. This support shall include the following:
  - a) Distributing of preparatory documents, agenda, working papers and minutes for meetings;
  - b) Updating the list of RC Members;
  - c) Making available meeting rooms and arrangements for such matters as Tea, Lunch, Duty Tour Allowance, Transport Allowance, Honorarium etc. as applicable;
  - d) Distributing position papers, communications etc.;
  - e) Assisting with information on procedural questions;
  - f) Drafting the agenda and preparatory documents as necessary;
  - g) Drafting and distributing the minutes of each meeting;
  - h) Collecting and drafting working papers/position papers if necessary;
  - i) Monitoring the Matters Arising that requires follow-up actions on the part of any official before the meeting, and drawing the attention of such an official to the point;
  - j) Preparing reports of each meeting to RC members;
  - k) Keeping records of all proceedings of RC meetings and activities;
  - l) Input and keeping records of all proposals in the Master Inventory List;
  - m) Keeping records of all Investigation Orders issued in the Master List of Orders issued (Appendix D).
- 3.4.5.2 The Director-General/CEO appoints the Secretary of the RC, who shall be a technical or legal staff of Bureau taken from among the membership of the RC.

### 3.4.6 Rule of Procedure

### 3.4.6.1 Working methods

The working methods for RC is as follows:

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- a) Based on the timetable set for the task in hand, the Chairman will determine a suitable meeting schedule, and forward this schedule to the RC Secretary.
- b) The Director-General/CEO will provide the administrative and logistical support necessary for the fulfillment of the RC's tasks. Meetings shall be held at the Bureau's office, except in exceptional circumstances, subject to agreement with the Director-General/CEO. The working language of all meetings shall be English Language.
- c) The RC will perform its work by means of correspondence and/or meetings.
- d) The work of the RC shall be in accordance with its Terms of Reference (ToR). Without prejudice to the provisions of this Handbook, such ToR may be amended as appropriate in the light of progress with the task.
- e) Decisions in the RC shall be taken by consensus, as follows:
  - (i) Consensus is agreement by all members that a specific course of action is acceptable. Consensus can be unanimous or near-unanimous. Consensus does not mean "majority rule":
    - (1) Full consensus means that agreement among members is unanimous. All members of the group agree fully in context and principle and all members fully support the specific course of action;
    - (2) General consensus means that, although there may be disagreement among the members of the group, the group has heard, recognized, acknowledged and reconciled the concerns or objections to the general acceptability of the group. Although, not every member fully agrees in context and principle, all members support the overall position of the group and agree not to object to the proposed recommendation.
  - (ii) It is important to reach consensus in every phase of the joint regulatory process because disagreement in later phases of the process is counterproductive to its objectives and extremely costly to it.
  - (iii) When consensus cannot be achieved, each member has the right and responsibility to have its objections considered. The following guidance is provided for those situations where consensus cannot be obtained:
    - (3) The dissenting member(s) may present written objections to the RC Chairman in a format that can be understood clearly. To ensure communication and understanding, the RC's position, relative to the objections, must be documented with reasons why the RC chose to retain its position. The documentation of objections and positions offers additional opportunity for meaningful communication among all RC members in the hope of attaining consensus. By this means, disagreements can, through compromise, be resolved. If consensus still cannot be attained, the RC has the documentation required to refer the disagreement to the Director-General/CEO. In such case, the decision of the RC shall be considered as providing a consensus for the continuation of work/deliberation.
    - (4) Sometimes reaching a consensus is a matter of ensuring that all avenues of the problem has been explored and investigated. At times it is advantageous to bring in a facilitator to help with the process;
    - (5) If all the above attempts to reach consensus fail and major opposition to the RC's position still exists, the proponents of the existing opposition must document their position, summarize their understanding of the RC's position and state why they believe their opposing position is superior. The Secretary must document RC position, summarize the opposition's position and state why the RC believes its position is superior and why the opposing position should not be accepted. This documentation must be part of the RC's report.

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- f) Decisions of any sub-committee of RC, these shall be recommended to the main RC.
- g) When drafting a Notice of Proposed Amendment (NPA) the RC shall develop a draft of the Regulatory Impact Assessment (RIA), proposing alternatives, and present it to the Director-General/CEO for possibly selecting one of the alternatives. The RC will then proceed with the establishment of the detailed RIA to be included in the NPA. When reviewing comments, the RC shall adapt the RIA accordingly.
- h) If the RC is not able to complete its tasks within the given time frame, it may make suggestions on how to resolve the problem.

### 3.4.6.2 Meetings Rules

- 3.4.6.2.1 The RC shall meet on dates to be determined by the Chairman. The meetings' calendar will be provided one year in advance. Meetings should be recorded in Minutes of Meeting format in Appendix B to this Handbook.
- 3.4.6.2.2 Further meetings of the RC may be convened by the Chairman, either at his initiative, or following the request of at least half of the Members. These additional meetings should focus on specific issues.
- 3.4.6.2.3 The ground rules for the RC meetings are as follows:
  - a) Committee members are required to initiate a draft of the regulatory parts they wish to amend and/or introduced in a format agreed by the Committee.
  - b) It is acceptable to disagree, respectfully and openly.
  - c) Listen as an ally and with an open mind.
  - d) Only one person speaks at a time.
  - e) Honor the limitations of time, speak concisely.
  - f) If you state a problem, try to proffer a solution.
  - g) Please put cell phones on vibrate or turn them off.
  - h) If you must take a cell phone call, please leave the room guietly.
  - i) Members who have agenda items to be discussed in subsequent meetings should have such items forwarded to the secretary of the committee at least three days before the actual meeting in order for such items to be included in the agenda.
  - j) Voice any disagreement with the process in a timely manner.
  - k) Critique ideas, not people.
  - l) Respect one another's thinking and value their contributions.
  - m) 50% of members of the committee is required to form a quorum to commence a meeting.
  - Two-Thirds Majority of the Committee members is required in the case of a need to make a decision by vote.
  - o) Representatives from the directorate(s) responsible for the implementation of the regulation part/subpart will handle deliberations on such regulations during meeting.
  - p) Proxy representation is not accepted. A Member may however, send a proxy with the consent of the Chairman. The Chairman can in his capacity request for a proxy.

### 3.4.6.2.4 RC Members should:

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- a) attend all meetings from beginning to end on a regular basis, in order to ensure harmony and efficiency;
- b) participate in discussion whenever relative views and/or information could be given and contribute proposals for the text of new/amended rules as appropriate;
- c) assist in efficient planning of the meeting, inform the Chairman and Secretary before the meeting of non-availability of a group meeting.
- 3.4.6.2.5 The number of meetings shall be kept to a minimum to draft the NPA and for the Comment Response Document (CRD). The meeting Action Items Tracker format in Appendix C to this handbook should used to track follow-up actions of the meetings. The following example provides a typical meeting schedule:
  - a) The objective of the first meeting is to kick-off the work. The Team Lead presents the Rulemaking process, the Rulemaking project with the objectives of the task, the legal framework, the tasks of the RC members and initiates the discussion on the Rulemaking task including safety risk and mitigating measures;
  - b) The objective of the second and the third meeting is to jointly develop key mitigating measures and to finalize regulatory options;
  - c) The fourth meeting should be used to review the draft RIA prepared by one of the members of the RC based on the inputs received. In addition, the draft NPA produced by one of the members of the RC, based on the results of the RIA and the ideas put forward by the RC should be reviewed. In exceptional circumstances, depending on the controversy or complexity of the task, more or fewer meetings may be considered here. This should be decided by the RC Chairman, in consultation with the members. The task of finalizing the NPA, taking into account the comments of the members, falls on the Chairman, as well as the preparation for publication of the NPA for public consultation;
  - d) The fifth and sixth meetings should be used, as necessary, to review the draft CRD prepared by one of the members of the RC based on a preliminary review of the comments received and to review the final deliverable prepared by the Chairman. These meetings could be replaced by a written consultation, in cases where the final deliverable follows closely, after the review of comments, the proposals of the NPA will be prepared.

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# **CHAPTER 4 RULEMAKING PROCESS**

# Rulemaking Task/Project - Milestones and Timelines

5 to 6 months 0 - 30 days 20 - 30 days 20 - 30 days 20 - 45 days 30 - 45 days Consultation Final of the review for Drafting of Initiation Analysis of NPA/ adoption of the rule the rule Stakeholders comments and publication conference of the rule **Draft Texts** NPA Stakeholders' Comments **CRD** Published rule

# **Rulemaking Milestones**

Figure 1: Rulemaking Process

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## 4.1 PURPOSE

This procedure outlines the major steps of the processing of a Rulemaking tasks.

### 4.2 GENERAL

- 4.2.1 The Rules development starts from the initiation and ends with the Director-General/CEO adoption of the rule. Upon adoption, the amended Regulations will be processed for Government official publication (Official Gazette). The office of the Legal Adviser and the RC Chairman are responsible for this activity. Refer to Figure 1 above.
- 4.2.2 The Rules development follows different steps:
  - a) Initiation of the rule;
  - b) Drafting of the rule;
  - c) Consultation of the NPA/ Stakeholders' conference;
  - d) Analysis of comments; and
  - e) Final review for adoption and publication of the Rule.
- 4.2.3 The major milestones of the Rules Development are:
  - a) Texts of the draft rule;
  - b) The publication of the Notice of Proposed Amendment (NPA), which contains the draft rule and the Regulatory Impact Assessment (RIA);
  - c) The stakeholders' consultation of the NPA;
  - d) The Comment Response Document (CRD), which includes the comments received during the public consultation together with the Bureau's responses;
  - e) The publication of the Official Government Gazette version of the rule on the Bureau website (www.aib.gov.ng).

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## 4,3 DETERMINATION AND APPROVAL OF THE RULEMAKING PROJECT

## 4.3.1 Introduction

- 4.3.1.1 The Rulemaking project details the expected production of rules for the subsequent year.
- 4.3.1.2 During preparation of the rulemaking project, the Bureau takes into account the current implementation of the current or ongoing rulemaking tasks, legal obligations, State Safety Program (SSP), ICAO programme, the current resources available, the assessment in the Preliminary Regulatory Impact Assessment, and the Bureau's various adopted budgetary and staff planning documents for the reference period (e.g. Business Plans, Work Programme, Policies).
- 4.3.1.3 The process starts with the receipt of a proposal for rulemaking from any person or Organization. This is individually acknowledged by RC. An initial assessment takes place by the RC to evaluate the quality of the justification for the development of a new rule or an amendment thereto.
- 4.3.1.4 If the proposal is accepted, the RC will evaluate the urgency for rulemaking. In case of an urgent issue, the proposal will be given priority, whereas non-urgent proposals will be considered in the context of the task development and used as an input to the "development of the Rulemaking Inventory".
- 4.3.1.5 If it is decided not to accept the proposal, the RC will provide the author of the proposal with a justification for the decision not to act. This will then be the final step of the process.

# 4.3.2 Continuous Reception of Proposals for Rulemaking Project

## 4.3.2.1 Proposal for a change in regulation

- 4.3.2.1.1 A proposal for a change in NSIB (Establishment Act) or Civil Aviation (Investigation of Air Accidents and Incidents) Regulations can be made to the Director-General/CEO through internal or external proposals.
- 4.3.2.1.2 Internal proposals are made by any Bureau's Directorate or Unit, individual staff member of the Bureau and the RC as a result of ICAO State Letters (SLs).
- 4.3.2.1.3 External proposals are made by a Stakeholder, an individual or entity not related to the Bureau.
- 4.3.2.1.4 The RC shall receive and consider for amendment internal or external proposals made by stakeholders and other members of the Public. The Chairman of RC shall in February and July each

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year convene the meeting of the RC members to conduct preliminary review of the proposals received within the period under consideration.

### 4.3.2.2 Reasons for a proposing a change in regulation

A proposal for introduction, amendment or withdrawal of a regulation will be initiated for inter alia any of the following reasons:

- a) An amendment to an ICAO Annex or document;
- b) An amendment to National Regulations that affects Aviation Safety and Security;
- c) New technology or scientific data;
- d) Required reviews;
- e) Statutory mandates;
- f) Lawsuits;
- g) Petitions;
- h) Recommendations from other external agencies/government bodies;
- i) Other operational and environmental demands;
- j) When it is no longer relevant, applicable or effective.

# 4.3.2.3 Submission of proposal

A proposal to amend, adopt or repeal a Regulation should be submitted to the Director-General/CEO using the following methods:

- (a) Email: commissioner@aib.gov.ng Cc: info@aib.gov.ng; rc@aib.gov.ng;
- (b) Letter: Addressed to the Director-General/CEO, Nigerian Safety Investigation Bureau P.M.B 7009, Garki- Federal Capital Territory, Abuja, Nigeria;
- (c) Hand Delivery or Courier: The Office of the Director-General/CEO, Nigerian Safety Investigation Bureau Corporate Headquarters, Opposite Cargo Terminal, Nnamdi Azikiwe International Airport Abuja, Nigeria.

### 4.3.2.4 Content of the proposal

- (a) The following information should be included in the proposal:
  - (i) Name, mailing address, telephone number, or e-mail address of the proposer. Other contact information such as a fax number is optional;
  - (ii) An explanation of the proposer's interests and its purpose;
- (b) the contents of the Regulation, technical standard or amendment proposed or specify the regulation or technical standard which the proposer wishes to be withdrawn:
  - (i) An explanation of why the proposed action would be in the public interest;
  - (ii) Information, views and arguments that support the proposed action, including relevant technical and scientific data available to the proposer;

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- (iii) Any specific facts or circumstances that support or demonstrate the need for the action being proposed.
- (c) The following information may be required:
  - (i) The costs and benefits of the proposed action to society in general, and identifiable groups within the society in particular;
  - (ii) The regulatory burden of the proposed action on small businesses, small Organizations, small governmental jurisdictions;
  - (iii) The record keeping and reporting burdens of the proposed action and whom the burdens would affect;
  - (iv) The effect of the proposed action on the quality of the natural and social environments.
- (e) It is recommended that the proposal be submitted using the Rulemaking Proposal Form in Appendix E to this Handbook.

## 4.3.2.5 Preliminary Review

- (a) The Director-General/CEO shall send received proposals for amendments to the RC.
- (b) The RC shall review the proposal to determine if it is justified. The RC may request inputs from the relevant Bureau's Office when deemed necessary. The review will take account of the following:
  - (i) The urgency of the safety concerns raised;
  - (ii) The priority of other issues the Bureau must deal with;
  - (iii) The resources available to address these issues; and
  - (iv) If an NPA has been previously issued by the Bureau on the subject matter, the proposers request for a Regulation change will be treated as his or her comments on the subject and not as a separate action. This also applies if a Rulemaking project has begun on the same subject.
- (c) Thereafter, the RC will prepare and forward to the Director-General/CEO a report stating its determination or proposed action.

### 4.3.2.6 Acceptance of Proposal/Public Meeting

- a) If the Director-General/CEO determines that implementation of the proposal is justified, the Director-General/CEO will request the Regulation Committee to prepare an NPA incorporating a draft of the proposed amendment for subsequent publication.
- b) A proposer may request a public meeting. The Bureau may hold a public meeting when more than written comments are needed to make a fully informed decision. A proposer requesting public comment shall submit his or her written request that the Bureau holds a public meeting not later than 30 days after issuance of the NPA. If the Bureau agrees to convene a meeting, it shall publish a notice of the meeting in the website.

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# 4.3.2.7 Dismissal of Proposal

If the Director-General/CEO in consultation with the RC Chairman, identifies that the issues raised by the proposer may have merit, but do not address an immediate safety concern or cannot be addressed because of other priorities and resource constraints, the proposal may be dismissed. The comments and arguments for a rule change will be placed in a database (Master Inventory (MTL - Master Tasks List)), which will be examined at an appropriate time in future.

## 4.3.2.8 Master Inventory List

The programming cycle for each year starts with the compilation of the draft Rulemaking Inventory. All proposals are recorded in a Master Inventory (MTL Master Tasks List), which is an internal Microsoft Excel table centralizing all rulemaking tasks carried out by the Bureau throughout the years.

# 4.3.3 Development of the Rulemaking Inventory

- 4.3.3.1 The process starts with the compilation of all proposals to be considered for rulemaking submitted through formal processes or brought to the attention of Bureau staff during the execution of their work.
- 4.3.3.2 From the Master Inventory List, the draft Rulemaking Inventory (RI) for year N is drawn. This document incorporates all possible items, collected by the Bureau through various sources that could be progressed through rulemaking, including items from previous years. The draft Rulemaking Inventory is evaluated inside the RC to assess the quality of the justifications.
- 4.3.3.3 This document is circulated within the RC to validate data, to propose new items or to modify the items' scope and description.
- 4.3.3.4 After the meeting of the RC, a revised Rulemaking Inventory (version 01) is prepared and work is initiated on the drafting of the Regulatory Impact Assessment on tasks to be initiated or completed in the year N.
- 4.3.3.5 The next step is the endorsement of version 01 of the Rulemaking Inventory by the Director-General/CEO. At this stage, the RC initiates work on the drafting of the Regulatory Impact Assessment that shall support the tasks envisaged in the year N Rulemaking Programme. Refer to Appendix F for the template of Rulemaking inventory list.
- 4.3.3.6 The final step is the filing of all records that lead to version 01 of the Rulemaking Inventory in the Rulemaking file by the Secretary of the Regulations Committee.

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# 4.3.4 Modify Rulemaking Project

- 4.3.4.1 The process starts either by the registration of an external request from an interested party to address an urgent/unforeseen issue by Rulemaking or a situation/event identified by the Bureau that needs urgent Rulemaking action.
- 4.3.4.2 As a first step, the RC evaluates the quality of the justification for an urgent Rulemaking action. If necessary, the RC asks the Directorates/Units for advice to ensure consistency in approach to comparable problems and co-ordination issues.
- 4.3.4.3 If the urgency of the request is confirmed, the RC evaluates the impact on the current programme priorities taking into account available resources and provides a justification for the modification of the respective Annual Rulemaking Tasks. The Rulemaking Task is verified by the RC and approved by the Director-General/CEO.
- 4.3.4.4 Once approved, the RC is notified about the change.
- 4.3.4.5 If the urgency of the request is not confirmed but the need for Rulemaking identified, it will be considered in the context of the Rulemaking development and used as an input to the Rulemaking Inventory (see Section 3.3).
- 4.3.4.6 In case of a request made by an interested external party, the Bureau has to inform the author of the request on its decision to act. Additionally, if the request is rejected, the Bureau provides the author of the request with a justification for its decision on not to act.
- 3.3.4.7 The final step is the filing of all records in the rulemaking file by the Secretary of the Regulations Committee.

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## 4.4 INITIATION OF THE RULE

### 4.4.1 Introduction

- 4.4.1.1 Rulemaking tasks shall be initiated in accordance with the priorities set out in the Rulemaking Project.
- 4.4.1.2 The RC shall draw up Rulemaking project, which shall include the following:
  - (a)a clear definition of the project and its scope;
  - (b) the process to be followed for the development of the project, including use of any of the special procedures referred to in chapter 5 and, if applicable, the estimated length of the consultation taking into account the assessment of the complexity and controversy of the project;
  - (c) the necessity to conduct an RIA;
  - (d) a timetable for the completion of the project;
  - (e)the type of the deliverable;
  - (f) a concept paper, if developed in the case of a complex or controversial project; and
  - (g) details on the composition of the group, its working methods and reporting requirements.
- 4.4.1.3 The RC Chairman shall decide the working method, which includes but it is not limited to a drafting group or external resources, for the execution of each Rulemaking project, taking into account the complexity and controversy of the project at hand and the need to draw upon the expertise of persons involved in the implementation of the new or amended rule.
- 4.4.1.4 When a Rulemaking group is set up, the Director-General/CEO shall determine its final composition, which shall draw upon the technical expertise available among in-house expertise and, where necessary, interested parties, as well as external resources.
- 4.4.1.5 The Bureau shall provide Rulemaking group with administrative and logistical support necessary to perform the tasks, including the provision of standard working procedures. Rulemaking drafting groups shall follow the working procedures specified in Section 3.4.

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### 4.5 THE DRAFTING OF THE RULE

### 4.5.1 Introduction

New rules or amendments to existing ones shall be drafted in accordance with the Rulemaking project referred to in chapter 4, section 4.4. The RC may amend the Rulemaking project as appropriate in the light of the progress of a given Rulemaking project.

## 4.5.2 Drafting the NPA

- 4.5.2.1 This process starts with the drafting of the Notice of Proposed Amendment (NPA) by the RC in accordance with the corresponding Terms of Reference and shall take into account:
  - (a) applicable laws of Nigeria;
  - (b) applicable ICAO Standards and Recommended Practices;
  - (c) harmonization of objectives with other accident investigation authorities and international organizations in accordance with applicable arrangements with third parties;
  - (d) relevant findings and recommendations of air accident investigations;
  - (e) existing industry standards;
  - (f) timely implementation of the proposed rules;
  - (g) compatibility with existing rules and interfaces with other ongoing Rulemaking projects;
  - (h) state of the art and best practices in aviation safety requirements;
  - (i) scientific and technological developments; and
  - (j) the regulatory impact of the rules being drafted, if applicable.
- 4.5.2.2 A sample Notice for Proposed Change in Regulation Document is in Appendix G to this Handbook.
- 4.5.2.3 The full Regulatory Impact Assessment is developed in parallel to the drafting of the rule as an integral part of the NPA. The Regulatory Impact Assessment (RIA) Methodology is applied (Chapter 6).
- 4.5.2.4 The RC shall monitor the progress of the Rulemaking task to ensure the respect of the timescale set in the corresponding project.
- 4.5.2.5 The RC shall evaluate whether the corresponding group composition (when a group is convened) needs to be amended in light of the progress with the Rulemaking task.
- 4.5.2.6 Upon the completion of the draft NPA, it is transmitted to the RC for endorsement, including the following information:
  - a) an explanatory note describing:

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- (i) the development process, including the type and the estimated length of the consultation period as well as a planned date for the publication of the related Comment Response Document (CRD) and the final rule;
- (ii) a summary of the proposed changes and full details of significant, contentious or interface issues identified during the drafting process; and
- (iii) details of the situation with respect to applicable ICAO SARPs and harmonization with other aviation authorities or international organizations;
- b) the proposed draft rule;
- c) a RIA, if applicable;
- d) proposed actions to support implementation.
- 4.5.2.7 The RC shall evaluate whether the NPA contains provisions to be applied by the Bureau. In such a case, the RC has to notify the Bureau's Directorates/units when the NPA contains provisions they have to implement (only if it is applicable).
- 4.5.2.8 The RC shall verify that the rule satisfies the objectives of the Rulemaking project.
- 4.5.2.9 Once endorsed, the draft NPA is transmitted to RC to launch the internal consultation of the applicable Bureau Directorates/Units. At this stage, the RC shall verify whether the normal consultation period of 3 months applies or whether there is a need for a shorter/longer consultation period because of the potential impact and complexity of the rule envisaged. If so, the "change of consultation period" process is applicable (see Section 4.6).
- 4.5.2.10 The various contributions from the interdepartmental consultation are collected and the draft NPA amended as appropriate by the RC.
- 4.5.2.11 The RC shall verify that the amended Notice of Proposed Amendment (NPA) rule satisfies the objectives established for the Rulemaking task.
- 4.5.2.12 Once approved, the NPA consultation is launched in accordance with the procedures in Section 4.6.2.
- 4.5.2.13 The final step is the filing of the following records in the Rulemaking file by the Secretary of the Regulations Committee:
  - a) the submission initiating the NPA;
  - b) Terms of Reference of the Rulemaking task in question;
  - c) the published NPA including justification and Regulatory Impact Assessment;
  - d) the Comment Response Document(s);
- 4.5.2.14 The RC Chairman shall ensure that the following items are also retained in the Bureau's Rulemaking file:
  - a) minutes of RC meetings;
  - b) documents submitted to the RC and discussed under specific item; and
  - c) Correspondence files.

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### 4.5.3 Regulatory Impact Assessment (RIA)

- 4.5.3.1 The RIA shall be part of the drafting of the rules, with the objective to ensure that their content is based on evidence and sound analysis, and to assess the need for a performance-based approach.
- 4.5.3.2 The RIA shall be conducted based on the principle of proportionate analysis: in-depth analysis to be performed for rulemaking projects with expected high impact, and light analysis for rulemaking projects with expected lower impact.
- 4.5.3.3 The RC members shall support the development of the RIA by providing economic and other quantitative data. Refer to Appendix J for a template RIA.

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### 4.6 CONSULTATION PHASE

#### 4.6.1 Introduction

- 4.6.1.1 Any person or organisation with an interest in or being affected by the draft proposed rule may submit their comment on the published NPA.
- 4.6.1.2 In those cases where the NPA contains provisions to be applied by the Directorates/Units of the Bureau, they shall be notified.
- 4.6.1.3 The public consultation period is for a minimum of one (1) month.
- 4.6.1.4 During the public consultation period, the Director-General/CEO may at the request of industry (Aircraft Owners/Operators, Airport Operators, Air Traffic Services Providers/ Maintenance Organizations, Training Organizations, etc.), or interested parties, extend in exceptional and duly justified cases, the public consultation period specified in the NPA. Such changes to the length of the public consultation period shall be published on the Bureau's website or a transmittal letter issued to all recipients of the NPA.

#### 4.6.2 Launch the consultation

- 4.6.2.1 The Notice of Proposed Amendment (NPA) is published in the Bureau's Official Publication (Transmittal Letters, Website, Newsletter, etc.), with an indication of the start/end date of publication, together with the following information:
  - (a) The regulation involved;
  - (b) the proposed rule;
  - (c) The Bureau's legal authority for issuing the proposal;
  - (d) an explanatory note describing the development process;
  - (e) full details of significant or contentious or interface issues identified during the drafting process;
  - (f) details of the situation with respect to applicable ICAO Standards and Recommended Practices and relative to harmonization with other accident investigation authorities or International Organizations; and
  - (g) a full Regulatory Impact Assessment;
  - (h) how interested persons may respond (for example, by filing written comments or making oral presentations at a public meeting);
  - (i) Persons to contact if there are issues requiring clarification;
  - (j) The date, time, and place of any public meetings the Bureau will hold to discuss the proposal.
- 4.6.2.2 A sample Notice for Proposed Change in Regulation Document is in Appendix I.

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#### 4.6.3 Comments

- 4.6.3.1 Comments shall be forwarded on to the Director-General/CEO and shall contain the following:
  - (a) identification of the commentator;
  - (b) NPA reference number; and
  - (c) position of the commentator with regard to the proposal (including justification for the position taken).
- 4.6.3.2 The RC shall continuously monitor the consultation process for the registration of comments received and checks for requests by interested parties to extend the public consultation period.

### 4.6.4 Change in consultation period prior to publication

- 4.6.4.1 This process starts with the RC verifying the need for a change of the normal consultation period of 1 month. The RC shall take account of the potential impact, the complexity of the rule envisaged and any controversial issues. If the need is identified, the RC prepares a justification and requests for the opinion of the Director-General/CEO.
- 4.6.4.2 The RC collects the contributions and transmits them to the Director-General/CEO for consideration.
- 4.6.4.3 The justification and the consultation letter are sent for verification and approval by Director-General/CEO.
- 4.6.4.4 The final step is the filing of all records in the rulemaking file by the Secretary of the Regulations Committee.

### 4.6.5 Extension of consultation period during consultation

- 4.6.5.1 This process starts with a request by an interested party to extend the public consultation period of an ongoing consultation. The request is submitted to the RC to evaluate the quality of the justification. In his/her evaluation the RC shall take account of the complexity of the rule published, the implications of the rule on regulated parties, any controversial issues and the period of publication. If the request is confirmed, the RC requests an extension of the ongoing public consultation period.
- 4.6.5.2 The RC Chairman sends the request for extension of the public consultation to the Director-General/CEO for verification and approval.

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- 4.6.5.3 Once approved, the Head of ICT in coordination with RC Chairman, publishes on the Bureau's website, the new timetable for public consultation for the NPA in question.
- 4.6.5.4 The final step is the filing of consultation records in the rulemaking file by the Secretary of the Regulations Committee.

#### 4.7 COMMENTS AND REVIEW PERIOD

#### 4.7.1 Introduction

- 4.7.1.1 Following receipt of comments from concerned stakeholders, the RC with the support of the relevant directorates/Units shall undertake a review of the comments received and produce a Comment Response Document (CRD).
- 4.7.1.2 This document shall reproduce the comments received on the individual issues and the respective responses provided and amendments to the proposed regulation. It may contain a list of all persons and/or organizations that have provided comments.
- 4.7.1.3 Once validated and approved by the Director-General/CEO, the CRD will be posted on the Bureau's website. The CRD shall include the following:
  - a) a list of all parties (persons/organizations) who provided comments on the rule in question;
  - b) a summary of the comments received and the Bureau's responses thereto.
- 4.7.1.4 The CRD will be available on the Bureau website for 30 days after consultation has closed.
- 4.7.1.5 With the objective to improve the quality of the Bureau's rules and to ensure fair and appropriate treatment of all the comments received, the Director-General/CEO should ensure that all comments are reviewed by appropriately qualified experts.
- 4.7.1.6 In the case of rulemaking projects with impact expected or systematic rulemaking projects addressing miscellaneous issues of controversial nature, the review of comments may be carried out by qualified experts not directly involved in the drafting of the proposed rule together with RC tasked with the drafting of the rule in question.
- 4.7.1.7 Further consultation with consultees may be undertaken as necessary for the sole purpose of ensuring a better understanding of the comments received.
- 4.7.1.8 If, based on the number or complexity of the comments received, the Bureau is unable to publish the CRD within the timescale indicated in the NPA, amendments to the timescale shall be published on the Bureau's website.

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4.7.1.9 If the comments received during the consultation period indicate major objections to the proposed rule, or if the outcome of the review of the comments is that the revised text differs significantly from that presented at the beginning of the consultation process, the Director-General/CEO in coordination with the Chairman of RC shall consider further consultation with the stakeholders.

#### 4.7.2 Review of comments

- 4.7.2.1 The review of comments follows the end of the public consultation. To ensure publication of the CRD within the 3 months' time frame, the review process is continuously monitored. If the 3 months period cannot be respected, the process "Extension of Period for CRD Publication" will be applied.
- 4.7.2.2 The RC or the Review group reviews all comments, provides a response and adapts the proposed rule as appropriate.
- 4.7.2.3 Upon the completion of the draft CRD, The RC will endorse it.
- 4.7.2.4 Once validated, the RC launches the consultation of relevant Bureau Directorates/Units.
- 4.7.2.5 The various contributions from the relevant interdepartmental consultation are collected and the draft CRD is amended as appropriate by the RC.
- 4.7.2.6 The RC shall evaluate whether the revised text differs significantly from the draft rule (NPA) circulated at the start of the consultation process. If so, the RC shall request for a further consultation round of the revised rule. Upon verification and approval by Director-General/CEO, the RC shall include a note in the explanatory part of the CRD, stating that the initial NPA will result in the publication of a new one. The reasons behind this Bureau's decision should be also given. A new number will be later on assigned to the new NPA, but at this stage, reference to the title should be included in the CRD. This is especially important if changes of the title are envisaged. The RC shall than request ICT to publish the CRD in the Bureau's Official Publication and proceed with the drafting of the new NPA.
- 4.7.2.7 If no further consultation is required, the RC will simply request publication of the CRD.
- 4.7.2.8 The request for publication of the CRD is sent for verification and approval by Director-General/CEO.
- 4.7.2.9 Once approved by the Director-General/CEO, the CRD is published in the Bureau's Official Publication with an indication of the start/end date of publication and the reaction form.
- 4.7.2.10 The final step is the filing of the record of CRD in the rulemaking file by the Secretary of the Regulations Committee.

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#### 4.8 ADOPTION AND PUBLICATION

#### 4.8.1 Introduction

- 4.8.1.1 The Director-General/CEO shall issue his or her decision in respect of the rule in question together with the CRD.
- 4.8.1.2 Rules issued by the Director-General/CEO shall be published on the Bureau's website together with an explanatory memorandum and, in the case of opinions, a revised RIA if the final text differs significantly from that presented at the beginning of the consultation.
- 4.8.1.3 Once the draft regulation has been adopted, the Focal Point in coordination with the Chairman of RC will download an offline version of the CC-EFOD for Annex 13 from the ICAO USOAP CMA OLF and fill it with regards to the provisions of the adopted draft Regulations in accordance with Section 8.2 of this Handbook.
- 4.8.1.4 The filled CC-EFOD will indicate whether the adopted draft Regulations is in compliance with Annex 13 or Difference is identified. If difference is identified, then conduct analysis in Section 8.3 of this handbook to determine if it is a Significant Difference.
- 4.8.1.5 The Focal Point will forward to the Director-General/CEO the filled CC-EFOD together with recommendations on either to adopt the draft Regulations or make some amends to bring it to compliance with Annex 13 should a difference is found.
- 4.8.1.6 The Director-General/CEO shall review the CC-EFOD and the recommendation for approval and direct the Chairman of RC to take necessary action.
- 4.8.1.7 The Focal Point shall forward the filled CC-EFOD and recommendations to the Secretary of RC for keeping in the Rulemaking File.

### 4.8.2 Adoption and publication of rules

- 4.8.2.1 This process starts with receipt of the draft rule from the RC requesting its publication either in the regulations or the NSIB (Establishment) Act.
- 4.8.2.2 After 2 months following the publication of the Comment Response Document and once the rule is approved by the Director-General/CEO, it is transmitted to the Legal Unit for:

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- a) Producing an initial draft of proposed Bill for amendment to the NSIB (Establishment) Act to be submitted to the Ministry in accordance with Section 4.9 below; and
- b) Government Gazette processing of the regulations and archiving in accordance with extant laws.
- 4.8.2.3 The Director-General/CEO shall direct the Head of ICT to publish the Government Gazette version of the regulations on Bureau's official website. The Director-General/CEO shall notify stakeholders about the publication of the regulations in transmittal letters.
- 4.8.2.4 The Director-General/CEO shall approve and cause to be published the implementation date of the Regulations where applicable.
- 4.8.2.5 The final step is the filing of the final rule in rulemaking file by the Secretary of the Regulations Committee.

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### 4.9 Making and Amendment of the NSIB (Establishment) Act

### 4.9.1 General

Under Section 4 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), the National Assembly (NASS) is vested with the legislative powers of the Federal Republic of Nigeria. That is the power to make or amend laws for the peace, order and good government of the Federation with respect to any matter included in the Exclusive Legislative List and the Concurrent List. This legislative power is typically exercised through Bills passed by the NASS which are assented to by the President. Bills generally come in two forms - either a Private Bill which affects private citizens, corporate entities and /or a particular class of people or Public Bills which affect the general public. A Bill can be introduced into either chamber of the NASS by members of the respective Chambers or the Executive arm of government.

#### 4.9.2 Initiation

- 4.9.2.1 The Bureau's proposal for the making or amendment of the Nigerian Safety Investigation Bureau (Establishment) Act may come from the following sources:
- 1) Upon completion of the rulemaking process described in sections 4.1 to 4.8 above which was as a result of:
  - a) ICAO State Letter for adoption of amendment to a relevant Annex to the Convention whose provision is classified as Critical Element 1 of the safety oversight system; or
  - b) New or amended USOAP CMA Protocol Question classified as Critical Element 1.
- 2) Internal memo with proposal requesting the amendment of the NSIB (Establishment) Act as a result of any change that needs to be captured in or is adjudged to affect the existing provisions of the NSIB (Establishment) Act.
- 4.9.2.2 The Chairman of RC will issue an internal memo to all directorates and departments of the Bureau informing of the decision to amend the NSIB (Establishment) Act and requesting for inputs to be forwarded to the Legal Adviser of the Bureau within 7 seven days.
- 4.9.2.3 The Legal Adviser shall be responsible for collating all inputs and producing an initial draft of proposed amendment to the NSIB (Establishment) Act for approval by the Director-General/CEO.
- 4.9.2.4 The Director-General/CEO will send the proposed draft amendment to the Ministry in charge of aviation to liaise with the Ministry of Justice in order to ensure that the language of the draft is in accordance with Nigeria Laws.

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- 4.9.2.5 The Minister in charge of aviation will present the proposed Bill to the Federal Executive Council for approval.
- 4.9.2.6 Upon approval of the proposed Bill, The President will transmit it as an Executive Bill to the National Assembly for legislative processing.

### 4.9.3 Promulgation

- 4.9.3.1 The proposed Bill shall be subject to legislative processes in accordance with the provisions of Section 58 of the Nigeria Constitution and other extant laws, including public hearing, adoption and concurrence of the Bill by the two chambers of the National Assembly and forwarding of the adopted Bill to the President for assent.
- 4.9.3.2 Upon assent of the Bill by the President, the Bill becomes an Act and the Act is forwarded to the Government Printers for inclusion in the register of Government Gazette, printing and distribution.

### 4.9.4 Adoption and Publication

- 4.9.4.1 Upon receipt of the gazette version of the NSIB (Establishment) Act, the Director-General/CEO of the Bureau shall immediately forward it to RC for assessment by completing the ICAO Compliance Checklist.
- 4.9.4.2 The Director-General shall direct the Head of ICT in coordination with the Legal Adviser to publish the Gazette version of the amended NSIB (establishment) Act on the Bureau's website.
- 4.9.4.3 Within 7 days, the Focal Point will download an offline version of the CC-EFOD from the OLF and to fill it in coordination with the RC taking into consideration the affected provisions contained in the gazette version of the amended NSIB Act in line with Section 8.2 of this Handbook.
- 4.9.4.4 The filled CC-EFOD will indicate whether the gazette version of the amended NSIB Act is in compliance with Annex 13 or Difference is identified. If Difference is identified, then follow steps in Section 8.3 of this handbook.
- 4.9.4.5 The Focal Point will forward to the Director-General/CEO the filled CC-EFOD together with recommendations to consider another amendment to the NSIB (Establishment) Act if a Difference with SARPs is found.
- 4.9.4.6 Upon approval of the CC-EFOD by the Director-General/CEO, the Focal Point shall upload the filled CC-EFOD to the OLF not later than 2 workdays afterward.

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4.9.4.7 The final step is the keep of all records of amendment of the Act in the file by the Legal Adviser.

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### CHAPTER 5: PROCEDURE FOR ISSUING INVESTIGATION ORDER, DIRECTIVE AND CIRCULAR

#### **5.1 PURPOSE**

This chapter provides direction and guidance on developing, making, issuing and amending of investigation related Orders, Directives and related matters in accordance with the powers conferred on the Nigerian Safety Investigation Bureau by Part I Section 5 paragraph (b) of the Nigerian Safety Investigation Bureau (Establishment) Act 2022.

### 5.2 REASONS FOR ISSUING OR AMENDING INVESTIGATION ORDER (IO)

The Director-General/CEO will issue or amend Investigation Order for inter-alia any of the following reasons:

- (a) An urgent need to amend the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations for Aviation Safety exigencies; or
- (b) An amendment to an ICAO Annex or document where it is impracticable to amend Civil Aviation (Investigation of Air Accidents and Incidents) Regulations after the applicability date of the ICAO annex.

### 5.3 DRAFTING AND ISSUING/AMENDING OF THE INVESTIGATION ORDER

- 5.3.1 The process starts with drafting of the Order by the RC.
- 5.3.2 The RC will deliberate on the Investigation Order and make appropriate recommendation to the Director-General/CEO for issuing or amendment of an existing Order in the format in Appendix H.
- 5.3.3 There shall be no public consultation because of the urgent and special nature of the Order. Public consultation shall take place when Investigation Order is being consolidated into the Regulations following the Rulemaking Procedures of Chapter 4.
- 5.3.4 The Director-General/CEO shall issue/amend the Investigation Order by publishing it with Official Government Publication (Gazette) and on the Bureau Website.
- 5.3.5 The RC shall maintain a Master Inventory List of all Investigation Orders issued/amended by Bureau stating effective date, amended date, and canceled date. Investigation Order reference will carry the following format NSIB/IO/YYYY/NNN e.g. First Investigation Order issued in year 2023 will be NSIB/IO/2023/001

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- 5.3.6 The Investigation Order issued/amended by Director-General shall remain effective until amended or repealed.
- 5.3.7 The Order shall subsist until consolidated into the Regulations.
- 5.3.8 Organization of the Investigation Order is sub-divided into five hierarchical categories as follows:
  - a) Part refers to the primary subject area;
  - b) Subpart refers to any subdivision of a Part;
  - c) Section refers to any subdivision of a Subpart;
  - d) Subsection refers to the title of an Investigation Order and can be a subdivision of a Subpart or Section;
  - e) Paragraph refers to the text describing the Investigation Order. All paragraphs are outlined alphanumerically in the following hierarchical order: (a), (1), (i), (A).
- 5.3.9 The Investigation Order also comprises the rules just like the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations.

### 5.4 REASONS FOR ISSUING INVESTIGATION DIRECTIVE AND CIRCULAR

- 5.4.1 The Director-General/CEO will issue Investigation Directive to require a mandatory action or compliance with any matter of operational safety that is not in the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations but expedient for public interest.
- 5.4.2 The Director-General/CEO will issue Circular to provide guidance or safety information to the industry or require compliance with specific part of the Regulations. A template of Investigation Directive is in Appendix I to this Handbook.

### 5.5 DRAFTING AND ISSUING/AMENDING OF INVESTIGATION DIRECTIVE AND CIRCULAR

- 5.5.1 The process starts with drafting of the Investigation Directive or Bulletin by the RC.
- 5.5.2 The RC will deliberate on the Investigation Directive and make appropriate recommendation to the Director-General/CEO for issuing or amendment of the Investigation Directive in the format in Appendix K.
- 5.5.3 The RC shall maintain a Master Inventory List of all Investigation Directives issued/amended by the Bureau stating effective date, amended date, and canceled date. Investigation Directive reference will carry the following format NSIB/ID/YYYY/NNN e.g. First Directive issued in year 2023 will be NSIB/ID/2023/001

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5.5.4 Circular will be drafted by Directorate/unit responsible for the relevant areas and issued by the Director-General/CEO or on behalf of the Director-General/CEO by the relevant Director of the Bureau. The Circular will not require any work from the RC.

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#### CHAPTER 6: REGULATORY IMPACT ASSESSMENT METHODOLOGY

#### 6.1 PURPOSE

The purpose of this is to provide Bureau staff involved in Regulations development with guidance on the Regulatory Impact Assessments (RIA).

#### **6.2 INTRODUCTION**

- 6.2.1 The Rulemaking Procedure requires the establishment of Regulatory Impact Assessments (RIAs) to support the decision-making process.
- 6.2.2 The present document specifies the scope and content of the RIAs to be provided by the Bureau to support its rulemaking decisions.

#### **6.3 REGULATORY IMPACT ASSESSMENT**

- 6.3.1 Regulatory Impact Assessment (RIA) is a systemic approach to critically assessing the positive and negative effects of proposed and existing regulations and non-regulatory alternatives. The Regulatory Impact Assessment is a tool to support decision-making.
- 6.3.2 Regulatory impact assessment (RIA)' means an assessment of the benefits (in terms of safety, security, environmental, level playing field or proportionality/efficiency aspects) expected from the proposed regulation as well as its implementation cost for Bureau and those subject to its provisions measured in relation to the option to not issue a regulation. The aim of the RIA shall be to improve the quality of regulations by helping ensure well substantiated decisions and by clarifying the positive and negative safety, economic, environmental, and social or other non-safety-related impacts of a proposed regulation.
- 6.3.3 Regulatory Impact Assessment (RIA) Form (refer to Appendix J) should be attached to every drafted regulation by the Regulations Committee (RC). The RIA Form will be reviewed by the RC as part of the rulemaking process.
- 5.3.4. When starting the rulemaking task, the RC may discuss the RIA methodology issues as well as possible cooperation on the new task.

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#### CHAPTER 7: ICAO STATE LETTER

#### 7.1 PURPOSE

This chapter describes the procedure adopted by the Nigerian Safety Investigation Bureau for processing of ICAO State letters and handling of periodic reviews of the latest updates to relevant ICAO Standards and Recommended Practices (SARPs).

#### 7.2 GENERAL

- 7.2.1 The Director-General/CEO and relevant Directors of Bureau are on the mailing list of the Multilateral Unit in the Directorate of Air Transport of Nigerian Civil Aviation Authority (NCAA) responsible for receipt, monitoring and distribution of ICAO State Letters (SLs) to entities in Nigeria.
- 7.2.2 The Director-General/CEO or any of the relevant Directors shall forward the SLs received from NCAA to the ICAO USOAP AIG Focal Point and the Chairman of RC.
- 7.2.3 The AIG Focal Point is designated to monitor ICAO State Letters on the ICAO secured portal <a href="https://portal.icao.int">https://portal.icao.int</a> at minimum once every month for new amendments to the Annexes. The Focal Focal shall immediately forward any new SL to RC members and Cc: Director-General/CEO and the relevant Directors of the Bureau.
- 7.2.3 The RC is responsible for coordinating the Bureau's technical response to the ICAO State Letters dealing with proposal to amend a relevant Annex and adoption of amendment to the Annex.

#### 7.3 ICAO STATE LETTERS PROCEDURE

#### 7.3.1 Receipt of ICAO State Letters (SLs).

- 7.3.1.1 ICAO State Letters primarily come to the Bureau from the designated ICAO State Letter Focal Point of Nigeria domiciled in NCAA via transmittal letter to the office of the Director-General/CEO or as an email to the Director-General/CEO and copied to relevant Directorates who are on the mailing list of the Multi-lateral unit of the NCAA. In addition and as a back-up, the AIG Focal Point is responsible to login to ICAO secure portal and download any new ICAO State Letter relevant to the Bureau and forward through email to it to the RC and copy the Director-General/CEO and relevant Directors of the Bureau.
- 7.3.1.2 Upon receipt of an ICAO State Letter, the Director-General/CEO shall forward the ICAO State Letter to the relevant Directorates/Units, Chairman Regulations Committee.

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- 7.3.1.3 The State Letter should contain Cover sheet indicating the type of the letter, the reference of the State letter/electronic bulletin, Subject and action required with the date while attention the letter to the Focal Point that has been appointed by Directorate/Units & relevant entities.
- 7.3.1.4 In addition to the NCAA source, the Focal Point should check the ICAO Secure Portal on a periodic basis (preferably twice a month) to review the list of State Letters as follows:
- a) Using credentials login to: <u>portal.icao.int</u> and place the Cursor on the *CORRESPONDENCE* Tab on Menu Bar of the ICAO Secure Portal Home Page
- b) Click STATE LETTERS to access the list of all State Letters issued to-date. The list will display the list of State Letters starting with the most recently released State Letter for the current year. You can view older State Letters by Clicking the Tab: SELECT TO VIEW THE STATE LETTERS OF OTHER YEARS.
- c) Scroll down the list and lookout for any State Letter relevant to Aircraft Accident Investigation (specifically Annex 13 and Annex 19).
- d) Click on the State Letter Reference number (on the left side of the page) to download the State selected State Letter.
- e) The List of the State Letters can be saved on a location in your computer by right clicking and selecting SAVE AS.
- 7.3.1.5 The Focal Point should forward any newly issued relevant State Letter to the Director-General/CEO and Bureau RC members through email.
- 7.3.1.6 The Secretary of RC shall keep a list of all received ICAO State Letters on Proposal or Adoption of amendment to relevant Annex.

The Secretary of the RC should keep a Copies of the State Letters in the appropriate file.

Note: The above process may be an electronic process.

### 7.3.2 Processing of ICAO State Letters

The process of ICAO state letters by the Focal Point and RC will depend on the content as follows:

- a) Informative letter. This letter will only dispatched to the concerned Offices and staff for information. The ICAO State letter follow-up file established by the Focal Point/ RC shall be updated with an indication that date letter was dispatched and the officer(s) in receipt. The process will end at this step.
- b) Letters requiring response (Apart from Amendment Letters). Upon collation of inputs from concerned directorates/units and Agencies, the Focal Point/ RC shall put up a reply to ICAO for the Director-General/CEO's signature on the relevant action taken by the State in respect of the State letter. If the subject covers more than one area or domain, the

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- concerned directorates/units in charge of the main area shall be responsible for coordination with other concerned directorates/units/agencies to obtain their views and comments.
- c) Invitation letter to an ICAO event. Upon receipt of this letter, the Director-General/CEO will designate participants to the ICAO event in accordance with ICAO State Letter notification procedure described in Chapter 3. The ICAO State Letter follow-up file shall be updated accordingly. The process will end at this step.
- d) Amendment letter: Two (2) cases are covered under this subject: ICAO proposed amendments and ICAO adopted amendment. Upon receipt of proposed amendment letter from NCAA, the Director-General/CEO or relevant Director will forward such proposed amendment letter to the Chairman, RC who shall initiate a review with the relevant directorate/unit. Detailed description of this process is in Section 7.4.

### 7.4 PROCESSING ICAO PROPOSALS ON AMENDMENTS TO ANNEXES

### 7.4.1 ICAO Proposed Amendment

### 7.4.1.1 Preliminary Review

- 7.4.1.1.1 Upon received of an ICAO State Letter proposing amendment to a relevant Annex (Annex 13 and Annex 19), the Director-General/CEO should forward it to the Chairman of RC as soon as possible.
- 7.4.1.1.2 The Chairman of RC shall within 7 days initiate a preliminary review of ICAO proposed amendments for relevant SARPs in order to assess their impact on regulatory documents and to identify concerned stakeholders before the proposed amendment are circulated to them as appropriate for comments.
- 7.4.1.1.3 The Chairman of RC shall send a copy of the proposed amendment to the relevant offices within the Bureau for study and comments taking into account the ICAO deadline for reply.
- 7.4.1.1.4 The Chairman of RC shall in consultation with the relevant Offices, identify concerned stakeholders to which copies will be sent and shall determine whether any explanations or guidance on Bureau position taken during or decisions arrived at during ICAO meetings, shall be circulated to all relevant stakeholders when the ICAO proposed amendments are sent to them for comments.
- 7.4.1.1.5 Upon completion of internal preliminary review of the ICAO proposal for amendment of Annex, the Chairman of RC should forward the report to the Director-General for approval and forwarding to stakeholders for their comments.

#### 7.4.1.1.6 The table 7.1 contains the List of groupings of relevant Stakeholders

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S/N	NAME OF STAKEHOLDER GROUPS	ROLE IN THE INDUSTRY
1	Nigeria Civil Aviation Authority (NCAA)	Regulator
2	Ministry of Aviation	Policy maker
3	Nigerian Airspace Management Agency (NAMA)	Air Navigation service provider
4	Federal Airports Authority of Nigeria (FAAN)	Aerodrome Service provider
5	Nigeria Meteorological Agency (NiMet)	Met service provider
6	Nigerian college of Aviation Technology (NCAT)	Approved training organization
7	State governments owned Aerodrome operators	Aerodrome Service provider
8	Private aerodrome operators	Aerodrome Service provider
9	Airline operators	Service providers
10	General aviation community/private aircraft owners	Service providers
11	Approved training organizations/flying clubs	Service providers
12	Approved maintenance organizations	Service providers
13	Ground handling/fuel/cargo/catering organizations	Service providers
14	Aviation trade union /associations	Watch dog
15	Aviation pressure groups	Watch dog
16	General public	stakeholder
17	Media organizations (mainstream/online)	Watch dog

The Secretary RC shall keep a comprehensive mailing list of all the identified stakeholders to be used for transmission of the State Letters.

#### 7.4.1.2 Consultation with Stakeholders

- 7.4.1.2.1 Upon approval, the Director-General will forward the ICAO proposed amendment to an Annex to the stakeholders for comments by sending it in transmittal letters and to the general public by directing the Head of ICT to publish it on the Bureau's website for comments within specified timeline, taking into consideration the ICAO dateline for reply
- 7.4.1.2.2 The identified relevant stakeholders include the Nigerian Civil Aviation Authority, Airline operators, non-commercial aircraft operators, aircraft owners, aircraft maintenance organizations, flying clubs, approved aviation training organizations, Air Traffic Services providers, airport operators, ground handling service providers, aviation fuel suppliers, aviation related non-governmental organizations, aviation pressure groups, aviation trade unions, etc.

#### 7.4.1.3 Final Review

- 7.4.1.3.1 If comments are received from stakeholders within the specified timeline, the Chairman of RC shall convene meeting of the RC to undertake a final review of the comments received and establish a final draft of Nigeria's position on the ICAO proposed amendment to the Annex and associated attachments.
- 7.4.1.3.2 If no comment received upon elapse of the timeline specified in the notice, the Chairman of RC shall convene meeting of the RC to undertake a final review of the comments

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received and establish a final draft of Nigeria's position on the ICAO proposed amendment to the Annex and associated attachments.

### 7.4.1.4 Comments Received during Final Review

Comments received from Stakeholders during the final review period shall be taken into consideration by the RC in the final review.

#### 7.4.1.5 Comments received after final Review

- 7.4.1.5.1 Comments received after the final review period may not be considered at this stage. However, the RC shall analyse the reply and propose a course of action to the Director-General/CEO, if there is a significant impact of ICAO proposed amendments on the activities of a particular stakeholder or group of stakeholders and foreseen difficulties for the implementation.
- 7.4.1.5.2 The final position of the RC shall be reviewed to take into consideration the stakeholders' inputs and additional comments shall be added in the ICAO State Letter file by the Secretary of RC.

### 7.4.1.6 Nigeria's Position on the ICAO Proposed Amendment to Annex

Within one week from the final review, the RC shall prepare the following:

- a)Reference to the origin and purpose of the proposed amendment;
- Summary of the main agreement or disagreement with ICAO proposed amendment and filing of ICAO response form only for relevant annex. A typical ICAO response form is usually attached to the ICAO State Letter; and
- c) Attachment of the proposed changes to the ICAO text using editorial practice showing deleted text with a line through it and new text highlighted with grey shading.

#### 7.4.1.7 Approval and Transmission to ICAO

The draft reply which reflects Nigeria's position on the reviewed ICAO proposed amendment to an Annex will be submitted to the Director-General/CEO for approval. Once approved, the Chairman of RC shall forward an electronic and hard copies of this reply to ICAO not later than five (5) days prior to the deadline and transmit a copy to the Director-General of Nigeria Civil Aviation Authority.

### 7.4.1.8 Filing

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There shall be established an ICAO State Letter file to contain all State Letters received from ICAO for proposed amendment and all materials produced during all the stages of review of the amendment proposal including the ICAO State Letter on the amendment. The Secretary of RC shall keep the file.

### 7.4.2 ICAO Adopted Amendment

#### 7.4.2.1 Preliminary Review

- 7.4.2.1.1 Upon received of an ICAO State Letter adopting amendment to a relevant Annex (Annex 13 and Annex 19), the Director-General/CEO should forward it to the Chairman of RC as soon as possible.
- 7.4.2.1.2 The RC, with the support of relevant directorates/units shall carry out a preliminary review of ICAO adopted amendments for relevant Annex based on the content of the Bureau ICAO State Letter file (not in this document) to identify final amendments introduced into the associated initial ICAO amendment proposal. The RC shall establish a summary of the main changes with respect to Nigeria's initial position on the associated ICAO proposed amendment to the Annex.
- 7.4.2.1.3 The ICAO adopted amendment and this summary shall be forwarded by the Chairman of RC to the Director-General/CEO for approval.
- 7.4.2.1.4 Upon approval, the Director-General shall direct the Head of ICT to publish it on the website inviting comments by the stakeholders and general public. The Chairman of RC shall identify concerned stakeholders to which copies will be sent through transmittal letters and shall determine whether any explanations or guidance on Bureau position taken during relevant ICAO meetings, shall be circulated to all relevant stakeholders when the ICAO amendments are sent to them for comments.
- 7.4.2.1.5 These activities shall be performed within one week from the time of receiving ICAO State letter.

#### 7.4.2.2 Consultation with Stakeholders

The notice to stakeholders shall invite their comments within a specified timeline, taking into account the ICAO specified deadline for reply of the State Letter.

#### 7.4.2.3 Final Review

- 7.4.2.3.1 If comments are received from concerned stakeholders within the specified timeline, the Chairman of RC shall convene meeting of the RC to undertake a final review of the comments received and establish a final draft of Nigeria's position on the ICAO adopted amendments to relevant Annex and associated attachments.
- 7.4.2.3.2 If no comment received upon elapse of the timeline specified in the notice, the Chairman of RC shall convene meeting of the RC to undertake a final review of the comments received and establish a final draft of Nigeria's position on the ICAO adopted amendment to the Annex and associated attachments.

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- 7.4.2.3.3 This draft shall reproduce the comments received on the individual issues and shall propose the course of action for each ICAO provision.
- 7.4.2.3.4 The final review document shall indicate whether the ICAO adopted amendments are accepted with differences or not. In all cases, ICAO Form: **NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM ANNEX** in **Attachment D** to the State Letter shall be filled by the Chairman of RC.
- 7.4.2.3.5 If the whole ICAO adopted amendment is not acceptable, the ICAO Form: **NOTIFICATION OF DISAPPROVAL OF ALL OR PART OF AMENDMENT TO ANNEX** in Attachment C to the State Letter shall be filled and enclosed to the final review document.
- 7.4.2.3.6 The Chairman of RC shall forward the final review document to the Director-General/CEO.

### 7.4.2.4 Comments received during final review

Comments received from Stakeholders during the final review period (Two weeks after the consultation period) shall be taken into consideration by the RC in the final review.

#### 7.4.2.5 Comments received after final review

Comments received after the final review periods may not be considered. However, the RC shall analyse the reply. If there is a significant impact of ICAO adopted amendments on the activities of Bureau or a particular stakeholder or group of stakeholders and foreseen difficulties for the implementation, the RC shall inform the Director-General/CEO, who will decide on the course of action to be taken. These difficulties and the decision taken shall be reflected in the final review document.

### 7.4.2.6 Nigeria's Position on ICAO Adopted Amendment

Within one week from the final review, the Chairman RC shall prepare a draft reply to ICAO which shall enclose a final review document and ICAO *DISAPPROVAL FORM*, if any. The reply shall cover the following:

- a) Reference to the origin and purpose of the adopted amendment;
- b) Summary of the main issues in the final review document; and
- c) ICAO *DISAPPROVAL FORM*, if any.

#### 7.4.2.7 Approval and Transmission to ICAO

7.4.2.7.1 The draft reply which reflects Nigeria's position on the ICAO adopted amendment will be submitted to the Director-General/CEO for approval. Once approved, the Chairman of RC shall

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forward an electronic and hard copies of this reply to ICAO at least five (5) days prior to the deadline and transmit a copy to the Director-General of Nigeria Civil Aviation Authority (NCAA).

- 7.4.2.7.2 The Director-General/CEO shall direct the Chairman of RC to initiate the amendment of the affected portion of the aviation legislation (NSIB Act/Regulations) to bring it into compliance with the adopted (new) amendment of the relevant Annex to the Chicago Convention.
- 7.4.2.7.3 The amendment of the aviation legislation (NSIB Act/Regulations) shall follow the Rulemaking procedures in Section 4 of this Handbook.

### 7.4.2.8 Filing

The Secretary of RC shall update the ICAO State Letter file with the final review document and with all the materials and letters produced during all the previous steps. The file is a main source of information for the aviation legislation (NSIB Act/Regulations) amendment procedure.

### 7.4.3 Action plan for implementation of the new SARP

- 7.4.3.1 If after review, the Director-General/CEO decides that the new relevant to the Bureau SARPs approved by the Council should be implemented by the Bureau, the Director-General/CEO should take appropriate action to effect necessary changes in the overall Safety Oversight System of Nigeria, as explained below depending on the circumstances:
  - (a) Amend the Civil Aviation Act;
  - (b) Amend the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations (see chapter 4);
  - (c) Complete or review the Compliance Checklists (CC) for Annex 13;
  - (d) Identification and notification of difference for Annex 13 (see chapter 8);
  - (e) Review Policies. Procedures and guidance material.
  - (f) Train Bureau's staff in the revised procedures and guidance material;
  - (g) Conduct of workshops to increase awareness regarding amendments to concerned Annexes and guidance material
  - (h) approve the installation of new equipment or upgrade of existing equipment, to comply with applicable requirements;

Note. This list is not exhaustive.

- 7.4.3.2 This actions identified are controlled Regulations Committee Meting Action Form:
  - a) The actions identified related to amendment of regulation should be treated in accordance with the procedure for development and amendment of the rulemaking project defined in Chapter 4 of this Manual.

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b) The whole process involving local implementation of SARPs can be summarized as shown in the following chart. The time taken between Step-1 and Step-3 shall not be more than three months from the date of ICAO State Letter on the intention to amend the relevant Annex. The time taken between Step 4 and Step 6 should not be more than three months from the date of receipt of the green letter. All work involving the implementation of an amendment to an Annex shall be completed by the Applicable Date and position of Nigeria shall be notified to ICAO by the Notification Date.

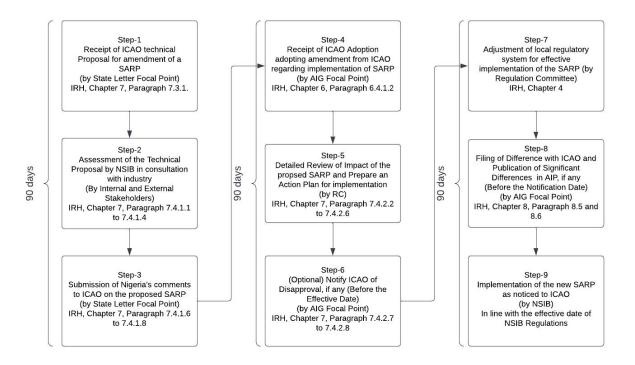


Figure 7.1: Flow Chart of the handling ICAO State Letters

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### CHAPTER 8: IDENTIFICATION AND NOTIFICATION OF DIFFERENCES AND PUBLICATION OF SIGNIFICANT DIFFERENCES

#### 8.1 PURPOSE

- 8.1.1. This chapter provides direction and guidance on the determination and notification of differences and publication of significant differences.
- 8.1.2 Section 8.2 contains the procedure to be used by the Bureau personnel on the identification and notification of differences.
- 8.1.3 Section 8.3 contains the procedure to be used by the Bureau personnel on the determination and publication of significant differences.

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#### 8.2 PROCESS AND PROCEDURES FOR MANAGEMENT OF DIFFERENCES

### 8.2.1 General

- 8.2.1.1 In order to keep the status of Differences up-to-date, the Bureau is properly organized and staffed with qualified personnel capable of accomplishing these tasks.
- 8.2.1.2 Determination of Differences, their clear and concise description and notification require a good knowledge and understanding of:
  - a) the ICAO expectations, templates and tools regarding notification of differences.; and
  - b) the Nigeria's regulatory context and the corresponding SARPs.
- 8.2.1.3 When the aviation legislation (NSIB (Establishment) Act and the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations) are drafted, RC should keep in mind that Differences will have to be determined and notified at some point, if applicable. The RC will have to identify and formulate Differences when the rules are being drafted, since the level of compliance with or departure from SARPs should be especially easy to identify at that time. Such an approach has proven to facilitate notification of differences.
- 8.2.1.4 As previously stated, the degree of alignment, or non-alignment, of Nigerian aviation legislation with ICAO SARPs may significantly influence the complexity of the determination and formulation of differences.
- 8.2.1.5 Any Difference from SARPs needs to be identified and notified by the Focal Point in coordination with the RC. For Nigeria to fulfil this obligation, it has established a clear appropriately organized and effective procedure on the basis of aviation legislation, and structured to effectively fulfil the tasks that it is expected to undertake.

#### 8.2.2 Identification of Differences and Significant Differences.

#### 8.2.2.1 General

- 8.2.2.1.1 The identification of Differences and Significant Differences and will take place in two different moment:
  - (a) Treatment of a State Letter after the adoption of an ICAO Amendment/new Annex;
  - (b) Development of new or revised aviation legislation (NSIB Establishment Act or Civil Aviation (Investigation of Air Accidents and Incidents) Regulations related to an existing Annex.

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- 8.2.2.1.2 The first option is the responsibility of the RC and the AIG Focal Point. This should be done in accordance with the procedure established on Chapter 7.
- 8.2.2.1.3 The second option is done each time an RC is changing a any part of the legislation (NSIB Act or Regulations) for an existing Annex.
- 8.2.2.1.4 The Director-General has identified AIG Focal Point and RC for processing ICAO State Letters including State letters related to proposal for amendments to Annexes, adoption of the amendment and notification of differences.
- 8.2.2.1.5 Procedure for the handling of ICAO State Letters is established in Chapter 7 of this Handbook.

#### 8.2.2.2 Identification and Notification of Difference

- 8.2.2.2.1 The process starts immediately after the Director-General/CEO had approved the final draft of Regulations which was carried out through the Rulemaking process in Chapter 4 of this Handbook.
- 8.2.2.2.2 To download the offline version of the Compliance Checklist for Annex 13, the AIG Focal Point should:
  - a) Using his/her credentials login to ICA OLF: https://soa.icao.int
  - b) Click CC/EFOD button on the Home Page
  - c) Place Cursor on *OFFLINE MODE* button. A Drop-down List button appears on the EFOD Page and click *EXPORT TO WORD*
  - d) Read through and Check the BOX "You have read and understand the above notice"
  - e) Click NEXT button to proceed
  - f) Click on ANNEX 13 to select it and scroll down to Click EXPORT DOCX
  - g) Wait a moment then click DOWNLOAD ANNEX FILE
  - h) Select appropriate location in your computer to save the document
  - i) After the DOWNLOAD COMPLTE, click the button BACK TO EFOD to return to EFOD Page.

NOTE1:- Nigeria validates both Standards and Recommendations.

- NOTE2:- Do not change the document name (Annex\_Nigr\_A1300) when saving it after the download from OLF, otherwise it can not be imported back to the ICAO OLF.
- 8.2.2.2.3 The Focal Point in coordination with the RC will complete/fill the Annex 13 Compliance Checklist (CC) using the combination existing provisions and adopted texts of the draft NSIB Establishment Act or the Regulations. The exercise involves reading through the provisions of the Annex and finding corresponding references/texts in the applicable sections of the Act or/and Regulations.

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- 8.2.2.2.4 The task of completing the Annex 13 Compliance Checklist takes about 2 workdays.
- 8.2.2.2.5 The outcome of the exercise should indicate existence of identified Difference(s) or No Difference between Annex 13 and the legislation (NSIB Establishment Act and Regulations) and the practices of the Bureau.
- 8.2.2.2.6 If no Difference between the NSIB Act/Regulations and Annex13 is found, report of compliance must be submitted to the Chairman of RC.
- 8.2.2.2.7 If It is found that no equivalent provisions exist in the legislation, RC shall adopt the new ICAO SARPs. If the new SARP is not adopted, such fact shall be documented as a Difference.
- 8.2.2.2.8 Once it is determined that a Difference exist between a new/revised Bureau rule and a SARP, report of that difference must be submitted to the Chairman of RC.
- 8.2.2.2.9 The report must include, at a minimum:
  - (a) the number of the paragraph or subparagraph as amended which contains the SARP to which the Difference relates;
  - (b) category of the Difference;
  - (c) the reasons for the Difference- why Nigeria does not comply with the SARP, or considers it necessary to adopt different regulations or practices;
  - (d) a clear and concise description of the Difference; and
  - (e) intentions for future compliance and any date by which Nigeria plans to confirm compliance with and remove its difference from the SARPs for which the differences have been notified.
- 8.2.2.2.10 The RC will meet to conduct a review of the report for accuracy, justification and completeness and the RC Chairman will then forward the report to the Director-General/CEO for approval.
- 8.2.2.2.11 Upon approval by the Director-General/CEO, the Focal Point will upload the competed Compliance Checklist back to the OLF as follows:
  - a) Using his/her credentials login to ICAO OLF: <a href="https://soa.icao.int">https://soa.icao.int</a>.
  - b) Click CC/EFOD button on the Home Page
  - c) Place Cursor on *OFFLINE MODE* button. A Drop-down List button appears on the EFOD Page and click *IMPORT TO WORD*
  - d) Read through and Check the BOX "You have read and understand the above notice"
  - e) Click NEXT button to proceed

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- f) Under "Please browse and select the Annex file to import:" Click on CHOOSE FILE. This will take you choose the saved Annex\_NIGR\_A1300 file and double click it to upload to OLF
- g) Click NEXT button to complete the upload
- h) After the UPLOAD is completed, click the button BACK TO EFOD to return to EFOD Home Page.

Note: Nigeria uses the uploading of filled Compliance Checklist/EFOD on ICAO OLF as a means of notification of difference to ICAO.

- 8.2.2.2.12 After the validation of the Differences, the AIG Focal Point should generate an E-Supplement for the entire Annex.
- 8.2.2.2.13 The Focal Point in coordination with the RC Chairman should forward the E-Supplement of Annex 13 to Director-General.
- 8.2.2.2.14 The Director-General will direct the Head of ICT to publish the latest E-Supplement to Annex13 on the Bureau's official website.

#### 8.3 PROCESS AND PROCEDURES FOR MANAGEMENT OF SIGNIFICANT DIFFERENCES

- 8.3.1 Significant Differences are those Differences that are not only materially different from the ICAO Annex but also may significantly impact on the affected aviation activity with or without consequent safety risk implications.
- 8.3.2 Each of the Differences identified in Section 8.2 above will be analyzed by the RC using the Risk Management Process described in the following paragraph.
- 8.3.3 Determine the Safety Risk Probability: Probability is defined as the likelihood or frequency that a safety consequence or outcome might occur. This can be assigned a value according to the table 1 below:

Table 1: Probability

Likelihood	Meaning	Value
Frequent	Likely to occur many times (has occurred frequently)	5
Occasional	Likely to occur sometimes (has occurred infrequently)	4
Remote	Unlikely to occur, but possible (has occurred rarely)	3
Improbable	Very unlikely to occur (not known to have occurred)	2

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Extremely improbable Almost inconceivable that the event will occur		1

8.3.4 Determine the Safety Risk Severity: Severity is defined as the extent of harm that might reasonably occur as a consequence or outcome of the identified hazard. This can be assigned a value according to the table 2 below:

Table 2: Severity

Severity	Meaning	Value
Catastrophic	— Equipment destroyed	A
	- Multiple deaths	
Hazardous	<ul> <li>A large reduction in safety margins, physical distress or a workload such that the operators cannot be relied upon to perform their tasks accurately or completely</li> </ul>	В
	— Serious injury	
	— Major equipment damage	
Major	<ul> <li>A significant reduction in safety margins, a reduction in the ability of the operators to cope with adverse operating conditions as a result of an increase in workload or as a result of conditions impairing their efficiency</li> </ul>	С
	- Serious incident	
	- Injury to persons	
Minor	- Nuisance	D
	- Operating limitations	
	- Use of emergency procedures	
	- Minor incident	
Negligible	- Few consequences	E

8.3.5 Safety Risk Assessment Matrix: After assigning values to the safety risk probability and the safety risk severity, the matrix in table 3 below should be used to assign an assessment value to the safety risk.

Table 3: Safety Risk Assessment Matrix

RISK	SEVERITY						
PROBABILITY							
Frequent	5A	5B	5C		5D		5E
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Occasional	4A	4B	4C	4D	4E
Remote	3A	3B	3C	3D	3E
Improbable	2A	2B	2C	2D	2E
Extremely improbable	1A	1B	1C	1D	1E

8.3.6 Safety Risk Tolerability: The index obtained from the safety risk assessment matrix must then be exported to the safety risk tolerability matrix (see Table 4) that describes the recommended action for each index.

Table 4: Safety Risk Tolerability Matrix

Tolerability Description	Assessed Risk Index Range	Description	Suggested Criteria	Recommended Action
INTOLERABLE REGION	5A, 5B, 5C, 4A, 4B, 3A	High risk	Unacceptable under the existing circumstance	Cease or cut back operation promptly if necessary. Perform priority risk mitigation to ensure that additional or enhanced preventive controls are put in place to bring down the risk index to the moderate or low range.  The Difference must be classified as Significant Difference and must be published in the AIP.
TOLERABLE REGION	5D, 5E, 4C, 4D, 4E, 3B, 3C, 3D, 2A, 2B, 2C, 1A	Moderate risk	Acceptable based on risk mitigation. It may require management decision.	Schedule performance of a safety assessment to bring down the risk index to the low range if viable.  Director-General/CEO must approve the publication of the Difference in the AIP.
ACCEPTABLE REGION	3E, 2D, 2E, 1B, 1C, 1D, 1E	Low risk	Acceptable	Acceptable as is. No further risk mitigation required.  The Difference is not a Significant Difference and is not required to be published in the AIP.

8.3.7 If there is any Significant Difference, the RC Chairman shall inform the Director-General/CEO and obtain approval to transmit it to the NCAA for publication in the AIP.

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8.3.8 Upon approval by the Director-General/CEO, the RC Chairman shall forward the identified Significant Difference to the head of Air Navigation Services (ANS) Department of NCAA for publication on the Aeronautical Information Publication (AIP) in accordance with the procedures established for publication of significant difference in the AIP.

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### **APPENDICES**

### APPENDIX A: REGULATIONS COMMITTEE CONTACT LIST

### NSIB

### NIGERIAN SAFETY INVESTIGATION BUREAU

SAFETY HOUSE, NNAMDI AZIKIWE INTERNATIONAL AIRPORT P.M.B. 7009 GARKI FCT- ABUJA; NIGERIA

### **REGULATIONS COMMITTEE CONTACT LIST**

S/N	NAME	DIRECTORATE/UNIT	PHONE NUMBER	E-MAIL
1	Maureen Tsenongo (Mrs)	Legal (Chairman)	08077090530	tsenongomaureen@aib.gov.ng
2	Abdullahi Babanya	Engineering (AIG Focal Point)	07051300014	babanyaabdullahi@aib.gov.ng
3	Olumide Osineye (Mr)	Safety & Security (Member)	08155131900	osineyeolumide@aib.gov.ng
4	Francis Odita	Operations (Member)	08113991100	oditafrancis@aib.gov.ng
5	Patrick Nwobu	Engineering (Member)	08077090912	nwobupatrick@aib.gov.ng
6	Sadik Abdulsalam	Operations (Member)	08077090915	sadikabdulsalam@aib.gov.ng
7	Joseph Alao	Engineering (Secretary)	08077090914	alaojoseph@aib.gov.ng

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### APPENDIX B: MINUTES OF MEETING TEMPLATE

### NIGERIAN SAFETY INVESTIGATION BUREAU



SAFETY HOUSE, NNAMDI AZIKIWE INTERNATIONAL AIRPORT P.M.B. 7009 GARKI FCT- ABUJA; NIGERIA MINUTES OF MEETING

### MINUTES OF MEETING No.: YYYY/ NNN

TYPE OF MEETING		
CHAIRMAN		
MINUTES TAKER		
ATTENDEES	PRESENT	ABSENT
VENUE		
DATE		
AGENDA		
Discussion		

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### 1. MINUTES OF THE LAST MEETING (dd/mm/yyyy)

Discussion			
Conclusion			
Action items	Person responsible	Target date	
2. COMMENCEMENT			
Discussion			
Conclusion			
Action items	Person responsible	Target date	
3. MATTERS ARISING			
Discussion			
Conclusion			
Action items	Person responsible	Target date	
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4. ANY OTHER BUSINESS (AOB)		
Discussion		
Conclusion		
Action items	Person responsible	Target date
5. ADJOURNMENT		
MEETING ENDED AT:		
Signed	Signed	
Chairman	Secretary	
Name:	Name:	
Date:	Date:	
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### APPENDIX C: MEETING ACTION ITEMS TRACKER

#### **MEETING ACTION ITEMS TRACKER**

#### **NIGERIAN SAFETY INVESTIGATION BUREAU**

# NSIB

# REGULATIONS COMMITTEE MEETING ACTION ITEMS TRACKER

	SUBJECT/ Meeting				CLOSURE	
S/N	Reference	DATE DUE	TASK/ ACTION	WHO	DATE	STATUS
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						

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### APPENDIX D: MASTER LIST OF INVESTIGATION ORDERS ISSUED

# NSIB

# NIGERIAN SAFETY INVESTIGATION BUREAU MASTER LIST OF INVESTIGATION ORDERS ISSUED

	ORDER					ICAO ANNEX	REGULATIONS	ISSUE	REV	
S/N	NO	SUBJECT	BASIS	APPLICABILITY	PURPOSE	Ref	PART AFFECTED	NO	NO	DATE
1										
2										
3										
4										
5										
6										
7										
8										
9			·							
10										
11			·							

Form: NSIB.01.92 Issue: 01 Revision: 0 Date: 22 Feb 2023

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## Appendix E: RULEMAKING PROPOSAL FORM



## NIGERIAN SAFETY INVESTIGATION BUREAU

Proposal No.: (for NSIB use only).....

ETY HOUSE, NNAMDI AZIKIWE INTERNATIONAL AIRPORT P.M.B. 7009 GARKI FCT- ABUJA; NI
RULEMAKING PROPOSAL FORM

1.	PERSON/ORGANIZATION PROVIDING THE PROPOSAL:								
Nam	ne:								
Orga	Organization:								
Addı	ress:								
Cou	ntry:								
Phor	ne:								
Fax:									
E-ma	ail:								
2.	RULE NUMBER: (Regulation/Order/Dir	ective, etc.) (e.g. Part 5.)	(XX)						
(If n	ew rule, state "New Rule" and approp	riate regulation/code)							
Part	5.XXX								
3.	SUBJECT TITLE:								
4.	DESCRIPTION OF PROBLEM/ BACKGRO	<u>UND</u> :							
	Include reference to any supporting d	ocuments i.e. Accident re	ports/analysis:						
5.	OBJECTIVE OF PROPOAL: (How does the Include the recommendations from W			ble))					
6.	SCALE OF THE ISSUE: (Aviation sectors	s affected (number of airc	raft, organizations, perso	ns)					
7.	. IMPACT:								
7.1	SAFETY IMPACT:								
7.2	ECONOMIC IMPACT:								
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			SAFETY HOUSE, NNAMDI AZIKIWE INTERNATIONAL AIRP RULEMAKING PRO		
7.3	3 OTHER IMPACTS fairness)	: (Environmental,	social, harmonization,	aviation requirements outs	ide NSIB scope, issues of equity &
8.	PROPOSED TEX	<u>Γ</u> : (If developed)			
9.	JUSTIFICATION	(Why should your	proposal be adopted? H	How and to what extent is i	t likely to address the problem?)
10.	. OTHER COMME	NTS:			
Send yo	our proposal to: cc	mmissioner@aib.g	ov.ng and Cc: info@aib	.gov.ng	
(For NSI	IB use only)				
Date Re	eceived:				
Acknow	ledgement Receip	t Sent:			
Initial A	ssessment:				
Date Re	esponded to Propo	ser:			

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## Appendix F: RULEMAKING INVENTORY LIST

# NSIB

# NIGERIAN SAFETY INVESTIGATION BUREAU RULEMAKING INVENTORY LIST

TASK NO.	TASK (TITLE)	DATE RECEIVED	INITIAL ASSESSMENT	DRIVER (Legal Obligations)	AFFECTED RULES (Regulations, Orders, Directives	TASK leading to Law, Regs or Order	WORK METHOD (Internal, External)	PRIORITY	STATUS	REMARKS

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## APPENDIX G: NOTICE OF PROPOSED AMENDMENT (NPA) TEMPLATE

## NIGERIAN SAFETY INVESTIGATION BUREAU



## NOTICE OF PROPOSED AMENDMENT

PROPOSED CHANGES TO PART [insert the number]
[TITLE OF AFFECTED REGULATION]

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# NIGERIAN SAFETY INVESTIGATION BUREAU NOTICE OF PROPOSED AMENDMENT (NPA)

**(1)** 

22 FEBRUARY 2023

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# NIGERIAN SAFETY INVESTIGATION BUREAU NOTICE OF PROPOSED AMENDMENT (NPA)

#### TABLE OF CONTENTS

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1.	EXPLANATORY NOTE	4
	1.1 GENERAL	
1	1,2 CONSULTAION	4
1	1.3 COMMENT RESPONSE DOCUMENT (CRD)	5
1	1.4 REGULATORY IMPACT ASSESSMENT	5
1	1.5 DISCUSSION OF THE PROPOSALS	6
2 [	PROPOSED CHANGES	6

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# NIGERIAN SAFETY INVESTIGATION BUREAU NOTICE OF PROPOSED AMENDMENT (NPA)

#### 1. EXPLANATORY NOTE

#### 1.1 GENERAL

(Discuss the purpose of the proposed changes to the regulation) e.g. the purpose of the proposed changes to the Part XXXX (Title of this Part) is to provide further guidance and explanatory material.

(List the factors that have made it necessary for the changes being proposed to the regulation). For example:

There are a number of factors that have determined the need for and timing of this amendment:

- Changes to ICAO Standards and Recommended Practices (SARPs) that are due to become effective in (date) as outlined in ICAO State Letter (reference)
- Additional technology and procedural development etc.

#### 1.2 CONSULTAION

In order to reach a wide audience and collect relevant comments, the text of this notice of proposed change in regulation is submitted for consultation to all (specify stakeholders) and other interested parties on the NSIB website.

A comment form is included with the consultation details on the web page, for completion and submission to:

Mail:

The Director-General

Attn: Chairman Regulations Committee

(Address): Nigerian Safety Investigation Bureau

Corporate Headquarters P.M.B. 7009 Garki Abuja – FCT Nigeria.

Hand Delivery or Courier:

The Director-General

Attn: Chairman Regulations Committee

(Address): Nigerian Safety Investigation Bureau

Corporate Headquarters Opposite Cargo Terminal

Nnamdi Azikiwe International Airport

Abuja – FCT Nigeria.

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# NIGERIAN SAFETY INVESTIGATION BUREAU NOTICE OF PROPOSED AMENDMENT (NPA)



Website: www.aib.gov.ng

A 30-day consultation period is given, effective from (date). The NSIB must receive comments back by (date). Comments that are not submitted in the appropriate form provided or which are received after this date may not be considered.

#### 1.3 COMMENT RESPONSE DOCUMENT (CRD)

The comments will be reviewed by (XXX). All comments received will be responded to and incorporated in a Comment Response Document (CRD), which will also be posted on the consultations page of the NSIB website. The CRD may contain a list of all persons and/or organisations that have provided comments.

The CRD will be available for four (4) weeks after the consultation has closed.

#### 1.4 REGULATORY IMPACT ASSESSMENT

#### Intent

(Discuss intent of the amendment) e.g.

The intent of this proposed change to Part XXXX (title of regulation) is to ensure that the requirements of this regulation remain current.

#### Option

(State whether or not there are options) e.g.

There are no alternative options. To do nothing would mean that NSIB has neither adopted nor implemented changes to ICAO State letters and that requirements and guidance for Part XXXX will not be current

#### Impact

Safety: (State whether negative or positive and the nature of the impact). e.g. The intended changes are expected to have a positive impact on safety.

Economic: (State whether negative or positive and the nature of the impact).

#### Conclusion of the Proposal

Discuss the overall impact e.g.

The majority of the proposals are considered as having a positive safety and a limited economic impact. Therefore, progress of the proposal is justified.

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## NIGERIAN SAFETY INVESTIGATION BUREAU NOTICE OF PROPOSED AMENDMENT (NPA)

#### 1.5 DISCUSSION OF THE PROPOSALS

Discuss the types of changes in the proposal e.g.

#### Administrative Changes:

The following changes are incorporated throughout this proposal on changes to Part XXX

i) Typographical errors have been corrected

#### Other Changes:

Other changes are outlined in Part B of this Notice. For each chapter, only the amended paragraphs are shown, in tabular format, providing the rationale for the change, the previous text (if applicable) and the proposed amendment. Shading denotes new or amended text, whereas text to be deleted is shown with a line through it. Table and diagram are shown.

#### 2. PROPOSED CHANGES

#### Part XXX Title of Section

Paragraph No.:	Rationale:	
Proposed Text: (Provide the pro and new text is shaded)	posed text – text to be deleted has a line running th	rough it

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## APPENDIX H: INVESTIGATION ORDER (TEMPLATE)

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## NIGERIAN SAFETY INVESTIGATION BUREAU (3)

#### INVESTIGATION ORDER - TEMPLATE

INVESTIGATION ORDER
NSIB/IO/2023/001
<title investigation="" of="" order="" the="">.&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;Pursuant to the powers vested on the Director-General by paragraph 5(b) of the Nigerian Safety Investigation Bureau (Establishment) Act 2022, the Nigerian Safety Investigation Bureau (NSIB) hereby Orders as contained in this document.&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;Aircraft accident and incidents investigation.&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;An Order to adopt the amendments to ICAO Standards and Recommended Practices as contained in Annex 13 to the Convention on International Civil Aviation but yet contained in the Nigerian Civil Aviation (Investigation of Air Accidents and Incidents) Regulations.&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;&lt;Annex 13 Edition XX Amendment XX&gt;.&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;&lt;Part(s) of the Regulations&gt;&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;Issue 01/ Rev 0/ 25-06-2023&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;&lt; Name of Director-General/CEO&gt;&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;Director-General/CEO  &lt; SIGN&gt; &lt; DD/MM/YYYY&gt;&lt;/td&gt;&lt;/tr&gt;&lt;tr&gt;&lt;td&gt;&lt;/td&gt;&lt;/tr&gt;&lt;/tbody&gt;&lt;/table&gt;</title>

Page 1 of 4 Revision: 0 Investigation Order Issue: 01 Date: 22 February 2023

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## NIGERIAN SAFETY INVESTIGATION BUREAU 🚳



#### PREAMBLE

- 1. WHEREAS the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations issued in May 2019 (herein referred to as the Regulations);
- 2. WHEREAS the Regulations was promulgated to correspond with the International Civil Aviation standards published by the International Civil Aviation Organisation (ICAO)
- 3. WHEREAS ICAO has amended Annex 13 by adopting new Standards and Recommended Practices (SARPs) since November, 2020
- 4. WHEREAS there has been observed some gaps between the Regulations and the new ICAO SARPs:
- 5. WHEREAS there is an urgent need to bring the Regulations up to date with the ICAO SARPs

Preamble ......i Record of Amendments .....ii

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Organization of the Order	1	
Main Contents of the Order	(using similar numbering system as the Regulations).	

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## NIGERIAN SAFETY INVESTIGATION BUREAU (3)

-	-	
		١

#### RECORD OF REVISIONS AND REASONS FOR REVISIONS

Rev. No	Date of Revision	Sections Affected	Reason for Changes
)	22-02-2023		Initial Issue
	-		
	+		

#### AMENDMENT PROCEDURES:

- 1. The Regulations Committee is responsible for amendment of this document.
- 2. All request for amendment shall be sent to Commissioner@aib.gov.ng CC info@aib.gov.ng and attention Chairman Regulations Committee.
- 3. All amendments will be issued as a new revision to the whole ORDER.
- 4. Text of changes will be highlighted in grey.

#### LIST OF EFFECTIVE PAGES

Page	Rev No.	Date	
All	00	22-02-2023	

#### **ACRONYMS**

ABC-Alpha Bravo Charlie

#### DEFINITIONS

<MAIN TEXT OF ORDER >

The number of parts, sections, subsections of the Investigation Order will carry the same format as the Regulations.

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### APPENDIX I: INVESTIGATION DIRECTIVE -TEMPLATE

### NIGERIAN SAFETY INVESTIGATION BUREAU



SAFETY HOUSE, NNAMDI AZIKIWE INTERNATIONAL AIRPORT P.M.B. 7009 GARKI FCT- ABUJA; NIGERIA

#### INVESTIGATION DIRECTIVE - TEMPLATE

<b>a</b>	INVESTIGATION DIRECTIVE
ORDER NO	NSIB/ID/2023/001
BASIS	Pursuant to the powers vested on the Director-General by Section 5(b) of the Nigerian Safety Investigation (Establishment) Act 2022, the Nigerian Safety Investigation Bureau (NSIB) hereby issues Directive as contained in this document.
APPLICABILITY	<service entity="" government="" provider="" public=""></service>
REASON(S)	
ACTIONS REQUIRED AND COMPLIANCE TIMELINES	NSIB/
ISSUE/ REV NO / DATE	ISSUE 01 / REV 0
EFFECTIVE DATE	22 / 06/ 2023
REFERENCES	
REMARKS	THIS DIRECTIVE REMAINS VALID UNTIL SUSPENDED/SUPERCEDED/ REVOKED/CONTACT DETAILS FOR ENQUIRIES ETC
APPROVED BY	Walter and the second
NAME	< Name of Director-General/CEO>
TITLE	Director-General/CEO
SIGNATURE / DATE	< SIGN> < DD/MM/YYYY>

Investigation Directive Issue: 01 Revision: 0 Date: 22 FEBRUARY 2023 Page 1 of 1

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## APPENDIX J: REGULATORY IMPACT ASSESSEMNET (RIA) FORM

### NIGERIAN SAFETY INVESTIGATION BUREAU



SAFETY HOUSE, NNAMDI AZIKIWE INTERNATIONAL AIRPORT P.M.B. 7009 GARKI FCT- ABUJA; NIGERIA REGULATORY IMPACT ASSESSMENT (RIA) FORM

#### REGULATION IMPACT ASSESSEMNT (RIA) FORM

Regulatory Impact Assessment (RIA) is a systemic approach to critically assessing the positive and negative effects of proposed and existing regulations and non-regulatory alternatives.

	Name		T	itle	Signature/Date
Prepared by					
RC Members			- 7		
11 - 100	- (3)		- 8		
			~		
			- 8		
			- 8		
Annual by DC Chairman	-				
Approved by RC Chairmar Sector of the Industry to	0		(3)		
be impacted					
be impacted					
			- 1		
What is the problem	Please inclu	ide specific de	tails including	objectives and	d
that this proposed	intended ef		-		
regulation is designed to	- ACAMAD 10 - AMBAD 5				
address?			111		
2. What alternatives to	None	Advisory	Manual	Policy	Other (Please
proposed regulation were		Circular			explain)
considered to solve the					A.S. O.
problem?	Diense justi	ify the prefere	nce for regula	tion option	
	Fleuse Justi	ly the prejere	nce for regula	cion option	
	his proposed	regulation on N	ligeria as a Sta	ite?	
3a. What is the impact of t					
3a. What is the impact of t	West G	\$25700			DESCRIPTION AND
3a. What is the impact of t	Strongly	Agree	Neutral	Disagree	Strongly
3a. What is the impact of t	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
		Agree	Neutral	Disagree	
Implementing this		Agree	Neutral	Disagree	
3a. What is the impact of the		Agree	Neutral	Disagree	
Implementing this		Agree	Neutral	Disagree	

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## NIGERIAN SAFETY INVESTIGATION BUREAU



SAFETY HOUSE, NNAMDI AZIKIWE INTERNATIONAL AIRPORT P.M.B. 7009 GARKI FCT- ABUJA; NIGERIA REGULATORY IMPACT ASSESSMENT (RIA) FORM

Rationale:							
Implementing this proposed regulation will increase air navigation capacity and improve efficiency	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree		
Rationale:	1-1	1.734	V				
Implementing this proposed regulation will foster the development of a sound and economically viable civil aviation system	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree		
Rationale:							
Implementing this proposed regulation will minimize the adverse environmental effects of civil aviation activities	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree		
Rationale:							
3b. Do the benefits of this proposed regulation	Yes	No	Not Sure	Not Applicable	1:1		
justify the cost of its implementation?	. 8	Please justify cost					
4a. What is the impact of the	nis proposed	regulation on	Industry?				
Implementing this proposed regulation will enhance civil aviation safety	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree		
Rationale:							
Implementing this proposed regulation will increase air navigation capacity and improve efficiency	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree		
Rationale:							
Implementing this proposed regulation will foster the development of a sound and economically viable civil	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree		

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Date: 22 February 2023

Form: NSIB.01.97

Issue: 01

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SAFETY HOUSE, NNAMDI AZIKIWE INTERNATIONAL AIRPORT P.M.B. 7009 GARKI FCT- ABUJA; NIGERIA REGULATORY IMPACT ASSESSMENT (RIA) FORM

Rationale:					
Implementing this proposed regulation will minimize the adverse environmental effects of civil aviation activities	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Rationale:		*	e <sup>l</sup>	V.	\$5
4b. Do the benefits of this proposed regulation	Yes	No	Not Sure	Not Applicable	
justify the cost of its implementation?	Please justify	cost		1 1	
5. How long would it take for AIB and Industry to implement this proposed regulation?	Already Implemente d	0 - 1 years	1 - 2 years	2 - 5 years	More than 5 years
Official Section For Regulator We have read the Regulator (a) it represents a fair and	ry Impact Asses	sment and We			ct of the policy
and (b) that the benefits justify	the costs.				
Secretary Regulations Committee				Signature	Date
Chairman Regulations Committee		4-			

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## APPENDIX K: RULEMAKING FORMS LIST

ITEMS	FORM REFERENCE	SUBJECT				
	RULEMAKING FORMS					
1	NSIB.01.98	NOTICE OF PROPOSED AMENDMENT				
	NSIB.01.97	REGULATORY IMPACT ASSESSEMENT				
3	NSIB.01.92	MASTER LIST OF INVESTIGATION ORDERS ISSUED				
4	NSIB.01.93	RULEMAKING PROPOSAL FORM				

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