

POLICY STATEMENT 26 | REGULATION OF ANNEX 12 SEARCH AND RESCUE (SAR)**UNCONTROLLED DOCUMENT WHEN PRINTED****Effective date of Implementation:** 8 April 2014**Rationale:**

The Civil Aviation Act commits the UK, and hence the UK Overseas Territories (OT), to implementing the Chicago Convention and its Annexes. It is policy of the OTs to comply with Standards and safety-related Recommended Practices (see Policy Statement 02). ICAO Annex 12 to the Convention places a responsibility on the State to ensure that arrangements are in place to meet the Standards and Recommended Practices (SARPs) of the Annex ie to ensure SAR services are provided.

Article 7 of the AN(OT)O 2013, specifically requires the Governor to ensure the establishment of a search and rescue service for the Territory.

The Governor will direct a person or body to be responsible for discharging the Governor's obligations for SAR provision under the AN(OT)O. That person or body shall set out the services to be provided within the Territory and arrange for provision of such services. It may be that services are provided locally or under the terms of an international agreement (eg a Memorandum of Agreement).

There are no OTARs for Annex 12 so regulatory audits of the service provider will ascertain conformance with the provisions of Annex 12 itself in relation to the services set out by the Governor. Oversight may be by normal safety audit, through observation of SAR exercises, or examination of reports of SAR exercises or SAR operations.

In the event that a non-conformance is discovered, normal regulatory action may not be possible as the AN(OT)O does not provide the regulator powers in the same way that it does with other functions. Non-conformances shall be brought to the attention of the SAR provider(s) for resolution.

Since the provision of SAR is a State responsibility the relationship between the Regulator and Service Provider may not follow the definitions in Policy Statement 4 Regulation/Service Provision, therefore, each case should be judged on its merits.

Guidance on the provision and regulation of SAR is given in OTAC SAR-1.

Policy Statements:

1. The Governor is responsible under Article 7 of the AN(OT)O 2013 for ensuring that the provision of search and rescue services are as specified by Annex 12.
2. The body charged by the Governor with responsibility for ensuring provision of SAR shall set out the services to be provided within the Territory and arrange for provision of such services. Such statement will be reviewed and agreed by the Governor's designated regulator.
3. SAR may be provided by agreement with a dedicated service provider who shall comply with ICAO Annex 12 and the requirements of the Governor.

4. The Governor's designated regulator shall periodically (at not more than three yearly intervals) audit the provision of SAR to ascertain whether the service accords with the statement of provision (as per paragraph (b) above) and the requirements of ICAO Annex 12.
5. Non-conformances shall be brought to the attention of the SAR provider(s) for resolution.