



# **OVERSEAS TERRITORIES AVIATION REQUIREMENTS (OTARs)**

## **Part 13 OCCURRENCE REPORTING**

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**REVISIONS**

<b>OTAR Issue</b>	<b>Subject</b>
Issue 1	First issue published for information.
Issue 2	Second issue released for gazetting, with minor amendment to introductory text. Occurrence reporting forms transferred to OTAC 13-1.
Issue 3	Deletion of text concerning accidents which are dealt with in the Civil Aviation (Investigation of Accidents and Incidents) Regulations relating to the Territory.
Issue 4	Expansion of the list of persons that must report and minor amendment to align with the requirements in the AN(OT)O.
Issue 5	Text revised and updated, aligned with Annex 19, Second Edition and additional section voluntary occurrence reporting.
Issue 6	Text revised to align with the amended AN(OT)O. Adds breach of security as per the AN(OT)O amendment.

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## **Subpart A – General**

### **13.1 Purpose**

- (a) The requirements of this Part cover the submission to the Governor of information about aviation-related occurrences and incidents, which could have an impact upon the safety of aircraft operations. Information and data submitted will be analysed to identify any necessary corrective actions with the overall objective of improving aviation safety.
- (b) The sole objective of an occurrence or incident reporting system shall be the prevention of accidents and incidents in accordance with the SARPs of ICAO Annex 13, Chapter 8, and Annex 19, Chapter 5. It is not the purpose of this activity to apportion or attribute blame or liability.
- (c) These Requirements are not in themselves Law. Failure to comply may not constitute an offence. However, these Requirements reproduce or amplify certain provisions of the Air Navigation (Overseas Territories) Order 2013 (as amended) (“the Order”). Therefore, failure to comply with these Requirements may:
  - (1) constitute a breach of the Order; and
  - (2) result in proceedings for breaches of the Order; or
  - (3) result in the refusal of an application for renewal of a certificate or licence or approval; or
  - (4) result in action to suspend or revoke a certificate or licence or approval.
- (d) Articles 174 and 175 to the Order detail the legal obligations governing the submission of information about occurrences and incidents. The Order specifies these obligations in rather general terms, therefore there is a provision in Article 5 to the Order which requires the Governor to publish Requirements to augment, amplify and detail more precisely the manner in which these obligations shall be met. The Requirements are the means by which a pilot, aircraft operator, engineer, air traffic controller, aerodrome operator or organisation will be able to satisfy the Governor as to their fulfilment of their obligations in respect of the submission of information.
- (e) It is fundamental to the purpose of a Reporting Scheme that the substance of reports should be disseminated when considered necessary, in the interest of flight safety. Without prejudice to the proper discharge of the Governor’s responsibilities, the Governor will not disclose the name of the person submitting a report or of a person to whom it relates unless required to do so by law; or unless the person concerned authorises disclosure. Should any flight safety follow up action be considered necessary, the Governor will take all reasonable steps to avoid disclosing the identity of the reporter or of those individuals involved in the reportable occurrence. The primary concern is to secure free and uninhibited reporting; consistent with the principles of a Just Culture.

- (f) Without prejudice to the duty of the Governor to take appropriate action in respect of any licence or certificate, it is not the policy to institute proceedings in respect of unpremeditated or inadvertent breaches of the law which come to the attention of the Governor only because they have been reported hereunder; except in cases involving dereliction of duty or gross negligence or recklessness. The Governor shall not use or make available for the purpose of prosecution any information submitted by any person or organisation under this Part unless:
- (1) the information reveals a grossly negligent or reckless act or omission that caused danger to any other person or to any property; or
  - (2) false information is knowingly submitted; or
  - (3) the Governor is obliged to release the information pursuant to a statutory requirement or by order of a Court.

### **13.3 Use of English**

All documentation, written communications and data (electronic or otherwise) for submission to the Governor shall be provided in English.

### **13.5 Laws, regulations and procedures**

Each holder of a certificate, licence, permission, or approval shall take reasonable care to ensure that all persons employed, engaged, or contracted by the holder to perform aviation-related activities, are familiar with the appropriate sections of legislation, the Overseas Territories Aviation Requirements, any applicable conditions on the certificate, licence or approval and the procedures specified in the approval holder's safety assurance documentation or exposition.

### **13.7 Procedure compliance**

Each person performing duties in relation to a certificate, licence or approval shall conform with the applicable procedures specified in the safety assurance documentation of the certificate, licence or approval holder which authorises the operation.

### **13.9 Applicability**

- (a) This Part details requirements governing the mandatory and voluntary reporting of occurrences, and applies to all holders of certificates, licences, or approvals.
- (b) In the event of an aircraft accident or serious incident occurring in a Territory any Civil Aviation (Investigation of Air Accidents and Incidents) Order or Regulations in force in the Territory will be applicable. The Order or Regulations lay down the requirements relating to the notification of accidents and incidents and the obligation to provide information to the Governor or to the Air Accident Investigation Branch appointed to carry out an investigation.

## **Subpart B – Notification**

### **13.51 Notification of an occurrence**

- (a) Every person listed below must report to the Governor as soon as practicable, by any acceptable means, any event which constitutes an occurrence described in 13.53 and which comes to that person's attention in the exercise of that person's functions:
- (1) the operator and the pilot-in-command of an aircraft which has a certificate of airworthiness or permit to fly issued by the Governor;
  - (2) the operator and the pilot-in-command of an aircraft operated under an air operator's certificate granted by the Governor;
  - (3) a person who carries on in the Territory the business of manufacturing, repairing or overhauling an aircraft referred to in subparagraphs (a) or (b), or any equipment or part thereof;
  - (4) a person who carries on the business of maintaining or modifying an aircraft that has a certificate of airworthiness or permit to fly issued by the Governor and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
  - (5) a person who carries on the business of maintaining or modifying an aircraft, operated under an air operator's certificate granted by the Governor, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
  - (6) a person who signs an airworthiness report or a certificate of release to service in respect of such an aircraft, part or equipment;
  - (7) a person who performs a function which requires an air traffic controller's licence or flight information licence;
  - (8) an aerodrome certificate holder, operator, or manager of a certificated aerodrome;
  - (9) a person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities which are utilised by a person who provides an air traffic control service under an approval issued by the Governor;
  - (10) a person who performs a function concerning the ground-handling of aircraft, including acceptance or preparation of cargo goods and mail, fuelling, servicing, load sheet preparation, de-icing, and towing.

### 13.53 Types of reportable occurrence

Occurrences required to be reported are:

- (a) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, such an aircraft or its occupants or any other person; or
- (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants; or
- (c) any incident involving a breach of the security arrangements at an aerodrome; or
- (d) any incident in flight in which the pilot-in-command of an aircraft has reason to believe that the aircraft has been in collision with one or more than one bird or other wildlife hazard; and
- (e) any dangerous goods accident, dangerous goods incident, or the finding of undeclared or mis-declared dangerous goods in cargo or in a passenger's baggage.

### 13.55 Voluntary occurrence reporting

Occurrences or incidents not captured under 13.53 by the mandatory occurrence reporting system, and other safety related information which is perceived as an actual or potential hazard to the safety of aircraft operations or the safety of aircraft passengers or crew, should be reported.

### 13.57 Other hazardous occurrences

Hazardous flight conditions encountered, including those associated with meteorological conditions, shall be reported to the appropriate aeronautical station as soon as possible. The reports so rendered shall give such details as may be pertinent to the safety of other aircraft.



## **Subpart C – Investigation**

### **13.103 Occurrence investigation and follow-up reporting**

- (a) Each person providing an occurrence report shall provide such additional information relating to the occurrence as the Governor may require.
- (b) Submission of an occurrence report does not preclude investigation through the reporting organisation's Safety Management System.

### **13.105 Preservation of records**

- (a) Each holder of a certificate of registration of an aircraft that is involved in a reportable occurrence or incident shall preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 90 days after the incident unless otherwise notified by the Governor.
- (b) Each holder of a certificate granted in accordance with:
  - (1) OTAR Part 171 that is involved in a facility malfunction occurrence; or
  - (2) OTAR Part 172 that is involved in an airspace occurrence;shall preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the occurrence for at least 90 days after the occurrence; unless otherwise notified by the Governor.

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

Each holder of a certificate of registration, or any approval issued under the OTARs shall retain any defective product or component that is associated with a defect occurrence for at least 90 days after submitting the report; unless otherwise notified by the Governor.

**END**