

Certified - 2022-10-24

OBJECTS AND REASONS

This Bill would provide

- (a) for the establishment of an independent office to oversee the provision of air navigation services in Barbados as required by the Chicago Convention;
- (b) for the establishment of an independent office to manage the investigation of aviation accidents and serious incidents in Barbados as required by the Chicago Convention; and
- (c) for related matters.

Arrangement of Sections

1. Short title

PART I

PRELIMINARY

2. Interpretation

PART II

AIR NAVIGATION

3. Establishment of Air Navigation Services Office
4. Functions of the Air Navigation Services Office
5. Director of Air Navigation Services
6. Staffing of the Air Navigation Services Office
7. Requirement to be licensed or certified etc.
8. Operational guidelines and manuals

PART III

AIR NAVIGATION SAFETY

9. Minister to promote safe air navigation

10. Installation causing interference with navigational aids
11. Protected installations
12. Air navigation charges
13. Detention of aircraft

PART IV

INVESTIGATION OF ACCIDENTS AND SERIOUS INCIDENTS

14. Application of Part
15. Exceptions
16. Accident Investigation Office
17. Chief Accident Investigator
18. Functions of the Chief Accident Investigator
19. Operational manuals
20. Staffing of the Accident Investigation Office
21. Purpose of investigation by Accident Investigation Office
22. Investigation of accident or serious incident
23. Statement of notification
24. Investigation of incident which is not serious
25. External assistance with the investigation

26. Investigation team
27. Public notice of investigation
28. Preservation of evidence
29. Offence re removing a part of an aircraft
30. Procedure relating to investigations
31. Custody of aircraft for preservation of evidence
32. Procedure where aircraft is in water
33. Inspection procedure relating to aviation accidents
34. Medical examinations
35. Investigator-in-charge may seek technical assistance
36. Conduct of search and rescue by investigator-in-charge
37. On-board recordings
38. Protection of records
39. Third party participation in investigations
40. Provision of further information by Chief Accident Investigator
41. Investigation reports
42. Barbados as third party
43. Safety recommendations

- 44. Duty after investigation
- 45. Cooperation between the Accident Investigation Office and the Authority
- 46. Operational guidelines and manuals

PART V

GENERAL

- 47. Search and rescue operations
- 48. Appeal to Civil Aviation Tribunal
- 49. Confidentiality
- 50. Protection of officers and agents
- 51. Procedure relating to funds collected under Act
- 52. Expenses
- 53. Regulations
- 54. Forms
- 55. Savings re authorizations issued under former Act and grace period re new authorizations
- 56. Application of regulations made under former Act
- 57. Commencement

BARBADOS

A Bill entitled

An Act to make better provision for the management and oversight of air navigation services and the investigation of aircraft accidents and serious incidents in accordance with the Chicago Convention and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Civil Aviation (Air Navigation Services and Investigation of Accidents) Act, 2022*.

PART I

PRELIMINARY

Interpretation

2. In this Act,

“accident” means an occurrence associated with the operation of an aircraft while it is in flight and

- (a) the aircraft is missing or is completely inaccessible; or
- (b) a person is fatally or seriously injured as a result of
 - (i) being in the aircraft; or
 - (ii) being in direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - (iii) direct exposure to jet blast; or
- (c) the aircraft sustains damage or structural failure which
 - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
 - (ii) would normally require major repair or replacement of the affected component;

“Accident Investigation Office” means the office established under section 16 for the purpose of investigating an aviation accident or a serious incident;

“accredited representative” means a person designated by a contracting state, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another contracting state;

“aerodrome” means any area of land or water, designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft, whether on the ground, on the roof of a building or elsewhere which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft;

“air navigation” means the controlling, guiding and operating of an aircraft from an airport of departure to a predetermined airport of destination, including alternate airports;

“air navigation services” means services provided in respect of aircraft during all phases of the operation of the aircraft to ensure the safe and efficient movement of the aircraft and includes

- (a) air traffic control services of all kinds for the safety of aircraft;
- (b) air traffic advisory services provided within national airspace to ensure separation, insofar as is practical, between aircraft which are operating on flight plans in accordance with Instrument Flight Rules;
- (c) flight information services;
- (d) alerting services;
- (e) communications, navigation and surveillance services;
- (f) dissemination of meteorological information for air navigation;
- (g) search and rescue alerting and coordination services; and
- (h) aeronautical information services for the provision of aeronautical information and data necessary for the safety and efficiency of air navigation;

“Air Navigation Services Office” means the office established under section 3 to provide air navigation services;

- “airport” means an aerodrome which meets the requirements of this Act and at which there are facilities for customs and immigration services;
- “airport operator” means the person who is given responsibility for the overall operations of an airport by the owner of the airport;
- “airport vehicle operator” means a person authorized and certified by the airport operator to operate or manoeuvre any vehicle, whether motorized or not, on the airside of an airport;
- “airside” means the side of an airport terminal from which aircraft can be observed, including the area beyond immigration and customs control;
- “airspace of Barbados” means the airspace referred to in section 4(a);
- “air traffic control services” includes
- (a) aerodrome control services, relating to the landing and taking off of aircraft and the operation of aircraft within the vicinity of an airport;
 - (b) approach control services, provided for aircraft either approaching or departing an airport in an area up to 20 miles from the airport; or
 - (c) area control services, provided for aircraft operating beyond 20 miles of an airport whether or not the airport is using radar equipment;
- “alerting service” means a service provided by an air traffic control service for the purpose of notifying relevant authorities of the need for emergency services with respect to aircraft in need of search and rescue aid;
- “approved form” means such form as is approved by the appropriate authority;
- “authorized person” means a person who is authorised by the relevant authority;
- “Barbados aircraft” means an aircraft registered in Barbados pursuant to Part X of the *Civil Aviation Act, 2022* (Act 2022-);
- “Barbados Civil Aviation Authority” means the Barbados Civil Aviation Authority established under section 4 of the *Civil Aviation Act, 2022* (Act 2022-);

“Chicago Convention” means the *Convention on International Civil Aviation* concluded at Chicago on 7th day of December, 1944 and includes any Protocol amending the Convention and any Annex to that Convention relating to international standards and recommended practices, being an Annex adopted in accordance with that Convention;

“Chief Accident Investigator” means the officer appointed under section 17 to carry out the functions of the Chief Accident Investigator under this Act;

“Civil Aviation Tribunal” means the Civil Aviation Tribunal established by Part XIV of the *Civil Aviation Act, 2022* (Act 2022-);

“contracting state” means a country which is a party to the Chicago Convention;

“crew member” means

(a) a co-pilot or such other person as may be assigned to assist the pilot-in-command with flying the aircraft; and

(b) a person assigned or employed by an operator to work in an aircraft in a capacity other than flying or assisting with the flying of the aircraft;

“dangerous goods” means articles or substances which are capable of posing significant risk to health, safety or property when transported by air;

“Director of Air Navigation Services” or “Director” means the officer appointed under section 5 to carry out the functions of the Director of Air Navigation Services under this Act;

“draft final report” means a draft investigation report that is sent in confidence to agencies in Barbados and to other states and organizations involved in the investigation, inviting their significant and substantiated comments on the report;

“final report” means the conclusive report of Barbados on its investigation into an aircraft accident or incident

- (a) which is issued by the Chief Accident Investigator and includes the pertinent factual information, analysis and conclusions and any associated safety recommendations; and
- (b) which is made with the intention of preventing accidents or incidents;

“flight” means

- (a) in relation to a manned aircraft, any period from the moment when all the external doors of an aircraft are closed following embarkation until the moment when the doors of the aircraft are open for disembarkation;
- (b) in relation to an unmanned aircraft, any period from the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down;

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

“former Act” means the *Civil Aviation Act*, Cap. 288B, repealed by the *Civil Aviation Act, 2022* (Act 2022-);

“ICAO” means the International Civil Aviation Organization;

“incident” means an occurrence which is not an accident or a serious incident;

“investigation” means an examination process conducted in respect of an accident or a serious incident;

“investigator” means a person appointed to conduct an investigation with respect to an accident, a serious incident or an incident;

“loss or damage” includes, in relation to persons, loss of life and personal injury;

“manned aircraft” means an aircraft in flight with a pilot-in-command on board;

“Minister” means the Minister responsible for civil aviation;

“navigation”, in relation to aircraft, includes the piloting of aircraft;

“operational”, in relation to guidelines and manuals, means documents issued internally to guide any operational aspect of the Offices established by this Act;

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

“serious incident” means an occurrence arising from circumstances, defects or actions where there was a high probability that an accident associated with the operation of an aircraft could have occurred;

“serious injury” means an injury which

- (a) requires hospitalization for a period of more than 48 hours, such period commencing within 7 days from the date of the injury;
- (b) results in a fracture of any bone other than a simple fracture of any finger, toe or the nose;
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
- (d) involves injury to an internal organ;
- (e) involves second or third degree burns or any burns affecting more than 5 per cent of the surface of the body; or
- (f) involves verified exposure to infectious substances or injurious radiation;

“state of design” means the state having jurisdiction over the organization responsible for the design and type certification of the aircraft;

“state of manufacture” means the state having jurisdiction over the organization responsible for the final assembly of the aircraft;

“state of occurrence” means the state in whose territory an accident or a serious incident occurs;

“state of registry” means the state on whose register the aircraft is entered;

“state of the operator” means the state in which the air operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;

“statement” in relation to an aircraft accident or incident means the whole or any part of an oral, written or recorded statement given by the author of the statement to the Accident Investigation Office;

“unmanned aircraft” means an aircraft, other than a model aircraft, that is designed to fly without a pilot on-board and is designed to operate remotely or is controlled from another place or is programmed and fully autonomous.

PART II

AIR NAVIGATION

Establishment of Air Navigation Services Office

3. There is established an office to provide air navigation services in accordance with this Act to be known as the Air Navigation Services Office.

Functions of the Air Navigation Services Office

- 4.** The Air Navigation Services Office shall be responsible for
- (a) providing an adequate system of air navigation services
 - (i) in the airspace of Barbados; and
 - (ii) in such other airspace as may be the subject of a treaty or an agreement between Barbados and any other state or organization;
 - (b) providing training in civil aviation;

- (c) establishing and maintaining navigation, communication and surveillance systems;
- (d) providing assistance as far as possible to an aircraft in distress; and
- (e) establishing and maintaining a safety management system in relation to air navigation systems, communications systems, surveillance systems, aviation training and any other area of operation.

Director of Air Navigation Services

5.(1) There shall be a Director of Air Navigation Services who shall be the Head of the Air Navigation Services Office.

(2) The post of Director of Air Navigation Services shall be established in accordance with the *Public Service Act*, Cap. 29.

(3) The Director of Air Navigation Services shall

- (a) be responsible for the administration of this Act in relation to air navigation services;
- (b) manage the operations of the Air Navigation Services Office, including the supervision of staff;
- (c) establish operating standards in respect of air navigation services; and
- (d) keep the Minister informed of matters that would have a significant impact on the provision of air navigation services under this Act.

Staffing of the Air Navigation Services Office

6.(1) The Air Navigation Services Office shall be provided with such staff, in addition to the Director of Air Navigation Services, as is necessary for the purpose of carrying out the functions of that Office under this Act.

(2) The offices of the staff required for the purposes of subsection (1) shall be established in accordance with the *Public Service Act*, Cap. 29.

(3) The staff members of the Air Navigation Services Office shall have such powers as are necessary for the purpose of carrying out their functions under this Act.

Requirement to be licensed or certified etc.

7. Part VIII of the *Civil Aviation Act, 2022* (Act 2022-) relating to the requirement for civil aviation industry operators to be licensed or certified applies to the Director of Air Navigation Services and to the staff of the Air Navigation Services Office.

Operational guidelines and manuals

8. The Director of Air Navigation Services may establish operational guidelines and manuals in relation to the air navigation services provided by the Air Navigation Services Office.

PART III

AIR NAVIGATION SAFETY

Minister to promote safe air navigation

9. For the purpose of promoting safe air navigation, the Minister,
- (a) shall provide and maintain facilities and equipment that promote safe air navigation, including visual and non-visual approach and landing aids, communications services, meteorological services and air traffic control services; and
 - (b) may vary the character of any facility provided at an airport or alter the signals given to assist air navigation;

Installation causing interference with navigational aids

10.(1) Where the Minister has reason to believe that an installation is or may be either actively or passively causing interference with navigational aids or with radio communications to or from an aircraft, in circumstances that are likely to endanger the safety of aircraft in air navigation, he may cause a notice to be served on the owner directing him to permit the installation to be inspected and tested by an authorized person.

(2) Upon the service of the notice, an authorized person may enter the premises or place where the installation is installed, kept or operated and inspect or test the installation.

(3) An authorized person exercising powers under this Act, shall produce his identification card or written authorisation when requested to do so.

(4) Where as a result of an inspection under subsection (2) or otherwise, the Minister considers it necessary to do so for the safety of an aircraft, the Minister may cause a notice to be served on the owner of the installation, directing him to make such modifications to the installation or to take such other action as is necessary to eliminate the cause of the interference, within such time as may be specified in the notice.

(5) Where an installation has been installed and is used and operated in accordance with all applicable laws, any person whose interest or rights have been affected may recover from the Government all reasonable expenses incurred and any loss suffered in complying with a direction under subsection (4).

(6) A person who, without reasonable excuse, fails to comply with a direction contained in a notice issued under this section is guilty of an offence and is liable on summary conviction to a fine of \$50, 000 or imprisonment for a term of 3 years or to both.

Protected installations

11.(1) No person may enter or remain in a protected installation except with the written permission or general permission of the Director of Air Navigation Services and subject to such conditions as may be attached to the grant of the permission.

(2) For the purposes of subsection (1), “protected installation” means any installation that the Minister prescribes by order to be a protected installation.

Air navigation charges

12. The Minister may by regulations prescribe the charges and currencies in respect of air navigation services which are provided for aircraft.

Detention of aircraft

13.(1) Where there is a default in the payment of airport charges incurred in respect of any aircraft at an international airport or aerodrome, the airport operator may, subject to the provisions of this section, detain pending payment,

- (a) the aircraft in respect of which the charges were incurred, whether or not they were incurred by the person who is the operator of the aircraft at the time when the detention begins; or
- (b) any aircraft in respect of which the person in default is the operator at the time when the detention begins.

(2) An airport operator shall not detain or continue to detain an aircraft under this section by reason of any alleged default in the payment of airport charges where the operator of the aircraft or any other person claiming an interest therein

- (a) disputes that the charges, or any of them, are due or, if the aircraft is detained under subsection (1)(a), that the charges in question were incurred in respect of that aircraft; and

(b) gives to the operator, pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.

(3) The power of detention conferred by this section in respect of an aircraft extends to the equipment of the aircraft and any stores for use in connection with its operation carried in the aircraft whether or not the equipment and stores are the property of the person who is its operator.

(4) The power of detention conferred by this section to detain an aircraft in respect of which charges have been incurred may be exercised by the airport operator

(a) on the occasion on which the charges have been incurred; or

(b) on any subsequent occasion when the aircraft is

(i) at the airport in respect of which those charges were incurred; or

(ii) at any other airport owned or managed by the airport operator concerned.

PART IV

INVESTIGATION OF ACCIDENTS AND SERIOUS INCIDENTS

Application of Part

14.(1) This Part applies to the investigation of an accident or a serious incident

(a) in or over Barbados; or

- (b) when the aircraft is registered in Barbados or the aircraft is operated by a Barbados aircraft operator and
 - (i) the location of the accident or the serious incident cannot be definitively established as being in the territory of any other contracting state; or
 - (ii) the accident or the serious incident has occurred in the territory of a state which is not party to the Chicago Convention and that state does not intend to conduct an investigation in accordance with the Chicago Convention.
- (2) Notwithstanding any other provision in this Act, this Part also applies to an accident or a serious incident involving
 - (a) a military aircraft, including during a flying display;
 - (b) a police aircraft, including during a flying display; and
 - (c) an unmanned aircraft, including an unmanned aircraft belonging to the police or the military.

Exceptions

- 15.** This Part does not apply in the following cases:
- (a) where the injuries are from natural causes, self-inflicted or inflicted by other persons;
 - (b) where the injuries are to stowaways hiding outside the areas normally available to the passengers and crew;
 - (c) where there is engine failure or damage;
 - (d) where the damage is limited to a single engine (including its cowlings or accessories);
 - (e) where the damage is limited to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens and the aircraft skin;

- (f) where the damage is minor damage to main rotor blades, tail rotor blades or landing gear; or
- (g) where the damage is a result of hail or bird strike (including holes in the radome).

Accident Investigation Office

16.(1) There is established an office to investigate accidents and serious incidents in accordance with this Act to be known as the Accident Investigation Office.

- (2) The Accident Investigation Office shall be responsible for
 - (a) gathering, recording and analysing the relevant information relating to an accident or a serious incident; and
 - (b) protecting accident and serious incident investigation records in accordance with this Part.
- (3) The Accident Investigation Office shall have independence in the conduct of an investigation and shall have unrestricted authority to conduct investigations consistent with the provisions of Annex 13.
- (4) The Accident Investigation Office shall be functionally independent from other state aviation authorities and other entities that are charged with the investigation of accidents, including accidents involving aircraft.
- (5) The Accident Investigation Office shall put all reasonable measures in place to ensure that the investigation procedures and practices that it follows in relation to accidents and serious incidents are compatible with the obligations of Barbados under the Chicago Convention and with the ICAO standards and recommended practices contained in Annex 13.

Chief Accident Investigator

- 17.(1)** There shall be a Chief Accident Investigator who
- (a) shall be the Head of the Accident Investigation Office; and

- (b) subject to the provisions of this Act, shall be the chief investigator of all accidents and serious incidents.
- (2) The Chief Accident Investigator shall be responsible for
 - (a) the administration of this Act in relation to the investigation of accidents; and
 - (b) the management of the operations of the Accident Investigation Office, including the supervision of staff.
- (3) The post of Chief Accident Investigator shall be established in accordance with the *Public Service Act, Cap. 29*.

Functions of the Chief Accident Investigator

18. The Chief Accident Investigator shall, in relation to the management of the operations of the Accident Investigation Office,

- (a) establish guidelines and protocols for the investigation of an accident or a serious incident;
- (b) designate the investigator-in-charge of an investigation where necessary; and that person shall have exclusive authority to direct the conduct of an investigation on behalf of the Chief Accident Investigator;
- (c) select the members of an investigation team;
- (d) supervise an investigator-in-charge or an investigation team engaged to investigate an accident or a serious incident;
- (e) gather, record and analyse the relevant information of an accident or a serious incident;
- (f) protect accident and serious incident investigation records in accordance with this Part;
- (g) issue safety recommendations, where appropriate;

- (h) determine the causes and contributing factors of an accident or a serious incident;
- (i) complete, where required, a preliminary report or a final report into the investigation of accidents; and
- (j) forward the preliminary report and the final report to the persons to whom they should be sent in accordance with this Part.

Operational manuals

19. The Chief Accident Investigator may establish operational manuals for the regulation of the investigation of accidents and serious incidents.

Staffing of the Accident Investigation Office

20.(1) The Accident Investigation Office shall be provided with such staff, in addition to the Chief Accident Investigator, as is necessary for the purpose of carrying out the functions of that Office under this Act.

(2) The offices of the staff required for the purposes of subsection (1) shall be established in accordance with the *Public Service Act*, Cap. 29.

(3) The staff members of the Accident Investigation Office shall have such powers as are necessary for the purpose of carrying out their functions under this Act.

Purpose of investigation by Accident Investigation Office

21.(1) The Accident Investigation Office shall investigate an accident or a serious incident to gather data, information or material solely with the purpose of aiding in the prevention of accidents and serious incidents; and that Office shall not be concerned with apportioning blame or liability.

(2) For the purposes of subsection (1),

- (a) any investigation conducted for the purposes of establishing civil or criminal liability shall be conducted separately from an investigation by the Accident Investigation Office;

- (b) final reports shall not be used as evidence in any court proceeding or in other proceedings related to apportioning blame or liability;
- (c) no finding, cause or contributing factor determined under this Act shall be construed as assigning fault or determining civil or criminal liability; and
- (d) no safety recommendation made under this Act shall be construed as assigning fault or determining civil or criminal liability.

Investigation of accident or serious incident

22.(1) Where an accident or a serious incident occurs, whether involving a manned or unmanned aircraft, the pilot-in-command shall notify the Chief Accident Investigator of the accident or serious incident in the manner required by section 23(2).

(2) The Chief Accident Investigator shall, when notified of an accident or a serious incident, notify the Minister and acknowledge receipt of the notification.

(3) Where an accident or a serious incident occurs to which subsection (1) applies and there has been no notification in accordance with subsection (1), the Chief Accident Investigator shall, after consultation with the Minister, notify, in the manner required by section 23(3), the pilot-in-command of the aircraft, the state of registry and the operator, that the Accident Investigation Office of Barbados, shall investigate that accident or serious incident.

(4) The Chief Accident Investigator shall ensure that the required notification is sent to

- (a) the state of registry;
- (b) the state of the operator;
- (c) the state of design;
- (d) the state of manufacture;

- (e) ICAO, where the aircraft involved is an aircraft of a maximum certificated take-off mass of more than 2, 250 kilogrammes; and
- (f) any other notification which is required in accordance with the Chicago Convention.

Statement of notification

23.(1) Where an accident or a serious incident occurs, the relevant persons shall send to the Chief Accident Investigator a written statement with the information specified in subsection (2) and the statement shall contain,

- (a) in the case of an accident, the identifying abbreviation “ACCID”; and
- (b) in the case of a serious incident, the identifying abbreviation “INCID”,

clearly written in all capital letters at the top of the statement.

(2) The written statement referred to in subsection (1) shall contain the following information:

- (a) the manufacturer, model, nationality, registration marks and serial number of the aircraft;
- (b) the name of the owner, operator and hirer, if applicable, of the aircraft;
- (c) the name of the pilot-in-command of the aircraft and the nationality of the crew and passengers;
- (d) the date and local time or Coordinated Universal Time of the accident or serious incident;
- (e) the last point of departure and the next point of intended landing of the aircraft;
- (f) the position of the aircraft with reference to some easily defined geographical point and the latitude and longitude;
- (g) the number of crew members and passengers on-board the aircraft at the time of the accident or serious incident;

- (h) in the case of an accident, the number of crew members, passengers or other persons, respectively, killed or seriously injured as a result of the accident;
 - (i) a description of the accident or serious incident and the extent of any damage to the aircraft so far as is known;
 - (j) the physical characteristics of the area in which the accident or serious incident occurred and an indication of access difficulties or special requirements to reach the site;
 - (k) the identification of the person sending the notice and, where the accident or serious incident occurred outside Barbados, the means by which the investigator-in-charge and the accident investigation authority of the state of occurrence may be contacted; and
 - (l) the presence and description of any dangerous goods on-board the aircraft.
- (3) Where section 22(3) applies, the Chief Accident Investigator shall send to the pilot-in-command of the aircraft, the state of registry and the operator, a statement setting out the details of the accident or serious incident.

Investigation of incident which is not serious

- 24.(1)** Where an incident, other than a serious incident occurs,
- (a) in Barbados; or
 - (b) outside Barbados involving a Barbados aircraft or an aircraft operated by a Barbados airport operator,
- the owner, airport operator, pilot-in-command or hirer of the aircraft shall send to the Chief Accident Investigator a written statement in accordance with section 23(1).
- (2) Where the Chief Accident Investigator determines that an investigation should be carried out in respect of an incident which is not a serious incident, this

Part shall apply for the purposes of the investigation of the incident as if it was a serious incident.

External assistance with the investigation

25.(1) Where the Chief Accident Investigator is of the view that the accident or serious incident to which this Part applies shall not be investigated by Barbados due to the scale, magnitude or nature of the accident or serious incident, the Chief Accident Investigator shall notify the Minister of his conclusion.

(2) Where the Chief Accident Investigator notifies the Minister under subsection (1) of his conclusion that the accident or serious incident shall not be investigated by Barbados, the Minister, may on the recommendation of the Chief Accident Investigator,

(a) enter into an agreement with an accident investigation organization for the investigation to be carried out by another state or by a regional accident investigation organization; or

(b) make some other arrangement consistent with the Chicago Convention.

(3) Where the Minister engages technical services from outside Barbados to conduct an investigation pursuant to subsection (2), the Chief Accident Investigator shall facilitate the conduct of the investigation in accordance with the agreement by the investigator-in-charge appointed

(a) by the contracting state; or

(b) by the regional accident investigation organization,

as applicable.

(4) Where the Chief Accident Investigator is of the view that an accident or a serious incident to which this Part applies shall not be investigated by Barbados, for a reason other than that specified in subsection (1), the Chief Accident

Investigator may recommend to the Minister, that an agreement be entered into for the engagement of

- (a) a person to investigate the accident or serious incident; or
- (b) an investigation committee from another contracting state or a regional accident investigation organization to investigate the accident or serious incident in whole or in part.

(5) Where the Chief Accident Investigator makes a recommendation under subsection 4(b), the Chief Accident Investigator shall recommend an investigator to be the investigator-in-charge and the agreement entered into shall clearly name that person as the investigator-in-charge.

Investigation team

26. The Chief Accident Investigator shall provide the following persons with a certificate of appointment and an appropriate identification:

- (a) the investigator-in-charge of an investigation, appointed pursuant to section 25; and
- (b) each person selected under section 25 as a member of the investigation committee.

Public notice of investigation

27.(1) The Minister may publish a notice of an accident or a serious incident where he is of the opinion that the public should be notified that an investigation is taking place.

(2) A notice under subsection (1) shall be published

- (a) in a daily newspaper published and circulated in Barbados; and
- (b) in the *Official Gazette*.

(3) The notice referred to in subsection (1) may provide that any person with information regarding the cause or circumstances surrounding or factors

contributing to the accident or serious incident may submit that information in writing in the manner specified in the notice.

Preservation of evidence

28. The Chief Accident Investigator shall, as soon as he is informed of an accident or a serious incident,

- (a) put all reasonable measures in place to protect the evidence; and
- (b) secure the aircraft and its contents, including the cockpit voice recordings and the airborne image recordings,

for such period as may be necessary for the purpose of the investigation.

Offence re removing a part of an aircraft

29. A person who removes, conceals or withholds or aids or abets another to remove, conceal or withhold any part of an aircraft involved in an accident or a serious incident, is guilty of an offence and is liable on conviction on indictment to a fine of \$300, 000 or to imprisonment for 5 years or to both.

Procedure relating to investigations

30.(1) The Chief Accident Investigator

- (a) shall put all reasonable measures in place to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of the investigation;
- (b) may enter any area in which an accident or a serious incident has occurred;
- (c) may take samples, photographs, videos and secure the scene or assign security personnel;
- (d) shall have unrestricted access to and unrestricted control over the scene of the accident or serious incident, including the wreckage and any material relevant to the investigation;

- (e) shall have unrestricted control over wreckage and parts of the aircraft to ensure that detailed examinations can be made without delay;
 - (f) shall relinquish control of the accident or serious incident sites and release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required by the investigation; and
 - (g) may coordinate a rescue, where required.
- (2) The state of registry, state of the operator, state of design or state of manufacture may in writing request the Chief Accident Investigator to allow an aircraft or the evidence thereon to remain undisturbed until it is investigated by the accredited representative of the state which made the request.
- (3) Where the Chief Accident Investigator grants a request under subsection (2), the accredited representative shall only attend the aircraft and investigate any evidence thereon in the presence of the Chief Accident Investigator.

Custody of aircraft for preservation of evidence

- 31.(1)** Where an accident or a serious incident occurs in Barbados,
- (a) no person other than the Chief Accident Investigator and any investigators that he authorises, shall have access to the aircraft involved in the accident or serious incident, the contents of the aircraft or the site of the accident or serious incident; and
 - (b) no person shall move or interfere with the aircraft, its contents or the site of the accident or serious incident except with
 - (i) the written permission of the Chief Accident Investigator; and
 - (ii) in the presence of the Chief Accident Investigator or the investigator-in-charge, as the case may be.
- (2) Notwithstanding subsection (1), where at the time of the accident or serious incident or shortly thereafter an emergency arises, the aircraft involved in an

accident or a serious incident may be removed or dealt with to such extent as may be necessary for all or any of the following purposes:

- (a) extricating persons or animals;
- (b) removing any mail, valuables or dangerous goods carried on-board the aircraft;
- (c) preventing destruction by fire or other cause; and
- (d) preventing any danger or obstruction to the public, air navigation or other transport.

(3) Where after the retention of an aircraft involved in an accident or a serious incident, any part of the aircraft or any aircraft wreckage, or any contents of the aircraft is no longer necessary for the purposes of the investigation, the Chief Accident Investigator shall release custody of the aircraft, part, wreckage or contents to the following persons:

- (a) if the aircraft is a Barbados aircraft, the release shall be to
 - (i) the owner of the aircraft, part, wreckage or contents;
 - (ii) the personal representative, if the owner is dead; or
 - (iii) a person authorised in writing by the owner or his personal representative to take custody on behalf of the owner or the owner's personal representative; or
- (b) in any other case, to the person or persons designated by the state of registry or the state of the operator, as the case may be.

(4) Where the Chief Accident Investigator or investigator-in-charge has authorised any person to remove any goods or passenger baggage from the aircraft or to release any goods or passenger baggage from the custody of the

Chief Accident Investigator or the investigator-in-charge to some other person, that person may

- (a) remove the goods or passenger baggage from the aircraft subject to the supervision of the Chief Accident Investigator or a police officer not below the rank of Inspector; and
 - (b) take the goods or passenger baggage from the location, subject to clearance by or with the consent of a customs officer, if the aircraft has come from a place outside Barbados.
- (5) Where the Chief Accident Investigator or the investigator-in-charge is of the opinion that the aircraft involved in the accident or serious incident is likely to be a danger or obstruction to the public, air navigation or other transport, he may require the owner, operator or hirer of such aircraft to remove it to such place as the Chief Accident Investigator or the investigator-in-charge shall indicate.
- (6) In the absence of the owner, operator or hirer or in the event of non-compliance with the requirement referred to in subsection (5), the Chief Accident Investigator or the investigator-in-charge shall remove the aircraft.
- (7) Where a person to whom custody of the aircraft, part, wreckage or content is to be released refuses to take custody of it or fails to take custody within a reasonable period, the aircraft, part, wreckage or contents may be disposed of in such manner as the Chief Accident Investigator considers fit.
- (8) The expenses incurred by the Chief Accident Investigator in disposing of the aircraft, parts, wreckage or contents shall be recoverable from the owner or operator of the aircraft, either jointly or severally.
- (9) A person who contravenes subsection (1)(b) is guilty of an offence and is liable on summary conviction to a fine of \$50, 000 or to imprisonment for a term of 5 years or to both.

Procedure where aircraft is in water

32. Where the aircraft is wrecked in water, the aircraft or any contents thereof may be removed to such extent as may be necessary for bringing the aircraft or its contents to a place of safety.

Inspection procedure relating to aviation accidents

33.(1) The Accident Investigation Office shall send an investigator-in-charge or investigation team to investigate any accident or serious incident; and the pilot-in-command of the aircraft and the owner or the operator, as the case may be, shall permit and facilitate the inspection.

(2) Where the Accident Investigation Office authorises an investigator-in-charge or an investigation team to investigate an accident pursuant to this Act, the investigator-in-charge and each investigator

(a) shall be given an instrument in writing which identifies each person; and

(b) shall be given all the available information on the accident or serious incident to be investigated.

(3) The investigator-in-charge and each investigator shall produce the identification issued under subsection (2) as verification of their identity and authority in appropriate cases.

(4) The Chief Accident Investigator shall supervise and assist the investigator or investigation team, and supply the investigator-in-charge or investigation team with the material required for a proper investigation.

(5) The investigator-in-charge shall put all reasonable measures in place to protect evidence and to maintain safe custody of the aircraft and its contents for

such period as may be necessary for the purposes of the investigation and for that purpose the investigator-in-charge

- (a) shall have access to and take control of the scene, wreckage and all relevant material, including flight recorders and air traffic recordings and records;
 - (b) may require an immediate listing of evidence and removal of debris or components for examination or analysis;
 - (c) may enter and inspect any area, place, building or aircraft the entry or inspection of which appears to him to be necessary for the purposes of the investigation;
 - (d) may take possession of, examine, remove, test or take samples of photographs or videos or put measures in place for the preservation of any article or evidence he considers necessary for the purposes of the investigation;
 - (e) may remove, test, put measures in place for the preservation of or otherwise deal with any aircraft other than an aircraft involved in the accident or serious incident where it appears to him to be necessary for the purposes of the investigation;
 - (f) may require the readout of the flight recorders.
- (6) In the execution of his functions, an investigator-in-charge or an investigator may
- (a) call before him and interview or examine any person involved in or connected with the accident or serious incident as he thinks fit;
 - (b) require any person referred to in paragraph (a) to answer any question or furnish any information or produce any books, papers, documents or articles which he may consider relevant;
 - (c) take statements from such persons as he thinks fit and require any such person to make and sign a declaration of the truth of the statement made by him;

- (d) require the production of aviation documents or other documents; and
- (e) make copies of and retain any books, papers, documents or articles he considers relevant until the completion of the investigation.

Medical examinations

34. For the purposes of an investigation into an accident or a serious incident, an investigator-in-charge or an investigator may

- (a) require the crew or aviation personnel involved in the accident or serious incident to undergo such tests, including a breathalyzer test, as he considers necessary for the purposes of the investigation;
- (b) where appropriate, require the medical and toxicological examination of the crew, passengers or aviation personnel involved in the accident or serious incident by a medical practitioner, and if a medical practitioner experienced in the investigation of aircraft accidents is available, by that medical practitioner; and
- (c) in the case of a fatal accident, may require a complete autopsy examination of fatally injured flight crew, and, when necessary, passengers or cabin crew by a pathologist, and if a pathologist experienced in the investigation of aircraft accidents is available, by that pathologist.

Investigator-in-charge may seek technical assistance

35. An investigator-in-charge may, with the approval of the Minister, seek such advice or technical assistance as he considers necessary for the purposes of the investigation, including requesting another contracting state to provide such information, facilities or experts as he may consider necessary for the purposes of the investigation.

Conduct of search and rescue by investigator-in-charge

36. An investigator-in-charge may, where the circumstances require it, coordinate a search and rescue in relation to an accident or a serious incident.

On-board recordings

37.(1) Where an investigator-in-charge has reasonable grounds to believe that any person has possession, custody or control of an on-board recording that is relevant to an investigation, the investigator-in-charge may serve the person with a request in writing to produce the recording.

(2) A person who without lawful excuse fails to comply with a request in writing served on him under subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$50, 000 or to imprisonment for a term of 5 years or to both.

(3) An investigator-in-charge or an investigator shall not disclose the contents of any on-board recording, except as

- (a) required for the purposes of an investigation under this Part;
- (b) the investigator-in-charge or the investigator thinks it is necessary in the interests of aviation safety;
- (c) required by a coroner; or
- (d) required by the order of a court.

(4) The contents of an on-board recording shall not be admissible in evidence in

- (a) any disciplinary proceedings relating to the competence of the following employees to perform their functions:
 - (i) air traffic controllers;
 - (ii) crew members;
 - (iii) airport vehicle operators;

- (iv) flight service station specialists; or
 - (v) any person whose function is to relay messages concerning air traffic control or matters related to air traffic control; or
- (b) any proceedings before a court or tribunal, unless it is determined by a court that such admission into evidence would outweigh any adverse domestic or international impact which such admission might have on
- (i) the evidence given during disciplinary proceedings;
 - (ii) proceedings before such court or tribunal; or
 - (iii) any future investigation.

Protection of records

38. When conducting the investigation of an accident or incident, unless the Attorney General determines that their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigations, the Accident Investigation Office shall not make the following records available for purposes other than accident or incident investigation:

- (a) cockpit voice recordings, airborne image recordings whether installed, attached, or available for whatever purpose, and any transcripts from such recordings whether visual or aural; and
- (b) records in the custody or control of the Accident Investigation Office, namely,
 - (i) all statements taken from persons by the Accident Investigation Office in the course of the investigation;
 - (ii) all communications between persons who were involved in the operation of the aircraft;
 - (iii) medical or private information regarding persons involved in the aircraft accident or incident;

- (iv) recordings and transcripts of recordings from air traffic control entities;
- (v) air traffic control intra-facility communications;
- (vi) analysis of and opinions about information, including flight recorder information, made by the Accident Investigation Office and accredited representatives in relation to the accident or incident;
- (vii) information exchanged among states or institutions during investigations;
- (viii) information provided by stakeholders in the investigation, including industry proprietary information;
- (ix) information obtained using statutory powers of compulsion by the accident investigator; and
- (x) the draft final report of an accident or incident investigation.

Third party participation in investigations

39.(1) Where an investigation into an accident or a serious incident is to be conducted,

- (a) the state of registry;
- (b) the state of the operator;
- (c) the state of manufacture;
- (d) the state of design; or
- (e) a state which has, on request, provided information, facilities or experts to the investigator-in-charge in connection with the investigation,

is entitled to appoint an accredited representative to participate in the investigation and an adviser to assist the accredited representative.

- (2) An accredited representative is entitled to participate in all aspects of an investigation and to
- (a) visit the scene of the accident or serious incident;
 - (b) examine the wreckage;
 - (c) obtain witness information and suggest areas for questioning witnesses;
 - (d) have full access to all relevant evidence, as soon as possible;
 - (e) receive copies of all pertinent documents;
 - (f) participate in readouts of recorded media;
 - (g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
 - (h) participate in investigation progress meetings, including deliberations related to analysis, findings, causes, contributing factors and safety recommendations; and
 - (i) make submissions in respect of various aspects of the investigation.
- (3) Notwithstanding subsection (2), the participation of the accredited representative of a state to which subsection (1)(e) refers may be limited to those matters in respect of which the state has, on request, provided information, facilities or experts to the investigator-in-charge.
- (4) A state which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens, shall be entitled to appoint an expert to participate in the investigation.
- (5) An expert appointed under subsection (4) shall be entitled to
- (a) visit the scene of the accident;
 - (b) have access to the relevant factual information which is approved for public release by the investigator-in-charge, and to information on the progress of the investigation; and

- (c) receive a copy of the final report.
- (6) An adviser assisting an accredited representative shall be entitled to participate in the investigation under the accredited representative's supervision and to the extent necessary to make the accredited representative's participation effective.
- (7) The accredited representative, his adviser and the expert appointed under subsection (4)

 - (a) shall provide the investigator-in-charge with all relevant information available to them; and
 - (b) shall not disclose any information on the progress and findings of the investigation without the express consent in writing of the investigator-in-charge.

Provision of further information by Chief Accident Investigator

40.(1) Where the state of occurrence, the state of registry or the state of the operator which is investigating an accident or a serious incident is a contracting state other than Barbados, the Chief Accident Investigator shall provide that contracting state with the following information:

- (a) details regarding the aircraft and flight crew in the accident or serious incident; and
 - (b) details of any dangerous goods on-board the aircraft.
- (2) Where the Chief Accident Investigator is not conducting the investigation, and the Minister appoints an accredited representative for Barbados in accordance with the Chicago Convention, the Chief Accident Investigator shall accordingly inform the contracting state of that fact.
- (3) Where the accredited representative of Barbados is travelling to the contracting state in which the investigation is being carried out, the Chief Accident Investigator shall inform the relevant person in that contracting state of

that fact as well as the contact details and travel details of the accredited representative.

Investigation reports

41.(1) Where an investigation is carried out into an accident or a serious incident involving

- (a) an aircraft of a maximum certificated take-off mass of more than 2, 250 kilogrammes; or
- (b) an aircraft of a maximum certificated take-off mass of 2, 250 kilogrammes or less where airworthiness or matters considered to be of interest to other contracting states are involved,

the Chief Accident Investigator shall, unless a final report has been sent within 30 days of the accident, send a preliminary report within that period to the parties specified in subsection (3).

(2) The investigator-in-charge shall submit to the Chief Accident Investigator, a written preliminary report in the approved form containing the following information:

- (a) the full name, address and contact details of the person to whom the report relates, where relevant;
- (b) the dates and times on which the investigation was done;
- (c) a full statement of information gathered, including causes or contributing factors, recordings and the analysis of all relevant information on the accident or serious incident; and
- (d) if appropriate, the issuance of safety recommendations.

(3) The report submitted to the Chief Accident Investigator under subsection (1) shall be submitted to

- (a) the Minister;
- (b) the Civil Aviation Authority;

- (c) the state of registry and the state of occurrence;
 - (d) the state of the operator;
 - (e) the state of design;
 - (f) the state of manufacture;
 - (g) any state that provided relevant information, significant facilities or experts; and
 - (h) the ICAO, where subsection (1)(a) applies.
- (4) Where reports are sent under subsection (1), an invitation shall be extended to submit comments or concerns on the report.
- (5) Where a preliminary report is received by the Chief Accident Investigator, he
- (a) may, where that preliminary report is to be forwarded for the purposes of subsection (3), attach such additional information as may be required;
 - (b) shall, where necessary, make recommendations for further matters to be considered and for the preliminary report to be amended accordingly; and
 - (c) shall submit the preliminary report to the Minister where the report is satisfactory.
- (6) The investigator-in-charge shall be given all the information collected under subsections (4) and (5)(b) and he shall issue a final report to the Chief Accident Investigator.
- (7) The Chief Accident Investigator shall issue the final report received under subsection (6) to
- (a) the Minister;
 - (b) the Civil Aviation Authority;
 - (c) the state of registry;

- (d) the state of the operator;
 - (e) the state of design;
 - (f) the state of manufacture;
 - (g) any state that has suffered fatalities or serious injuries to its citizens;
 - (h) any contracting state that provided relevant information, significant facilities or experts for the purposes of the investigation;
 - (i) the ICAO, where the accident or serious incident involves an aircraft of a maximum certificated take-off mass of more than 5, 700 kilogrammes; and
 - (j) the ICAO, where the accident or serious incident involves an aircraft of a maximum certificated take-off mass of 2, 250 kilogrammes or less if airworthiness matters or matters considered to be of interest to other states are involved.
- (8) In the interest of accident and serious incident prevention, the Accident Investigation Office shall make a final report on its investigation available to the public as soon as possible in such form as he thinks fit, but in any case, not later than 12 months from the date of the accident or serious incident.
- (9) The Chief Accident Investigator shall ensure that the identity of all persons who gave information in the investigation proceedings is adequately protected for confidentiality reasons.
- (10) Where the Chief Accident Investigator has not officially released the preliminary report or final report to the public, no person shall circulate, publish or allow access to the reports or to any related document.
- (11) A person who, contrary to subsection (10), circulates, publishes or allows access to a preliminary report or final report without the consent of the Chief Accident Investigator is guilty of an offence and is liable on summary conviction to a fine of \$10, 000.

Barbados as third party

42.(1) The Minister may appoint an accredited representative to participate in the investigation into an accident or a serious incident which occurs in a state other than Barbados, and appoint one or more advisers to assist the accredited representative in any of the following cases:

- (a) where Barbados is the state of registry, state of the operator, state of manufacture or state of design of the aircraft involved in the accident or serious incident; or
 - (b) where Barbados has, at the request of the state, conducted the investigation and provided information, facilities or experts to the state in connection with the investigation.
- (2) The Minister may appoint an expert to participate in the investigation into an accident which occurs in another state, where Barbados has a special interest in the accident by virtue of fatalities or injuries to citizens of Barbados.
- (3) The accredited representative may
- (a) visit the scene of the accident;
 - (b) examine the wreckage;
 - (c) obtain witness information and suggest areas for questioning witnesses;
 - (d) have full access to all relevant evidence as soon as possible;
 - (e) receive copies of all pertinent documents;
 - (f) participate in readouts of recorded media;
 - (g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
 - (h) participate in investigation progress meetings, including deliberations related to analysis, findings, causes, contributing factors and safety recommendations; and

(i) make submissions in respect of various aspects of the investigation, unless the Chief Accident Investigator instructs otherwise.

(4) Barbados may seek to recover from the owner or operator of the aircraft, jointly or severally, any expenses incurred by the accredited representative and the adviser, by reason of their participation in an investigation under subsection (1) or by reason of anything done during or incidental to the investigation by them.

Safety recommendations

43.(1) At any stage of the investigation of an accident or a serious incident, the Accident Investigation Office shall, after consultation with the Minister and the Civil Aviation Authority, recommend in a dated transmittal correspondence to the appropriate authorities, including those in other states, any preventative action that it considers necessary to be taken promptly to enhance aviation safety.

(2) Where the safety recommendations are addressed to an organization in another state, the recommendations shall also be transmitted to the authorities with responsibility in that state for the investigation of air accidents.

(3) A safety recommendation shall in no case address liability for an accident by any party to the investigation.

(4) The Accident Investigation Office shall address, when appropriate, any safety recommendations arising out of its investigations in a dated transmittal correspondence to the accident investigation authorities of any other state concerned and to ICAO if the Chicago Convention requires it.

(5) An organization or authority in Barbados to which a safety recommendation is communicated shall, without delay

(a) take the safety recommendation into consideration and, where appropriate, act upon it; and

- (b) send the Chief Accident Investigator the following:
- (i) full details of the measures, if any, it has put in place or proposes to put in place to implement the recommendation without delay and, where it proposes to implement measures, the timetable for securing that implementation;
 - (ii) a full explanation as to why the recommendation is not to be the subject of measures to be put in place to implement it; and
 - (iii) give notice in writing to the Chief Accident Investigator where at any time information provided to him, pursuant to subparagraph (i), concerning the measures it proposes to put in place or the timetable for securing their implementation, is rendered inaccurate by any change of circumstances.

Duty after investigation

44.(1) The Civil Aviation Authority shall take any necessary corrective action, after consultation with the Minister, arising from the findings of the official reports that are recommended to prevent similar accidents in the future.

(2) Where new and significant evidence becomes available after the investigation has been closed, the Chief Accident Investigator shall, in writing, notify the Minister of that fact and reopen the investigation into that accident or serious incident.

(3) Where an investigation is reopened, the required reports shall be submitted in accordance with this Part.

Cooperation between the Accident Investigation Office and the Authority

45.(1) The Authority shall, without delay, forward to the Accident Investigation Office any information it receives that would be of assistance to that Office in the investigation of an accident or a serious incident.

(2) The Accident Investigation Office shall submit to the Authority any information obtained during the course of an investigation which would impact on the operational procedures of the Authority.

Operational guidelines and manuals

46. The Chief Accident Investigator may establish operational guidelines and manuals in relation to the services provided by the Accident Investigation Office.

PART V

GENERAL

Search and rescue operations

47.(1) Where an aircraft is in distress or is involved in an accident or a serious incident within Barbados, the Minister shall

- (a) cause a search and rescue operation to be conducted with respect to the aircraft; and
- (b) permit the owner of the aircraft or the relevant authorities of the state in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances of the distress, accident or serious accident.

(2) Subject to subsection (1), the Minister may utilize the services of the Barbados Police Service, the Barbados Defence Force, the Barbados Fire Service or any person who the Minister considers necessary to conduct, co-ordinate, participate in or assist with the search and rescue operation.

Appeal to Civil Aviation Tribunal

48.(1) A person who is aggrieved by any decision made under this Act, may appeal to the Civil Aviation Tribunal for redress within 14 days of the date of the decision.

(2) No appeal lies to the Civil Aviation Tribunal in respect of any matter related to the investigation of accidents or incidents.

(3) The provisions of Part XIV of the *Civil Aviation Act, 2022* (Act 2022-), shall apply to appeals under this Act.

Confidentiality

49.(1) No staff member or agent of the Air Navigation Services Office or the Accident Investigation Office shall

(a) use, either directly or indirectly, any confidential information obtained as a result of his relationship with those Offices for his own benefit or advantage; or

(b) disclose confidential information obtained as a result of his relationship with those Offices to any person other than to

(i) an authorized official of the state; or

(ii) a duly authorized representative of the government of another country in connection with the enforcement of this Act or any other law of Barbados.

(2) A person who receives confidential information from a person specified in subsection (1) is subject to the provisions of this section as if he were a person specified in subsection (1).

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$50, 000 or to imprisonment for 5 years or to both.

Protection of officers and agents

50. No action or other proceedings for damages shall be instituted against a staff member of the Air Navigation Services Office or the Accident Investigation Office or an agent of those Offices in the discharge or purported discharge of his respective functions under this Act, unless it is shown that the act or commission was done in bad faith.

Procedure relating to funds collected under Act

51. The sums collected under this Act shall be paid into the Consolidated Fund.

Expenses

52. The expenses incurred under this Act in respect of the administration of this Act shall be paid out of such moneys as may be voted for that purpose by Parliament.

Regulations

53.(1) The Minister may make regulations

- (a) to provide for the regulation of air traffic control in the airspace of Barbados having regard to the Chicago Convention;
- (b) in relation to the certification of air traffic control personnel having regard to the Chicago Convention;
- (c) to provide for the regulation of aviation training institutions having regard to the Chicago Convention;
- (d) in relation to the conduct of accident and serious incident investigations having regard to the Chicago Convention;
- (e) to provide for the payment of fees in relation to any service provided under this Act;

(f) to provide for anything that is required to be prescribed under this Act;
and

(g) generally for the purpose of giving effect to this Act.

(2) Regulations made under subsection (1) are subject to negative resolution.

Forms

54. All forms required for the purposes of this Act shall be provided by the Minister.

Savings re authorizations issued under former Act and grace period re new authorizations

55.(1) Any licence, permit, certificate, accreditation or other authorization issued under the former Act in respect of air navigation or aviation accident investigation shall continue in force until it expires or is revoked.

(2) Where before the commencement of this Act, no licence, permit, certificate, accreditation or other authorization was required to operate under the former Act, no person or operator shall be required to obtain a licence, permit, certificate, accreditation or other authorization to operate under this Act for a period of 6 months.

Application of regulations made under former Act

56. All statutory instruments relating to air navigation or aviation accident investigation made under the former Act shall continue in force until amended or revoked and shall have effect to the extent that they are not inconsistent with this Act.

Commencement

57. This Act shall come into operation on a date to be fixed by Proclamation.

Read three times and passed the House of Assembly this
day of _____, 2022.

Speaker

Read three times and passed the Senate this _____ day of
, 2022.

President