

BELIZE:

**CIVIL AVIATION (AIRCRAFT ACCIDENT/INCIDENT
INVESTIGATION) REGULATIONS, 2023**

ARRANGEMENT OF REGULATIONS

1. Citation.
2. COCESNA Regulations to have the force of law.
3. Penalty.

BELIZE:

STATUTORY INSTRUMENT

No. 116 of 2023

REGULATIONS made by the minister responsible for Civil Aviation in exercise of the powers conferred upon him by section 4, 5, 8, 9, and 32 of the Civil Aviation Act, Chapter 239 of the Substantive Laws of Belize, Revised Edition 2020, and all other powers thereunto him enabling.

(Gazetted 23rd October, 2023)

WHEREAS, Belize is a member of the Central American Organisation for the Control of Air Avigation Services (Coporacion Centroamerica de Servicios de Navegacion Aerea) (hereinafter referred to as “COCESNA”);

AND WHEREAS, COCESNA has made certain regulations for the control of civil aviation (hereinafter referred to as “the COCESNA Regulations”);

AND WHEREAS, in common with other countries in the region, it would be expedient for Belize to adopt the COCESNA Regulations with such modifications as may be necessary;

AND WHEREAS, the Regulations contains in the Schedule, hereto are based on the COCESNA Regulations, as amended to suit the conditions of Belize;

NOW THEREFORE, in exercise of the powers conferred upon the Minister by sections 4, 5, 8, 9, and 32 of the Civil Aviation Act, the following Regulations are made.

1. These Regulations may be cited as the

Citation.

**CIVIL AVIATION (AIRCRAFT ACCIDENT/
INCIDENT INVESTIGATION) REGULATIONS, 2023.**

**COCESNA
Regulations to
have the force
of law.**

Penalty.

- 2.** The COCESNA Regulations, as modified, contained in the Schedule, shall have the force of law in Belize.
- 3.** Every person who contravenes these Regulations commits an offence and is liable on summary conviction to the penalty provided in section 30 of the Act.



BELIZE DEPARTMENT OF CIVIL AVIATION

SECTION 1

BCAR – 13

SCHEDULE

[regulation 2]

BCAR- 13 AIRCRAFT ACCIDENT/INCIDENT INVESTIGATION

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SECTION 1

BCAR – 13

SECTION 1 - REQUIREMENTS

PRESENTATION AND GENERAL

1. PRESENTATION

- 1.1 Section one of BCAR – 13 is presented in one column on loose pages, each page being identified by the date of issue or amendment when it was included.
- 1.2 Section one is written using Arial 10. Explanatory notes are not considered requirements; if they exist, they will be written in Arial font 8.

2. GENERAL INTRODUCTION

- 2.1 Section one contains the requirements to apply the regulation for civil aviation aircraft accident/incident investigation established by the International Civil Aviation Organization (ICAO) for the signatory States of the Chicago Convention.
- 2.2 This document is based on Annex 13 issued and published by the International Civil Aviation Organization (ICAO).



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CHAPTER 1 DEFINITIONS AND ACRONYMS

Definitions:

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

(a) a person is fatally or seriously injured as a result of:

- (1) being in the aircraft, or
- (2) direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
- (3) direct exposure to jet blast.
except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

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

- (1) adversely affects the structural strength, performance or flight characteristics of the aircraft, and
- (2) would normally require major repair or replacement of the affected component

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

(c) the aircraft is missing or is completely inaccessible

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

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

Note 3.— The type of unmanned aircraft system to be investigated is addressed in BCAR 13.5.1.

Accident investigation authority. The authority designated by a State as responsible for aircraft accident and incident investigations within the context of Annex 13.

Accredited representative. A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. The accredited representative would normally be from the State's accident investigation authority.

Adviser. A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.



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Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

Causes. Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident. The identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability.

Contributing factors. Actions, omissions, events, conditions, or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.

Flight recorder. Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.

Automatic deployable flight recorder (ADFR). A combination flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft.

Incident. An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

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

Investigation. A process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.

Investigator-in-charge. A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.

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

Maximum mass. Maximum certificated take-off mass.

Operator. The person, organization or enterprise engaged in or offering to engage in an aircraft operation.

Preliminary Report. The communication used for the prompt dissemination of data obtained during the early stages of the investigation.

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

Safety recommendation of global concern (SRGC). A safety recommendation regarding a systemic deficiency having a probability of recurrence, with significant consequences at a global level, and requiring



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timely action to improve safety.

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

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

Note 2.— Examples of serious incidents can be found in Attachment A.

Serious injury. An injury which is sustained by a person in an accident and which:

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

State of Design. The State having jurisdiction over the organization responsible for the type design

State of Manufacture. The State having jurisdiction over the organization responsible for the final assembly of the aircraft, engine or propeller.

State of Occurrence. The State in the territory of which an accident or incident occurs

State of the Operator. The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.

State of Registry. The State on whose register the aircraft is entered.

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

State safety programme (SSP). An integrated set of regulations and activities aimed at improving safety.

Acronyms:

AAIU	Aircraft Accident Investigation Unit of the BDCA
BDCA	Belize Department of Civil Aviation
COCESNA	Central American Corporation for Air Navigation Services



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GRIAA Regional Management for Aircraft Accident Investigation



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CHAPTER 2 APPLICABILITY

BCAR 13.2.1 Applicability

- (a) This BCAR contains provisions to be applied to activities following:
- (1) accidents and incidents involving any aircraft wherever they occur in the country of Belize; or
 - (2) accidents and serious incidents wherever they occurred involving Belize registered aircrafts.
- (b) In this BCAR 13 the specifications concerning the State of the Operator apply only when an aircraft is leased, chartered or interchanged and when that State is not the State of Registry and if it discharges, in respect of this BCAR, in part or in whole, the functions and obligations of the State of Registry.



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CHAPTER 3 GENERAL

BCAR 13.3.1 Objective of the Investigation

The sole objective of the investigation of an accident or incident by the BDCA is the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability.

BCAR 13.3.2 Independence of Investigations

All investigations carried out under the provisions of this BCAR 13 are under the responsibility of the Accident Investigation Unit of the BDCA.

PROTECTION OF EVIDENCE, CUSTODY AND REMOVAL OF AIRCRAFT**RESPONSIBILITY OF THE STATE OF BELIZE AS THE STATE OF OCCURRENCE****BCAR 13.3.3 General**

The BDCA will take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation. Protection of evidence will include the preservation, by photographic or other means, of any evidence which might be removed, effaced, lost or destroyed. Safe custody will include protection against further damage, access by unauthorized persons, pilfering and deterioration.

BCAR 13.3.4 Request from State of Registry, State of the Operator, State of Design or State of Manufacture

If a request is received from the State of Registry, the State of the Operator, the State of Design or the State of Manufacture that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, the BDCA will take all necessary steps to comply with such request, so far as this is reasonably practicable and compatible with the proper conduct of the investigation; provided that the aircraft may be moved to the extent necessary to extricate persons, animals, mail and valuables, to prevent destruction by fire or other causes, or to eliminate any danger or obstruction to air navigation, to other transport or to the public, and provided that it does not result in undue delay in returning the aircraft to service where this is practicable.

BCAR 13.3.5 Release from custody

Subject to the provisions of BCAR 13.3.3 and BCAR 13.3.4, the BDCA will release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable. For this purpose, Belize as the State of Occurrence will facilitate access to the aircraft, its contents or any parts thereof, provided that, if the aircraft, its contents, or any parts thereof lie in an area within which the State finds it impracticable to grant such access, it will itself effect removal to a point where access can be given.



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CHAPTER 4 NOTIFICATION

Note.— A list of addresses of aircraft accident investigation authorities can be found on the ICAO Accident Investigation website, at: <https://www.icao.int/safety/AIA/Pages/default.aspx>

ACCIDENTS OR INCIDENTS IN THE TERRITORY OF A CONTRACTING STATE TO AIRCRAFT OF ANOTHER CONTRACTING STATE

RESPONSIBILITY OF THE STATE OF BELIZE AS THE STATE OF OCCURRENCE

BCAR 13.4.1 Forwarding

- (a) The BDCA will forward a notification of an accident, a serious incident, or an incident to be investigated within the context of this BCAR 13, with a minimum of delay and by the most suitable and quickest means available, to:
- (1) the State of Registry;
 - (2) the State of the Operator;
 - (3) the State of Design;
 - (4) the State of Manufacture; and
 - (5) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2 250 kg or is a turbojet-powered aeroplane.

Note.— Belize as the State of Registry or the State of the Operator, will send a notification of a serious incident, or an incident to be investigated, to the State of Occurrence when the latter is not aware of such an incident.

- (b) The owner, operator, pilot-in-command and any crew member of the aircraft, the operator of the airport, and any air traffic controller shall notify to the BDCA, as soon as possible and by the quickest means available, any occurrence they have knowledge of as being an:
- (1) Accident
 - (2) Incidents listed in the Attachment A - LIST OF EXAMPLES OF SERIOUS INCIDENTS

- (c) For the notification of accidents and incidents to the BDCA go to <https://www.civilaviation.gov.bz/index.php/accident-investigation-unit-aiu/about-aii>

BCAR 13.4.2 Format and content

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

- (a) for accidents the identifying abbreviation ACCID, for serious incidents SINCID, for incidents INCID;
- (b) manufacturer, model, nationality and registration marks, and serial number of the aircraft;
- (c) name of owner, operator and hirer, if any, of the aircraft;
- (d) qualification of the pilot-in-command, and nationality of crew and passengers;
- (e) date and time (local time or UTC) of the accident or incident;

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- (f) last point of departure and point of intended landing of the aircraft;
- (g) position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
- (h) number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured;
- (i) description of the accident or incident and the extent of damage to the aircraft so far as is known;
- (j) an indication to what extent the investigation will be conducted or is proposed to be delegated by Belize as the State of Occurrence;
- (k) physical characteristics of the accident or incident area, as well as an indication of access difficulties or special requirements to reach the site;
- (l) identification of the originating authority and means to contact the investigator-in-charge and the Aircraft Accident Investigation Unit of Belize at any time; and
- (m) presence and description of dangerous goods on board the aircraft.

BCAR 13.4.3 Reserved.**BCAR 13.4.4 Additional information**

As soon as it is possible to do so, the BDCA will dispatch the details omitted from the notification as well as other known relevant information.

RESPONSIBILITY OF BELIZE AS THE STATE OF REGISTRY AND/OR THE STATE OF THE OPERATOR**BCAR 13.4.5 Information — Participation**

- (a) The State of Belize as the State of Registry and/or State of the Operator will acknowledge receipt of the notification of an accident or incident from another State through the BDCA (BCAR 13.4.1 refers).
- (b) Upon receipt of the notification, Belize as the State of Registry and/or as the State of the Operator will, as soon as possible through the BDCA, provide the State of Occurrence with any relevant information available to them regarding the aircraft and flight crew involved in the accident or incident. The BDCA will also inform the State of Occurrence whether it intends to appoint an accredited representative and if such an accredited representative is appointed, the name and contact details; as well as the expected date of arrival if the accredited representative will travel to the State of Occurrence.
- (c) Belize will, as the State of Registry and/or the State of the Operator, appoint an accredited representative when specifically requested to do so by the State conducting the investigation of an accident to an aircraft over 2 250 kg.
- (d) Upon receipt of the notification, Belize as the State of the Operator and through the BDCA will, with a minimum of delay and by the most suitable and quickest means available, provide the State of Occurrence with details of dangerous goods on board the aircraft.



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ACCIDENTS OR INCIDENTS IN THE TERRITORY OF THE STATE OF REGISTRY, IN A NON-CONTRACTING STATE OR OUTSIDE THE TERRITORY OF ANY STATE

RESPONSIBILITY OF BELIZE AS THE STATE OF REGISTRY

BCAR 13.4.6 Forwarding

When Belize, as the State of Registry, institutes the investigation of an accident or incident, the BDCA will forward a notification, in accordance with BCAR 13.4.2 above, with a minimum of delay and by the most suitable and quickest means available, to:

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

RESPONSIBILITY OF BELIZE AS THE STATE OF THE OPERATOR

BCAR 13.4.7 Information — Participation

- (a) Belize, as the State of the Operator, will acknowledge receipt of the notification of an accident or incident through the BDCA (BCAR 13.4.1 refers).
- (b) Upon receipt of the notification, Belize as the State of the Operator, will, upon request, provide the State of Registry, through the BDCA, with any relevant information available to them regarding the flight crew and the aircraft involved in the accident or incident. Belize, when being the State of Operator will, through the BDCA, also inform the State of Registry whether it intends to appoint an accredited representative, and if such an accredited representative is appointed, the name and contact details; as well as the expected date of arrival if the accredited representative will be present at the investigation.
- (c) Belize will, as the State of the Operator, appoint an accredited representative when specifically requested to do so by the State conducting the investigation of an accident to an aircraft over 2 250 kg.
- (d) Upon receipt of the notification, Belize as the State of the Operator will, through the BDCA with a minimum of delay and by the most suitable and quickest means available, provide the State of Registry with details of dangerous goods on board the aircraft.



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CHAPTER 5

INVESTIGATION

RESPONSIBILITY FOR INSTITUTING AND CONDUCTING THE INVESTIGATION

ACCIDENTS OR INCIDENTS IN THE TERRITORY OF A CONTRACTING STATE

BCAR 13.5.1 State of Occurrence

- (a) The BDCA will institute an investigation into the circumstances of an accident and will be responsible for the conduct of the investigation. In any event, Belize as the State of Occurrence will use every means to facilitate the investigation.
- (b) The BDCA may institute an investigation into the circumstances of a serious incident and may institute an investigation into the circumstances of any incident other than the serious incidents referred in BCAR 13.5.1 c), depending on the lessons expected to be learned from such an investigation. In any event Belize may use every means to facilitate the investigation.
- (c) The BDCA will institute an investigation into the circumstances of a serious incident when the aircraft is of a maximum mass of over 2 250 kg. In any event Belize will use every means to facilitate the investigation.

Note 1.— In the case of investigation of an unmanned aircraft system, only aircraft with a design and/or operational approval are to be considered.

ACCIDENTS OR INCIDENTS IN THE TERRITORY OF A NON-CONTRACTING STATE

BCAR 13.5.2 State of Registry

When the accident or the serious incident has occurred in the territory of a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13, Belize as the State of Registry or, failing that, as the State of the Operator, may endeavour to institute and conduct an investigation in cooperation with the State of Occurrence but, failing such cooperation, may itself conduct an investigation with such information as is available.

ACCIDENTS OR INCIDENTS OUTSIDE THE TERRITORY OF ANY STATE

BCAR 13.5.3 State of Registry

- (a) When the location of the accident or the serious incident cannot definitely be established as being in the territory of any State, Belize as the State of Registry will institute and conduct any necessary investigation of the accident or serious incident.

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- (1) If Belize is nearest the scene of an accident in international waters, it will provide such assistance as it is able and will, likewise, respond to requests by the State of Registry.
- (2) If the State of Registry does not institute and conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization, as set out in standard 5.3 of Annex 13, Belize, being the State of the Operator or, in the following order, the State of Design or the State of Manufacture will request in writing to the State of Registry to delegate the conducting of such investigation. If the State of Registry gives express consent or does not reply to such a request within 30 days, Belize will institute and conduct the investigation with such information as is available.
- (3) If the State of Registry is a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13, Belize as the State of the Operator will institute and conduct an investigation.

ORGANIZATION AND CONDUCT OF THE INVESTIGATION**RESPONSIBILITY OF BELIZE AS THE STATE CONDUCTING THE INVESTIGATION**

Note.— Nothing in the following provisions is intended to preclude the BDCA from calling upon the best technical expertise from any source.

BCAR 13.5.4 General

- (a) The Aircraft Accident Investigation Unit of the BDCA has independence in the conduct of the investigation and has unrestricted authority over its conduct. The investigation will normally include:
 - (1) the gathering, recording and analysis of all relevant information on that accident or incident;
 - (2) the protection of certain accident and incident investigation records in accordance with BCAR 13.5.12;
 - (3) if appropriate, the issuance of safety recommendations;
 - (4) if possible, the determination of the causes and/or contributing factors; and
 - (5) the completion of the Final Report.

Where feasible, the scene of the accident will be visited, the wreckage examined and statements taken from witnesses. The extent of the investigation and the procedure to be followed in carrying out such an investigation will be determined by the BDCA, depending on the lessons it expects to draw from the investigation for the improvement of safety.

- (b) Any investigation conducted in accordance with the provisions of this BCAR 13 will be separate from any judicial or administrative proceedings to apportion blame or liability.

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- (c) The investigation duties and responsibilities of the BDCA are detailed in documented policies and procedures that include: organization and planning; investigation; and reporting.
- (d) Belize will ensure that any investigations conducted under the provisions of this BCAR 13 have unrestricted access to all available evidential material without delay.
- (e) The BDCA will make all reasonable efforts to enter into agreements to provide for the coordination of activities between the BDCA and other relevant authorities, with respect to:
 - (1) investigation procedures and practices;
 - (2) requirements for reporting aircraft accidents and incidents;
 - (3) procedures to be followed in the event that conflicting interests arise during their activities with respect to aircraft accidents or incidents.

BCAR 13.5.5 Investigator-in-charge — Designation

The Director of the BDCA will designate the investigator-in-charge of the investigation and will determine the initiation of the investigation immediately.

BCAR 13.5.6 Investigator-in-charge — Access and control

The investigator-in-charge will have unhampered access to the wreckage and all relevant material, including flight recorders and ATS records, and will have unrestricted control over it to ensure that a detailed examination can be made without delay by authorized personnel participating in the investigation.

Recorded data — Accidents and incidents**BCAR 13.5.7 Flight recorders**

- (a) Effective use will be made of flight recorders in the investigation of an accident or an incident. The BDCA will arrange for the read-out of the flight recorders without delay.
- (b) Belize, when conducting the investigation of an accident or an incident that requires facilities to read out the flight recorders, will use the facilities made available to it by other States, giving consideration to the following:
 - (1) the capabilities of the read-out facility;
 - (2) the timeliness of the read-out; and
 - (3) the location of the read-out facility.

BCAR 13.5.8 Ground-based recordings

Effective use will be made of available ground-based recordings in the investigation of an accident or an incident.



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BCAR 13.5.9 Autopsy examinations

The BDCA, when conducting the investigation into a fatal accident, will coordinate with the relevant authorities for expeditious and complete autopsy examination of fatally injured flight crew and, subject to the particular circumstances, of fatally injured passengers and cabin attendants, by a pathologist, preferably experienced in accident investigation.

BCAR 13.5.9.1 Medical examinations

When appropriate, the BDCA, while conducting the investigation, will arrange for expeditious medical examination of the crew, passengers and involved aviation personnel, by a physician, preferably experienced in accident investigation.

BCAR 13.5.10 Coordination — Judicial authorities

The BDCA will recognize the need for coordination between the investigator-in-charge and the judicial authorities of Belize, particularly in regards to evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and read-outs of flight recorder recordings.

Note 1.— Possible conflicts between investigating and judicial authorities regarding the custody of flight recorders and their recordings may be resolved by an official of the judicial authority carrying the recordings to the place of read-out, thus maintaining custody.

Note 2.— Possible conflicts between investigating and judicial authorities regarding the custody of the wreckage may be resolved by an official of the judicial authority accompanying the wreckage to the place of examination and being present at such examination when a modification of the condition of the wreckage is required, thus maintaining custody.

BCAR 13.5.11 Informing aviation security authorities

If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the investigator-in-charge from the BDCA will immediately initiate action to ensure that the concerned aviation security authorities of Belize are so informed.

BCAR 13.5.12 Protection of accident and incident investigation records

(a) The BDCA will not make the following records available for purposes other than accident or incident investigation, unless the competent authority designated by Belize determines, in accordance with national laws and subject to Appendix 1 of this BCAR 13 and BCAR 13.5.12 (f), that their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigations:

- (1) cockpit voice recordings and airborne image recordings and any transcripts from such recordings; and
- (2) records in the custody or control of the Aircraft Accident Investigation Unit of the BDCA being:
 - (i) all statements taken from persons by the BDCA in the course of their investigation;
 - (ii) all communications between persons having been involved in the operation of the aircraft;

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- (iii) medical or private information regarding persons involved in the accident or incident;
 - (iv) recordings and transcripts of recordings from air traffic control units;
 - (v) analysis of and opinions about information, including flight recorder information, made by the accident investigation authority and accredited representatives in relation to the accident or incident; and
 - (vi) the draft Final Report of an accident or incident investigation.
- (b) The BDCA may determine whether any other records obtained or generated by itself, as a part of an accident or incident investigation, need to be protected in the same way as the records listed in BCAR 13.5.12.
- (c) The records listed in BCAR 13.5.12 will be included in the Final Report or its appendices only when pertinent to the analysis of the accident or incident. Parts of the records not relevant to the analysis will not be disclosed.
- Note.— The records listed in BCAR 13.5.12 include information relating to an accident or incident. The disclosure or use of such information for purposes where the disclosure or use is not necessary in the interest of safety may mean that, in the future, the information will no longer be openly disclosed to investigators. Lack of access to such information would impede the investigation process and seriously affect aviation safety.
- (d) The names of the persons involved in the accident or incident will not be disclosed to the public by the Aircraft Accident Investigation Unit of the BDCA.
- (e) Belize will ensure that requests for records in the custody or control of the BDCA are directed to the original source of the information, where available.
- (1) The BDCA will retain, where possible, only copies of records obtained in the course of an investigation.
- (f) The BDCA will take measures to ensure that audio content of cockpit voice recordings as well as image and audio content of airborne image recordings are not disclosed to the public.
- (g) The BDCA, issuing or receiving a draft Final Report will take measures to ensure that it is not disclosed to the public.

BCAR 13.5.13 Reopening of investigation

The BDCA will re-open an investigation if new and significant evidence becomes available. However, when Belize conducted the investigation but did not institute it, Belize will first obtain the consent of the State which instituted the investigation.

Note.— Where an aircraft which was considered missing following an official search is subsequently located, the BDCA will consider reopening the investigation.



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OTHER RESPONSIBILITIES OF BELIZE

BCAR 13.5.14 Information — Accidents and incidents

- (a) The BDCA will, on request from the State conducting the investigation of an accident or an incident, provide that State with all the relevant information available to it.
- (b) Belize will cooperate to determine the limitations on disclosure or use that will apply to information before it is exchanged between Belize and another State for the purposes of an accident or incident investigation, according to legislations related to access to information in Belize.
- (c) Belize will provide to the State conducting the investigation, through the BDCA, all information available pertinent to the investigation regarding the facilities or services of which have been, or would normally have been, used by an aircraft prior to an accident or an incident.

RESPONSIBILITY OF THE STATE OF BELIZE AS THE STATE OF REGISTRY AND THE STATE OF THE OPERATOR

BCAR 13.5.15 Flight recorders — Accidents and serious incidents

When an aircraft involved in an accident or a serious incident lands in a State other than the State of Occurrence, Belize as the State of Registry or as the State of the Operator will, on request from the State conducting the investigation, furnish the latter State with the flight recorder records and, if necessary, the associated flight recorders.

BCAR 13.5.16 Organizational information

Belize as the State of Registry or as the State of the Operator, on request from the State conducting the investigation, will provide pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft.

PARTICIPATION IN THE INVESTIGATION

PARTICIPATION OF THE STATE OF REGISTRY, THE STATE OF THE OPERATOR, THE STATE OF DESIGN AND THE STATE OF MANUFACTURE

BCAR 13.5.17 Rights

- (a) The State of Registry, the State of the Operator, the State of Design and the State of Manufacture will each be entitled to appoint an accredited representative to participate in the investigation carried out by the BDCA.

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Note.— Notwithstanding the provisions of BCAR 13.5.17, Belize may accept any request for participation in the investigation of an accident made by the State that designed or manufactured the powerplant or major components of the aircraft.

- (b) The State of Registry or the State of the Operator will be entitled to appoint one or more advisers, proposed by the operator, to assist its accredited representative.
- (c) When neither the State of Registry nor the State of the Operator appoint an accredited representative, the BDCA will invite the operator to participate in the investigation, subject to the procedures of the BDCA and under the control of the Investigator-in-Charge.
- (d) The State of Design and the State of Manufacture will be entitled to appoint one or more advisers, proposed by the organizations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives.
- (e) When neither the State of Design nor the State of Manufacture appoint an accredited representative, the BDCA will invite the organizations responsible for the type design and the final assembly of the aircraft to participate in the investigation, subject to the procedures of the BDCA and under the control of the Investigator-in-Charge.

BCAR 13.5.18 Obligations

When the State conducting an investigation of an accident to an aircraft of a maximum mass of over 2 250 kg specifically requests participation by Belize as the State of Registry, the State of the Operator, the State of Design or the State of Manufacture, the BDCA will appoint an accredited representative.

PARTICIPATION OF OTHER STATES**BCAR 13.5.19 Rights**

Any State, which on request provides information, facilities or experts to an investigation conducted by the BDCA, will be entitled to appoint an accredited representative to participate in such investigation.

Note.— Any State that provides an operational base for field investigations, or is involved in search and rescue or wreckage recovery operations, or is involved as a State of a code-share or alliance partner of the operator, may also be invited to appoint an accredited representative to participate in the investigation conducted by the BDCA.

ENTITLEMENT OF ACCREDITED REPRESENTATIVES**BCAR 13.5.20 Advisers**

- (a) A State entitled to appoint an accredited representative will also be entitled to appoint one or more advisers to assist the accredited representative in the investigation conducted by the BDCA.
- (b) Advisers assisting accredited representatives will be permitted, under the accredited representatives' supervision, to participate in the investigation conducted by the BDCA to the extent necessary to enable



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the accredited representatives to make their participation effective.

BCAR 13.5.21 Participation

Participation in the investigation will confer entitlement to participate in all aspects of the investigation, under the control of the investigator-in-charge, in particular to:

- (a) visit the scene of the accident;
- (b) examine the wreckage;
- (c) obtain witness information and suggest areas of questioning;
- (d) have full access to all relevant evidence as soon as possible;
- (e) receive copies of all pertinent documents;
- (f) participate in read-outs of recorded media;
- (g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
- (h) participate in investigation progress meetings including deliberations related to analysis, findings, causes, contributing factors and safety recommendations; and
- (i) make submissions in respect of the various elements of the investigation.

However, participation of States other than the State of Registry, the State of the Operator, the State of Design and the State of Manufacture may be limited to those matters which entitled such States to participation under BCAR 13.5.23.

Note 1.— In any case, the form of participation would be subject to the procedures of the BDCA.

Note 2.— The collection and recording of information will not be delayed to await the arrival of an accredited representative.

Note 3.— At the discretion of the BDCA, the participation in the investigation can be extended beyond the entitlement enumerated.

Note 4.— The pertinent documents referred to in subparagraph e) also include documents such as the reports on examinations of components or studies performed within the framework of the investigation.

BCAR 13.5.22 Obligations

Accredited representatives from Belize and their advisers:

- (a) will provide the State conducting the investigation with all relevant information available to them; and
- (b) will not divulge information on the progress and the findings of the investigation without the express consent of the State conducting the investigation.

Note.— Nothing in this Standard precludes prompt release of facts when authorized by the BDCA, nor does this Standard preclude accredited representatives from reporting to their respective States in order to facilitate appropriate safety actions.

STATES HAVING SUFFERED FATALITIES OR SERIOUS INJURIES TO THEIR CITIZENS

BCAR 13.5.23 Rights and entitlement

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- (a) A State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens will be entitled to appoint an expert who will be entitled to:
- (1) visit the scene of the accident;
 - (2) have access to the relevant factual information which is approved for public release by the State conducting the investigation, and information on the progress of the investigation; and
 - (3) receive a copy of the Final Report.

This will not preclude that State from also assisting in the identification of victims and in meetings with survivors from that State.

- (b) The BDCA will release, at least during the first year of the investigation, established factual information and indicate the progress of the investigation in a timely manner.



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CHAPTER 6

FINAL REPORT

BCAR 13.6.1 Format

The BDCA will use the format of the Final Report from Appendix 1 of Annex 13. However, it may be adapted to the circumstances of the accident or incident.

BCAR 13.6.2 Release of information — Consent

The BDCA will not circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident, without the express consent of the State which conducted the investigation, unless such reports or documents have already been published or released by that latter State.

RESPONSIBILITY OF BELIZE AS THE STATE CONDUCTING THE INVESTIGATION

BCAR 13.6.3 Consultation

(a) The BDCA will send a copy of the draft Final Report to the following States inviting their significant and substantiated comments on the report as soon as possible:

- (1) the State that instituted the investigation;
- (2) the State of Registry;
- (3) the State of the Operator;
- (4) the State of Design;
- (5) the State of Manufacture; and
- (6) any State that participated in the investigation as per Chapter 5.

If the BDCA receives comments within sixty days of the date of the transmittal letter, it will either amend the draft Final Report to include the substance of the comments received or, if desired by the State that provided comments, append the comments to the Final Report. If the BDCA receives no comments within sixty days of the date of the first transmittal letter, it will issue the Final Report in accordance with BCAR 13.6.4, unless an extension of that period has been agreed by Belize and the States concerned.

(b) The BDCA will send, through the State of the Operator, a copy of the draft Final Report to the operator to enable the operator to submit comments on the draft Final Report.

(c) The BDCA will send, through the State of Design and the State of Manufacture, a copy of the draft Final Report to the organizations responsible for the type design and the final assembly of the aircraft to enable them to submit comments on the draft Final Report.



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BCAR 13.6.4 Recipient States

The Final Report of the investigation will be sent with a minimum of delay by the BDCA to:

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

BCAR 13.6.5 Release of the Final Report

- (a) In the interest of accident prevention, the BDCA will make the Final Report of the investigation of an accident or incident publicly available as soon as possible and, if possible, within twelve months.

Note.— The publication of the Final Report will be made through the BDCA's webpage on the Internet.

- (b) If the report cannot be made publicly available within twelve months, the BDCA will make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.
- (c) In the case where Belize is participating in an investigation conducted by another State and the State conducting the investigation does not make the Final Report or an interim statement publicly available within a reasonable timeframe, the BDCA will request in writing from the State conducting the investigation express consent to release a statement containing safety issues raised with such information as is available. If the State conducting the investigation gives express consent or does not reply to such a request within 30 days, the BDCA will release such a statement after coordinating with other participating States.
- (d) When the BDCA has released a Final Report of an investigation into an accident or an incident involving an aircraft of a maximum mass of over 5 700 kg, it will send to the International Civil Aviation Organization a copy of the Final Report.

BCAR 13.6.6 Safety recommendations

- (a) At any stage of the investigation of an accident or incident, the BDCA will recommend in a dated transmittal correspondence to the appropriate authorities, including those in other States, any preventive action that it

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considers necessary to be taken promptly to enhance aviation safety.

- (b) In the interest of safety, other States participating in the investigation conducted by the BDCA will be entitled to issue safety recommendations after coordinating with Belize.
- (c) The BDCA will address, when appropriate, any safety recommendations arising out of its investigations in a dated transmittal correspondence to the accident investigation authorities of other State(s) concerned and, when ICAO documents are involved, to ICAO.
- (d) When the BDCA issues a safety recommendation of global concern (SRGC) it will inform ICAO of the issuance of that recommendation and its responses in dated transmittal correspondence, even when the SRGC is not addressed to ICAO.

RESPONSIBILITY OF BELIZE AS A STATE RECEIVING OR ISSUING SAFETY RECOMMENDATIONS**BCAR 13.6.7 Action on safety recommendations**

- (a) When the BDCA receives safety recommendations, it will inform the proposing State, within ninety days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why no action will be taken.
- (b) Belize as a State issuing a safety recommendation will implement, through the BDCA, procedures to record the responses received from other States to the safety recommendation issued.
- (c) Belize as a State that receives a safety recommendation will implement, through the BDCA, procedures to monitor the progress of the action taken in response to that safety recommendation.



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CHAPTER 7

ADREP REPORTING

Note 1.— The provisions of this Chapter may require two separate reports for any one accident or incident. They are:

Preliminary Report
Accident/Incident Data Report.

PRELIMINARY REPORT

RESPONSIBILITY OF BELIZE AS THE STATE CONDUCTING THE INVESTIGATION

BCAR 13.7.1 Accidents to aircraft over 2 250 kg

When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, the BDCA will send the Preliminary Report to:

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

BCAR 13.7.2 Accidents to aircraft of 2 250 kg or less

When an aircraft, not covered by BCAR 13.7.1, is involved in an accident and when airworthiness or matters considered to be of interest to other States are involved, the BDCA will forward the Preliminary Report to:

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



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BCAR 13.7.3 **Reserved****BCAR 13.7.4** **Dispatch**

The Preliminary Report will be sent by facsimile, e-mail, or airmail within thirty days of the date of the accident unless the Accident/Incident Data Report has been sent by that time. When matters directly affecting safety are involved, it will be sent as soon as the information is available and by the most suitable and quickest means available.

ACCIDENT/INCIDENT DATA REPORT

RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION

BCAR 13.7.5 **Accidents to aircraft over 2 250 kg**

When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, the BDCA will send, as soon as practicable after the investigation, the Accident Data Report to the International Civil Aviation Organization.

BCAR 13.7.6 **Additional information**

The BDCA will, upon request, provide other States with pertinent information additional to that made available in the Accident/Incident Data Report.

BCAR 13.7.7 **Incidents to aircraft over 5 700 kg**

If the BDCA conducts an investigation into an incident to an aircraft of a maximum mass of over 5700 kg, the BDCA will send, as soon as is practicable after the investigation, the Incident Data Report to the International Civil Aviation Organization.



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CHAPTER 8

ACCIDENT PREVENTION MEASURES

Note.— In addition to the provisions of this Chapter, other provisions relative to the promotion of accident prevention by collection and analysis of safety data and by a prompt exchange of safety information, as part of the State safety programme (SSP), are included in the relevant regulation and guidance issued by the BDCA and, to this effect, might be related to the provisions in this BCAR 13.

BCAR 13.8.1 Database and preventive actions

- (a) The BDCA will establish and maintain an accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies and to determine any preventive actions required.

Note.— Additional information on which to base preventive actions may be contained in the Final Reports on accidents and incidents that have been investigated.

- (b) The relevant sectors responsible for the implementation of the SSP within the BDCA will have access to the accident and incident database referenced in BCAR 13.8.1 to support their safety responsibilities.
- (c) In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies. If safety recommendations issued by the BDCA are addressed to an organization in another State, they will also be transmitted to that State's accident investigation authority.

**BELIZE DEPARTMENT OF CIVIL AVIATION****SECTION 1****BCAR – 13****APPENDIX 1 PROTECTION OF ACCIDENT AND INCIDENT INVESTIGATION RECORDS****1. INTRODUCTION**

Note 1.— The disclosure or use of records listed in Chapter 5, BCAR 13.5.12, in criminal, civil, administrative or disciplinary proceedings in Belize, or their public disclosure, can have adverse consequences for persons or organizations involved in accidents and incidents, likely causing them or others to be reluctant to cooperate with accident investigations carried out by BDCA in the future. The determination on disclosure or use required by BCAR 13.5.12 is designed to take account of these matters.

Throughout this Appendix:

- (a) balancing test refers to the determination by the competent authority of Belize, in accordance with BCAR 13.5.12, of the impact the disclosure or use of accident and incident investigation records may have on current or future investigations carried out by the BDCA; and
- (b) record(s) refers to those listed in BCAR 13.5.12.

2. GENERAL

- 2.1 Belize will accord the protections in BCAR 13.5.12 and this Appendix to the entire recording of the cockpit voice recorder and airborne image recorder, and any transcripts from such recordings. These protections will apply from the time an accident or incident occurs and continue after the publication of the Final Report by the BDCA.
- 2.2 Belize will accord the protections in BCAR 13.5.12 and this Appendix to the other records listed in BCAR 13.5.12 (a) (2). These protections will apply from the time they come into the custody or control of the BDCA's investigator-in-charge and continue after the publication of the Final Report.

Non-disclosure of audio or image recordings to the public

- 2.3 Belize will take measures to ensure the non-disclosure of audio content of cockpit voice recordings as well as image and audio content of airborne image recordings to the public, as per BCAR 13.5.12 (f), such as:
 - (a) prevention of disclosure through the adoption of national laws, regulations and policies; or
 - (b) adoption of authoritative safeguards such as protective orders, closed proceedings or in-camera review; or
 - (c) prevention of disclosure of recordings through technical means, such as encrypting or overwriting, before returning the cockpit voice recorders or airborne image recorders to the owners.

3. COMPETENT AUTHORITY

In accordance with BCAR 13.5.12, Belize will designate a competent authority or competent authorities appropriate to the task of administering the balancing test.

**BELIZE DEPARTMENT OF CIVIL AVIATION****SECTION 1****BCAR – 13****4. ADMINISTRATION OF THE BALANCING TEST**

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

Note.— A material fact in question is a legal term used to refer to a fact that is significant or essential to the matter at hand, that one party alleges and that the other controverts, and is to be determined by the competent authority administering the balancing test.

4.2 When administering the balancing test, the competent authority of Belize will take into consideration factors such as:

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

Note 2.— The competent authority may need to administer a balancing test for determining whether to permit the disclosure of a record, and a separate balancing test for determining whether to permit the use of a record.

5. RECORDS OF THE DECISIONS

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

6. FINAL REPORT

In order to limit the use of the Final Report for purposes other than the prevention of accidents and incidents, Belize will consider:

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- (a) instituting a separate investigation for those other purposes; or
- (b) differentiating between the parts of the Final Report in order to allow the use of factual information contained therein while preventing use of analysis, conclusions and safety recommendations for apportioning blame or liability; or
- (c) preventing the use of the Final Report as evidence in proceedings to apportion blame or liability.

Note.— In accordance with Chapter 6, BCAR 13.6.5, Final Reports are publicly available in the interest of accident prevention and are not subject to protection under BCAR 13.5.12. However, the use of portions of the Final Report, in particular the analysis, conclusions and safety recommendations, as evidence before national courts in view of assigning blame or determining liability is against the purposes for which the investigation was undertaken.

7. ACCIDENT AND INCIDENT INVESTIGATION PERSONNEL

In the interest of safety and in accordance with Chapter 3, BCAR 13.3.1 Belize will consider that accident investigation personnel not be compellable to give an opinion on matters of blame or liability in civil, criminal, administrative or disciplinary proceedings.



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ATTACHMENTS

ATTACHMENT A LIST OF EXAMPLES OF SERIOUS INCIDENTS

The types of incidents listed below shall be notified to the BDCA as per BCAR 13.4.1 (b):

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

Collisions not classified as accidents.

Controlled flight into terrain only marginally avoided.

Aborted take-offs on a closed or engaged runway, on a taxiway¹ or unassigned runway.

Take-offs from a closed or engaged runway, from a taxiway¹ or unassigned runway.

Landings or attempted landings on a closed or engaged runway, on a taxiway¹, on an unassigned runway or on unintended landing locations such as roadways.

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

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

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

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

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

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

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

Flight crew incapacitation in flight:

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

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

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

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

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

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

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

MADE by the Minister responsible for civil aviation this 14th day of October, 2023.



(HON. JOHN BRICEÑO)

**Prime Minister and Minister of Finance,
Economic Development and Investment**
(Minister responsible for civil aviation)