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Government of Nepal
Ministry of Culture, Tourism and Civil Aviation

Notice No. 1

Civil Aviation (Investigation of Accident) Regulation, 2071 (2014 AD)

In exercise of power conferred by Section 5 of the Civil Aviation Act, 2015 (1959 AD), the Government of Nepal has framed following rules.

Chapter – 1
Preliminary

1. Short Title and Commencement:

- (1) The name of these rules may be called the Civil Aviation (Investigation of Accident) Regulation, 2014.
- (2) This regulation shall come into effect immediately.

2. Definition:

Unless the content and context requires otherwise, in these rules:

- (a) "Accredited Representative" means the person appointed pursuant to Rule 13 to participate in the investigation of accident.

- (b) "Commission" means the commission for investigation of accident set up pursuant to Rule 10.
- (c) "Seriously Injured" means the condition of an injury sustained by a person in an accident or the following situation created due to such injury:
 - (1) requiring hospitalisation for more than 48 hours within seven days from the date of being sustained from injury;
 - (2) resulting in a fracture of any bone except simple fracture of fingers or nose;
 - (3) involving lacerations which cause severe haemorrhage due to injury in any organ of the body or caused damage to the nerve, muscle or tendon;
 - (4) involving injury to any internal organ of the body;
 - (5) affecting more than 5% of the body surface from burns;
 - (6) involving the exposure to infectious substances or injurious radiation so proved;
- (d) "Investigation" means a process which includes but not limited to identify the causes of accident, to find out the facts thereof and draw the conclusion, to find out the human and technical errors occurred in the accident, to make the safety recommendations and to gather and analyse the information for preventing from such accident in the future.
- (e) "State of Design" means the state under which jurisdiction the organization designing the type of the aircraft is located.
- (f) "State of Registry" means the state on whose register the aircraft has been registered.

(g) "Accident" means any of the following occurrences taking place between the time any person boards the aircraft with the intention of flight until such time as all such person have disembarked in the case of passenger flight, and from the time of starting flight preparation until such time as the flight comes to an end in the case of flight without passenger:

(1) A person gets injury, or is fatally or seriously injured, as a result of being on board the aircraft, or, being in contact with any detached part of the aircraft or exposure to jet blast, or such injured person dies.

Provided that, any injury sustained or death caused due to the act of nature or being self-inflicted or being inflicted by other person or stowaways hiding outside the areas prescribed to the passengers and crew shall not constitute an accident.

Clarification: For the purpose of this sub-clause, "death" means death of a person injured in an accident within 30 days of the date of the accident.

(2) The aircraft sustains damage requiring its major repair owing to adverse effect in structural integrity of the aircraft or interruption in the structural system of the aircraft.

Provided that, the accident shall not be deemed to have occurred if the damage to the aircraft is limited to its - engine, -cowlings or accessories or -propellers, probes, vanes, main rotor blades, tail rotor blade, wing tips, antennas, tires, brakes, fairings or if the damage is sustained due to small dents or puncture holes in the skin of aircraft.

(3) The collision with any other aircraft or objects, falling down or burning of aircraft or its destruction in any other way.

(4) The aircraft is missing or is completely inaccessible.

Clarification: for the purpose of this clause an aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.

- (h) "State of Occurrence" means the State in the territory of which an accident occurs.
- (i) "State of Manufacture" means the state under which the aircraft manufacturer is located.
- (j) "Pilot in Command" means the person in-charge of the flight responsible for flight operation and for the flight safety of the aircraft.
- (k) "Authority" means Civil Aviation Authority of Nepal established under the prevailing law.
- (l) "Flight Recorder" means equipment installed in the aircraft for recording the flight information and this term also includes the flight data recorder and cockpit voice recorder.
- (m) "Ministry" means the ministry of Culture, Tourism and Civil Aviation.
- (n) "Director General" means the Director General of the Authority.
- (o) "Aircraft Owner" means the person or organization under whose name the aircraft has been registered and this term also includes the person or organization having the aircraft in lease.

- (p) "Aircraft Operator" means the person or organization operating the aircraft or authorised to operate the aircraft under the prevailing law.
- (q) "Local Body" means the village development committee or municipality.
- (r) "State of the Operator" means 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.
- (s) "Co-pilot" shall mean the person piloting the aircraft as an assistant of the Pilot in Command.

Chapter - 2

Notification of Accident, Security of the Accident Site and Protection of Evidence

3. The Accident to be Notified:

- (1) If anybody witnesses the accident of an aircraft occurred in the territory of Nepal, he shall provide the same information to the nearby Civil Aviation Office, District Administration Office, Police Office or Local Body at the earliest.
- (2) If any information of accident has been received pursuant to Sub-rule (1), the concerned office or body shall provide the same information to the police or Liaison Officer through the quickest means at the earliest.

Clarification: for the purpose of this clause "Liaison Officer" shall mean the official designated by the Ministry for receiving the information regarding the accident.

- (3) Notwithstanding anything contained in Sub-rule (1) and (2), the following person shall provide the information regarding accident to the following body or official through the quickest means if the accident of the aircraft has occurred in the following place:
- (a) By the Aerodrome Chief to the Director General if the accident of an aircraft has occurred in the airport area,
 - (b) By the Pilot in Command, Co-pilot or other crew member, if they are alive or in a position to provide the information, to the nearby Air Traffic Service Unit, Civil Aviation Office or Director General, and by the Air Traffic Controller or other personnel working in the aerodrome to the Director General or Liaison Officer if the accident of an aircraft has occurred in the territory of Nepal outside the Aerodrome.
 - (c) If the aircraft registered in Nepal meets an accident outside Nepal, by the Aircraft Operator or its agent to the diplomatic mission of Nepal if such mission has been established and if such mission has not been established to the Director General or Liaison Officer.
- (4) After receiving the information regarding accident of an aircraft pursuant to Sub-rule (3), the Director General shall provide such information to the Ministry and Liaison Officer at the earliest.
- (5) While providing information by the Air Traffic Controller or any personnel working in the airport pursuant to Sub-rule (3) (b), it shall be provided in the format as prescribed by the Ministry.

4. The Information of Accident to be notified to the Foreign State or Organization:

If the accident of any aircraft registered in the Foreign State has occurred within the territory of Nepal, the Liaison Officer shall provide such information to the following State, mission and organization through the quickest and appropriate means:

- (a) State of Registry;
- (b) State of the Operator;
- (c) State of Design;
- (d) State of Manufacture;
- (e) The diplomatic mission of such state, if established;
- (f) International Civil Aviation Organization when the aircraft involved is of maximum mass of over 2250 kg.

5. Details to be mentioned while providing the Information:

- (1) While giving notice or information pursuant to Rule 3(4) and rule 4, the Director General or Liaison Office shall include following details to the extent possible:
 - (a) State of Registry
 - (b) Aircraft Manufacturer , model, registration mark and serial number of the aircraft;
 - (c) Aircraft Owner and aircraft operator;
 - (d) Name of crew members, their nationality and details of the passenger;
 - (e) Date and time, local and standard (UTC), of accident;
 - (f) Last point of departure and the point of landing of aircraft;
 - (g) Details to easily locate the accident site (geographical points and longitude and latitude);
 - (h) Physical characteristics of accident site;
 - (i) Name and number of the decedents and seriously injured person;
 - (j) Nature of accident and possible details regarding the damage to the aircraft;

- (k) The description of the dangerous goods onboard the aircraft, if any;
- (l) Status of investigation.
- (2) The details pursuant to Sub-rule (1) shall be written in simple English and Nepali language.
- (3) If the details mentioned in Sub-rule (1) could not be obtained at a time, they may be sent in part again.

6. Provisions to be made for the Security of the Accident Site and the Protection of the Evidence:

- (1) If information of accident of an aircraft within the territory of Nepal has been received pursuant to Rule 3, the concerned District Administration Office shall make the following arrangement for security of the accident site and protection of evidence:
 - (a) Prohibit the access of unauthorized person in the accident site;
 - (b) Keep the aircraft in accident and its part safe from being further damaged or ruined;
 - (c) Protect the evidence associated with the accident until the period required for investigation;
 - (d) Take photo of the accident site and aircraft in accident, if required for protection of the evidence;
 - (e) Check the aircraft and the goods, dead body or other materials on-board the aircraft from impairment, theft or loss.
- (2) Notwithstanding anything contained in Sub-rule (1), if the State of Registry, State of the Operator, State of Design or State of Manufacture requests for keeping the accident site safe until their Accredited Representative inspect the place of accident, the Liaison Officer shall, with the help of the

other bodies of the Government of Nepal as per the need, make an arrangement to keep such accident site safe to the extent possible so as to carry out the investigation work effectively.

- (3) Notwithstanding anything contained in this Rule, the Liaison Officer may issue following order stating the reason thereof:
 - (a) For protecting the goods, dead body, mail or such other materials in the aircraft on-board from fire or such other things, to take out or cause to take out such goods, dead body, mail or such materials from the aircraft on-board or keep these things in other safe place;
 - (b) To remove the aircraft in accident from the accident site to continue the air transportation or eliminate the obstacle or danger that are likely to affect the general public.

7. Technical Team to be deputed in the Place of Accident:

- (1) Upon receiving the notice of accident, the Ministry shall depute the technical team in the accident site at the earliest to carry out the preliminary investigation of the accident as well as to collect the necessary evidence in this regard.
- (2) The technical team deputed pursuant to Sub-rule (1) shall submit the preliminary technical report to the Secretary of the Ministry after carrying out the investigation of the accident and collecting the evidence during the investigation.

8. The Aircraft or Goods may be handed over:

If the aircraft in accident and its parts or the goods in the aircraft on-board are not required for investigation of the accident, the Ministry may handover such aircraft and its parts or the goods in the aircraft to the Accredited Representative.

Provided that, the personal belongings onboard the aircraft shall be handed over to the concerned person or his representative, if they are present.

Chapter – 3

Provision Relating to Investigation of Accident

9. Accident Investigation Official:

- (1) The right to carry out the investigation of any kinds of accident occurred within the territory of Nepal shall remain with the Government of Nepal.

Provided that, the provision of this Sub-rule shall not limit the Authority to carry out the preliminary investigation and get the report thereof.

- (2) The Government of Nepal may carry out the investigation of an accident through expert or investigator as per the necessity.

10. Provision Relating to Commission:

- (1) If the Ministry deems appropriate to carry out the detail investigation with regards to any accident, it may set up an independent Accident Investigation Commission for carrying out the investigation of such accident and submit the report thereof.

- (2) While setting up the Commission pursuant to Sub-rule (1), the Ministry may designate or appoint the appropriate from among the following persons as coordinator or member of the Commission:

- (a) Having at least fifteen years of experience in the civil aviation sector as pilot, flight engineer or air traffic controller,

- (b) Trained in the investigation of aircraft accident ;

- (c) Having sufficient knowledge, experience in the investigation of accident of aircraft, and specialized in the civil aviation sector, in the case of coordinator of the Commission.
- (3) Notwithstanding anything contained in Sub-rule (2), the person having relationship, direct or indirect, with the Aircraft Operator or the service provider of the aircraft in accident shall not qualify to be the member or coordinator of the commission.
- (4) The secretariat of Commission shall be located at the Ministry.
- (5) The procedure relating to meeting of the Commission shall be as decided by the Commission itself.
- (6) The term of the Commission shall be as fixed by the Government of Nepal during the course of the Commission set up.

11. Function, Duty and Power of the Commission:

The function, duty and power of the Commission shall be as follows:

- (a) To enter in and investigate the accident site and the aircraft in accident and cause to keep any part or wreckage of the aircraft intact until the investigation is completed;
- (b) To investigate or cause to investigate the aircraft or any part or equipment of aircraft or any goods onboard the aircraft, to carry out their analytical examination and to carry out the necessary works including to cause the aircraft or its part or equipment intact until the investigation is completed;
- (c) To take in custody the wreckage , other relevant goods, flight recorder and A.T.S. recorder of the aircraft in accident;

- (d) To ask the concerned person or organization to submit the necessary book, document, certificate and other articles relating to the accident and take such materials into its custody pending the investigation;
- (e) To make a person present as a witness through a written or verbal notice and to take necessary information or written statement from him;
- (f) To enter into any place relating to the accident as per the need by giving written notice;
- (g) To examine the evidence, information or document, if any received from the Chief District Officer, police or other body or person, relating to the accident and keep such evidence, information or document as evidence;
- (h) To make an arrangement for reading of flight recorder without any delay, to send the flight recorder in other country if the facility to read the flight recorder is not available in Nepal and to make arrangement for effective use of flight recorder;
- (i) To make an arrangement for medical test of crew member, flying team member, passenger or other person in accident from the qualified doctor as per the need;
- (j) To carry out the autopsy of the cockpit crew member, cabin crew member, passenger or other person died in the accident, from the competent pathologist;
- (k) To take expert help or service from International Civil Aviation Organization, regional aviation organization, concerned body or person with regards to investigation of the accident as per the need;
- (l) To inform immediately to police and National Civil Aviation Security Committee if the accident of an aircraft has

occurred due to illegal activities like hijack, destructive or terrorist activity;

- (m) To carry out the investigation works by prescribing the responsibilities of the coordinator and members of the Commission;
- (n) To carry out other works for accomplishing the investigation of the accident impartially and independently.

12. Support to be provided to the Commission:

- (1) The Commission may request the concerned person or body to provide necessary support in the investigation work of the accident.
- (2) If request has been made pursuant to Sub-rule (1), the concerned person or body shall provide their support to the Commission.
- (3) If the person or official of the body not providing the support pursuant to Sub-rule (2) is working with the public entity, the Commission may write to the concerned body to take necessary action against such person or official.
- (4) If request has been made pursuant to Sub-rule (3), the concerned body shall take departmental action against such person or official as per their law relating to their terms of service.
- (5) While taking departmental action pursuant to Rule (4), a reasonable opportunity has to be provided to submit their clarification as per the law relating to their terms of service.

13. Provision Relating to Accredited Representative:

- (1) If the State of Registry, State of the Operator, State of Design or State of Manufacturer wishes to make their representation in the investigation works of the accident

occurred within the territory of Nepal, they may appoint and send their Accredited Representative.

- (2) Notwithstanding anything contained in Sub-rule (1), if any foreign state wishes to support in the investigation work of the accident or to provide necessary information, facilities or expert in this regard, it may appoint and send its Accredited Representative.
- (3) The Accredited Representative pursuant to Sub-rule (1) and (2) shall have following right with the approval of the Commission:
 - (a) To inspect the place of accident;
 - (b) To examine the wreckage of the aircraft in accident;
 - (c) To obtain information from the witness and advice with regards to the question to be asked to the witness;
 - (d) To access on the available relevant evidence;
 - (e) To obtain the copy of the necessary document;
 - (f) To read the recorded information;
 - (g) To take part in investigation work to be carried out outside the accident site such as checking the parts, technical briefing of the accident and simulation works;
 - (h) To participate in other investigation works of the accident.
- (4) Notwithstanding anything contained in this Rule, if any citizen of a foreign state is seriously injured or died in the accident and if such state wishes to be involved in the investigation of the accident, it may appoint one expert.
- (5) The expert appointed pursuant to Sub-rule (4) shall have following right with the approval of the Commission.
 - (a) To inspect the accident site;

- (b) To obtain the relevant, factual and other information and notice.
- (6) The Accredited Representative or expert shall avail the Commission of all the relevant information received by them.
- (7) The accredited representative or expert shall not make the information public and bring it into the discussion without the approval of the Commission.
- (8) If the aircraft registered in Nepal meets an accident in the foreign country, the Government of Nepal may appoint and send its accredited representative for investigation of that accident.
- (9) The power and responsibilities of Accredited Representative appointed pursuant to Sub-rule (8) shall be as prescribed by the Government of Nepal at the time of his appointment.

14. Record to be Confidential:

- (1) Notwithstanding anything contained anywhere in this Regulation, the following records shall remain confidential except for the purpose of investigation of the accident:
 - (a) The inquiry carried out or statement taken from different person during the investigation;
 - (b) The documents relating to exchange of information that are with the person concerned with the operation of aircraft or the record so recorded;
 - (c) The medical and other personal information of the person in accident;
 - (d) The cockpit voice recording and the transcript thereof;
 - (e) The recording of Air Traffic Control Unit and transcript of such recording, flight recorder as well as the analytical statement of the information;

- (f) The cockpit image recording and any part or transcript of such recording.
- (2) No one shall publish or distribute the information obtained in course of accident investigation and the report thereof without the prior approval of the Ministry.

Provided that, there shall be no restriction to publish or distribute such information after the report of accident is made public from the Ministry.

Chapter – 4

Provision Relating to Report

15. To Submit the Preliminary Report:

- (1) After carrying out the preliminary investigation of the accident, the Commission shall submit the report thereof to the Ministry.
- (2) The report submitted by the Commission to the Ministry pursuant to Sub-rule (1) shall be sent to the following state and organization:
 - (a) State of Registry ;
 - (b) State of the Operator;
 - (c) State of Design;
 - (d) State of Manufacture;
 - (e) State providing necessary information with regards to the accident, significant facilities and expert; and
 - (f) International Civil Aviation Authority when the aircraft involved is of maximum mass of over 2250 k.g.
- (3) The preliminary report pursuant to Sub-rule (2) shall be required to be prepared in the English language and sent

through any electronic means or post office normally within thirty days from the date of accident.

- (4) Notwithstanding anything contained in Sub-rule (3), upon receiving the information that directly affects the aviation safety, such information shall be sent through the quickest means.

16. To Send the Report for Comment and Suggestion:

- (1) After completion of all investigation works relating to the accident, the Commission shall be required to prepare a report thereof and send to the following state for opinion and remark:
 - (a) State of Registry ;
 - (b) State of the Operator;
 - (c) State of Design;
 - (d) State of Manufacture;
 - (e) State involved in investigation of the accident.
- (2) If there is any opinion or remark on the report sent pursuant to Sub-rule (1), the concerned state shall be required to send their opinion or remark to the Commission within thirty days from the receipt of the report.

17. To Prepare the Final Report:

- (1) The Commission may include the opinion or remark received pursuant to Rule 16(2), partially or whole, in its report considering also the propriety thereof.
- (2) After completion of taking the opinion or remark pursuant to Rule 16, the Commission shall prepare the final report based on the collected information and submit it to the Ministry.
- (3) Notwithstanding anything contained in Sub-rule (2), there shall be no restriction to the Commission to prepare the final

report merely due to not sending of the opinion or remark by the state as per Rule 16(1) within the time mentioned in Rule 16(2).

18. To Submit the Final Report:

- (1) After receiving the final report of the accident pursuant to Rule 17, the Ministry shall send the same report through the quickest means to the country mentioned in Rule 16(1) and the state whose citizen had died or been seriously injured in the accident.
- (2) Notwithstanding anything contained in Sub-rule (1), when the aircraft involved is of maximum mass of over 5700 k.g. the Ministry shall submit the accident investigation report to the International Civil Aviation Organization.
- (3) While sending the report to the International Civil Aviation Organization, it has to be sent at the earliest and within twelve months from the date of accident to the extent possible.

19. Final Report to be made Public:

After receiving the final report of investigation of the accident, the Ministry shall make public the matters contained in report excluding the matter that must be kept confidential as per the prevailing laws.

20. Not to be accepted as Evidence:

The report of the Commission shall not be accepted as evidence in any court proceedings.

21. To cause to be Implemented:

- (1) If the Commission has made any recommendation to consolidate the flight safety during investigation or through

final report, it shall be the duty of the concerned body to implement such recommendation.

- (2) If the accident of an aircraft registered in Nepal has occurred outside Nepal and if the Commission for investigation of accident set up by that country has made recommendation to consolidate flight safety, the concerned body shall implement such recommendation at the earliest and report thereof to the concerned state.
- (3) If the recommendation made pursuant to Sub-rule (1) and (2) could not be implemented, the concerned body shall be required to inform the same to the Ministry stating the reason thereof.

Chapter – 5

Miscellaneous

22. Investigation of Serious Incident or Incident may be carried out:

- (1) Notwithstanding anything contained anywhere in this Regulation, the Ministry may carry out the investigation of serious incident of aircraft occurred within the territory of Nepal.

Provided that this will not limit the Director General to designate the technical team and get the preliminary technical report.

Clarification: for the purpose of this clause, "Serious Incident" means an incident involving circumstances indicating that an accident nearly occurred.

- (2) If the Director General receives the report pursuant to Sub-rule (1), a copy thereof has to be submitted to the Ministry.

- (3) Notwithstanding anything contained anywhere in this Regulation, the Director General may carry out the investigation of incident occurred with the territory of Nepal.

Clarification: for the purpose of this clause, "Incident" means the situation other than the accident which affects or could affect the flight safety of aircraft operation.

23. Re-investigation may be carried out:

If any new or important evidence is found after the formal completion of investigation works of the accident formally and if there would be material change regarding facts in the accident investigation report, the Government of Nepal may carry out the re-investigation of that accident under this Regulation.

24. To Implement the Accident Information System:

- (1) The Authority shall develop the accident information system and implement it to make the flight safety effective within the territory of Nepal.
- (2) The Authority may develop the voluntary and mandatory accident information system and implement it with the objective to collect the information that does not fall under the accident information system but affects to the flight safety.
- (3) The Authority may establish the accident statistics system to maintain aviation safety and to make aware all concerned of the aviation safety, and also to help prevent the accident likely to occur in future.
- (4) The Authority shall provide the statistics pursuant Sub-rule (3) to the Ministry as well.
- (5) The name of informant providing information for the statistic system pursuant to Sub-rule (3) shall be kept confidential, if such informant does not wish to disclose his name.

25. Cost of Investigation of Accident:

The cost of investigation of accident or serious incident shall be provided by the Government of Nepal.

26. May Carry out through the Authority:

Any work to be carried out by the Government of Nepal or the Ministry under this Regulation may be carried out through the Authority as per the necessity.

27. To be as per the Annex and Manual:

The provisions regarding investigation of any accident, serious incident and incident shall be as provided in this Regulation to the extent mentioned herein and the provisions which are not contained in this Regulation shall be as per the Annex and Manual issued by the International Civil Aviation Organization.

28. Procedure may be framed:

The Ministry may frame the necessary procedures for effective implementation of the Civil Aviation Act, 2015 (1959 AD) and this Regulation.

29. Repeal and Saving:

(1) Civil Aviation (Investigation of Accident) Rules, 2024 have been repealed.

(2) The works performed pursuant to the Civil Aviation (Investigation of Accident) Rules, 2024 shall be deemed to have been done under this Regulation.