



Tuvalu

**TUVALU CIVIL AVIATION RULE PART 5 -
ACCIDENTS, INCIDENTS AND
STATISTICS**



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TUVALU CIVIL AVIATION RULE PART 5 - ACCIDENTS, INCIDENTS AND STATISTICS

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SUBPART B — NOTIFICATION, INVESTIGATION, AND REPORTING, OF ACCIDENTS AND SERIOUS INCIDENTS

5.2 Notification

- (1) Each person who operates, maintains, services, or does any other act in respect of an aircraft, aeronautical product, or aviation related service who is involved in an accident, serious incident or an immediate hazard to the safety of an aircraft operation must notify the Director of the incident as soon as practicable.
- (2) The information required shall be submitted on the applicable incident reporting form.

5.3 Investigation and reporting

- (1) Each person who submits a notification of an accident or incident under Rule 5.2 must, unless otherwise notified by the Director –
 - (a) conduct an investigation to identify the facts relating to its involvement in the incident and establish, so far as those facts allow, the cause or causes of the incident; and
 - (b) on completion of the investigation, submit a report of the investigation to the Director no later than 90 days after the incident; and
 - (c) advise the Director of any actions taken to prevent recurrence of a similar incident.

5.4 Confidentiality of persons submitting information

- (1) The Director shall, when confidentiality is requested by any person submitting information under 12.2 or 12.3 –
 - (a) as soon as practicable, remove any information that might reveal the identity of the source; and
 - (b) make any other record of the information removed under subparagraph (a).

5.5 Non-prosecution

- (1) The Director shall not use or make available for the purpose of prosecution investigation or for prosecution action any information submitted to it by a person under this Part unless –
 - (a) the information reveals an act or omission that caused unnecessary danger to any other person or to any property; or
 - (b) false information is submitted; or
 - (c) the Director is obliged to release the information pursuant to a statutory requirement or by order of a Court.

SUBPART C - PRESERVATION OF AIRCRAFT, ITS CONTENTS, AND RECORDS

5.6 Access to aircraft involved in an accident

- (1) Except as provided in the Act no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorised to do so by the Director.
- (2) Subject to the limitations contained in the Act, the Director may, for the purpose of its investigation, access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.
- (3) A person may, subject to paragraph (4) –
 - (a) remove persons or livestock from the aircraft or wreckage; or
 - (b) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or
 - (c) disconnect or deactivate any cockpit voice recorder, flight data recorder, or emergency location transmitter; or
 - (d) prevent obstruction to the public or to air navigation where no practical alternative is available.
- (4) Any aircraft wreckage, mail, or cargo removed under paragraph (c) shall –
 - (a) be moved only so far as necessary to ensure its safety; and
 - (b) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and
 - (c) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.

5.7 Preservation of records and Retention of defective products

- (1) The person who submitted a notification of an accident or incident must preserve for at least 90 days after the serious incident or accident unless otherwise notified by the Director –
 - (a) All records, including all recording media log entries, electronic recordings, technical and other relevant data relating to the incident or accident maintained for the operation and maintenance of the aircraft; and
 - (b) All defective product or components relevant to the incident or accident.

SUBPART D — STATISTICS

5.8 Aircraft operating statistics

- (1) An operator of an aircraft operating in Tuvalu must submit the following statistical data and information for each aircraft on a quarterly basis to the Director on the applicable form by the due date in Table 2 –
 - (a) The aircraft registration marking; and
 - (b) Hours flown (airtime basis); and
 - (c) The number of flights flown; and
 - (d) The number of passengers on each flight; and
 - (e) The total weight of freight carried on each flight; and
- (2) To avoid doubt, an operator of an aircraft that has not flown during the reporting period specified must continue to submit aircraft operating statistics for that aircraft.

Table 2 – Reporting periods for statistical data collection

Report	Period Covered	Due Date
1st Quarter	1 Jan through 31 Mar	1 May
2nd Quarter	1 Apr through 30 Jun	1 Aug
3rd Quarter	1 Jul through 30 Sep	1 Nov
4th Quarter	1 Oct through 31 Dec	1 Feb

5.9 Confidentiality of statistical reports

- (1) The Director or any person employed by the Director shall not communicate to any person outside the Director any information provided in statistical reports that identifies any individual aircraft operator except –
 - (a) with the consent of the aircraft operator; or
 - (b) in accordance with Article 67 of the Convention; or
 - (c) pursuant to a statutory requirement.
- (2) The Director may provide to the Council of the International Civil Aviation Organisation statistics that relate to international air transport operations.

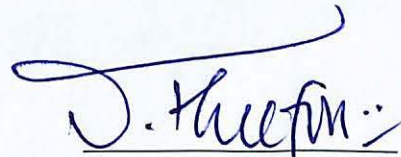
Made under my hand this 25th day of February, 2022.



HON. NIELU MAISAKE

Minister for Transport, Energy and Tourism

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Secretary to Government