LEGAL NOTICE NO..…….

THE CIVIL AVIATION ACT
(Cap. 394)

THE CIVIL AVIATION (AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION) REGULATIONS, 2024

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THE CIVIL AVIATION ACT
(Cap. 394)

IN EXERCISE of powers conferred by section 82 of the Civil Aviation Act, the Cabinet Secretary for Roads and Transport makes the following Regulations—

THE CIVIL AVIATION (AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION) REGULATIONS, 2024

	PART I—PRELIMINARY
Citation.	**1.** These Regulations may be cited as the Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, 2024.
Interpretation.	**2.** In these Regulations, unless the context otherwise requires— "accident" means 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 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 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— (i) being in the aircraft; (ii) being in direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or (iii) direct exposure to jet blast, 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 adversely affects the structural strength, performance or flight characteristics of the aircraft, which 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

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	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: Provided that, an aircraft shall be deemed to be missing when the official search has been terminated and the wreckage has not been located; "Aircraft Accident Investigation Department" means the Aircraft Accident Investigation Department designated by Kenya with authority and responsibility for aircraft accident and incident investigation within the context of Annex 13; "accredited representative" means a gazetted aircraft accident investigator designated by the Aircraft Accident Investigation Department, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State; "Act" means the Civil Aviation Act;
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	"adviser" means a person appointed by the Aircraft Accident Investigation Department, on the basis of his or her qualifications, to assist the accredited representative in an investigation; "aircraft" means any machine that can derive support in the atmosphere from the reactions of the air, other than reactions of the air against the earth's surface, and includes all flying machines, aeroplanes, gliders, seaplanes, rotorcrafts, airships, balloons, gyroplanes, helicopters, ornithopters, unmanned aircraft systems and other similar machines; "air traffic control units" means area control centre, approach control unit, or aerodrome control tower; "Air Traffic Service" means air traffic services and includes flight information service, alerting service, air traffic advisory service, air traffic control service, area control service, approach control service and aerodrome control service;

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	"airport operator" means a person, organization or enterprise engaged in the operation of an airport; "Annex 13" means the Annex to the Convention on International Civil Aviation that contains the International Standards and Recommended Practices related to Aircraft Accident and Incident Investigation; "causes" means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident and the identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability; "Chief Investigator" means a person appointed by the Cabinet Secretary to be responsible for the aircraft accident and incident investigations within the meaning of the Act; "Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to aircraft accident investigation; "Contracting State" means any State which is a party to the Convention on International Civil Aviation (Chicago Convention, 1944); "Chicago Convention" means the Convention on the International Civil Aviation concluded at Chicago on the 7th December 1944; "contributing factors" means 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 and the identification of contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability; "crew member" means a person assigned by an air operator to duty on an aircraft during a flight duty period; "C2 link" The data link between the remote piloted aircraft and the remote pilot station for the purposes of managing the flight;

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	"dangerous goods" means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Instructions; "dangerous goods accident" means an occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage; "dangerous goods incident" means an occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the transport of dangerous goods which seriously jeopardizes the aircraft, or its occupants is also deemed to constitute a dangerous goods incident; "document" means any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic, film, sound recording, video tape, electronic files and data, and any copy thereof; "draft final report" means a draft investigation report that is sent in confidence to departments in Kenya, States, and organizations involved in the investigation, inviting their significant and substantiated comments on the report; "final report" means a conclusive report on investigation into an aircraft accident or incident issued by the Aircraft Accident Investigation Department and includes the pertinent factual information, analysis, conclusions and, when appropriate, associated safety recommendations, and this report is made with the intention of preventing accidents or incidents and in no case has the purpose of creating a presumption of blame or liability; "flight recorder" means any type of recorder installed in the aircraft for the purpose of complementing accident and incident investigation; "ICAO" means International Civil Aviation Organization;

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	"incident" means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation; "investigator" means an investigator of accidents appointed under the Act; "investigation" means 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 or contributing factors and, when appropriate, the making of safety recommendations; "Investigator-In-Charge" means a person charged, on the basis of his or her qualifications and experience, with the responsibility for the organization, conduct and control of an investigation; "interim report" means a report released periodically in the course of an investigation, detailing established factual information, safety issues raised and indicating the progress of the investigation; "Kenya aircraft" means an aircraft that is registered in Kenya; "Kenya operator" means an operator whose principal place of business is located in or permanent residence is in Kenya; "maximum mass" means maximum certificated take-off mass; "Non-Contracting State" means any State which is not a party to the Chicago Convention; "observer" means a representative of another State who is authorized by the Aircraft Accident Investigation Department to attend an investigation as an observer, or an investigator authorized to attend an investigation being conducted by another State as an observer; "occurrence" means any accident or incident associated with the operation of an aircraft;

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	"operator" means a person, organization or enterprise engaged in or offering to engage in an aircraft operation or operations of remotely piloted aircraft: in the context of remotely piloted aircraft, an aircraft operation refers to the operation of remotely piloted aircraft system; "owner" in relation to an aircraft which is registered, means the registered owner of the aircraft, and in the case of an aircraft which is not registered, means the person who has effective control of the aircraft; "participant" means a person authorized by the Aircraft Accident Investigation Department to participate in an investigation being conducted by the Aircraft Accident Investigation Department because in the opinion of the Aircraft Accident Investigation Department that person has the expertise to contribute to achieving the Aircraft Accident Investigation Department's mandate; "pilot-in-command" means the pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight; "preliminary report" means the communication used for the prompt dissemination of data obtained during the early stages of the investigation; "remote pilot station (RPA)" means the component of the remotely piloted aircraft system containing the equipment used to pilot the remotely piloted aircraft; "remotely piloted aircraft system (RPAS)" means a remotely piloted aircraft, its associated remote pilot station(s), the required C2 Link(s) and any other components as specified in the type design; "safety recommendation" means a proposal of the Aircraft Accident Investigation Department, based on information derived from an investigation or other sources, 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; "safety recommendation of global concern" means a safety recommendation made to a State civil aviation authority, to a regional certification authority, or to ICAO regarding a systemic deficiency having

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	a probability of recurrence with potential for significant consequences at a global level, and requiring timely action to improve safety; "serious incident" means 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; "serious injury" means 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 sustained; (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; (d) involves injury to any internal organ; (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" means a Member State of the International Civil Aviation Organization (ICAO); "State aircraft" means aircraft used in military, customs and police services of Kenya or of any other State or any other civil registered aircraft at the time performing a State function and fully converted to offer services to heads of State, military service, customs or police services or any other State;

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	"State of Design" means the State having jurisdiction over the organization responsible for the type design; "State of Manufacture" means the State having jurisdiction over the organization responsible for the final assembly of the aircraft, remote pilot station, engine or propeller; "State of Occurrence" means the State in the territory of which an accident or incident occurs; "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; "State of Registry" means the State on whose register the aircraft is entered; "State Safety Programme (SSP)" means an integrated set of regulations and activities aimed at improving safety; "statement" means the whole or any part of an oral, written or recorded statement relating to an aircraft accident or incident given by the author of the statement to the Aircraft Accident Investigation Department; and "Tribunal" means the National Civil Aviation Administrative Review Tribunal established under section 66 of the Act.
Application.	**3.** (1) These Regulations shall apply to activities following accidents and serious incidents in Kenya involving; (a) Manned aircraft; or (b) Remotely Piloted Aircraft (RPA), arising out of or in the course of air navigation which occur to any civil aircraft in or over Kenya, or elsewhere to aircraft registered in Kenya. (2) In these Regulations the specifications concerning the State of the Operator shall 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 these Regulations, in part or in whole, the functions and obligations of the State of Registry.

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	PART II—INVESTIGATIONS
Objective of investigation.	**4.** (1) The sole objective of the investigation of an accident or incident under these Regulations shall be the prevention of accidents and incidents. (2) Subject to sub-regulation (1), the purpose of such an investigation shall not be to apportion blame or liability.
Independence of investigation.	**5.** There is an established Aircraft Accident Investigation Department that is independent from the Authority and any other entity that could interfere with the conduct or objectivity of an investigation.
Investigation and procedures.	**6.** (1) Subject to regulation 4 Kenya shall ensure that any investigations conducted under these Regulations have unrestricted access to all evidential material without delay. (2) An investigation shall include — (a) the gathering, recording and analysis of all relevant information and evidence on the accident or incident; (b) if appropriate, the issuance of safety recommendations; (c) if possible, the determination of the causes or contributing factors; (d) in the case of an accident or serious incident, the compilation of the final report; and (e) the protection of certain accident and incident investigation records. (3) The format of the final report shall be as specified in the First Schedule to these Regulations, provided that it may be adapted to the circumstances of the accident or incident. (4) Where feasible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses. (5) The extent of the investigation and the procedure to be followed in carrying out such an investigation shall be determined by the Aircraft Accident Investigation Department depending on the lessons it expects to draw from the investigations for the improvement of safety.

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Manual on policies and procedures.	**7.** (1) The Aircraft Accident Investigation Department shall develop a manual on policies and procedures detailing its accident investigation duties. (2) The manual shall contain information and instructions necessary to enable the investigators to perform their duties including, organization and planning, investigation and reporting. (3) The manual shall establish policies outlining the types of aircraft accidents or incidents to be investigated by the Aircraft Accident Investigation Department.
Protection of Evidence, custody and removal of aircraft.	**8.** (1) The Aircraft Accident Investigation Department shall 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. (2) Any person who may be in possession of any item which may constitute evidence for purpose of an investigation under these Regulations shall hold and preserve the same and shall promptly hand them over to the Aircraft Accident Investigation Department. (3) Protection of evidence shall include the preservation, by photographic or other means of any evidence which might otherwise be removed, effaced, lost or destroyed. (4) Subject to sub-regulation (1) safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration. (5) The Aircraft Accident Investigation Department, Air Traffic Services, airport operator and the owner, operator or hirer of an aircraft involved in an accident or incident shall retain and not interfere with all records, documents, reports, memoranda and other information pertaining to the aircraft pending collection and review by the Investigator-In-Charge or until authorized otherwise by the Investigator-In-Charge. (6) 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

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	inspection by an accredited representative of the requesting State, the Aircraft Accident Investigation Department shall 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.
Delegation of power by the chief investigator.	**9.** (1) The Chief Investigator may delegate any of his powers, obligations and responsibilities under these Regulations to the Deputy Chief Investigator, the Investigator-In-Charge or to any other investigator. (2) The Chief Investigator shall appoint an Investigator-In-Charge for the organization, conduct and control of an investigation into a specific accident or serious incident.
Obligation to investigate.	**10.** (1) Subject to regulation (6), the Aircraft Accident Investigation Department shall institute an investigation into an accident or serious incident and be responsible for its conduct in the following circumstances— (a) where the accident or serious incident occurs in Kenya; (b) where the accident or serious incident occurs in any Non-Contracting State which does not intend to carry out an investigation in accordance with Annex 13 and involves a Kenya aircraft or an aircraft operated by a Kenya operatoror aircraft designed or manufactured in Kenya: Provided that the Aircraft Accident Investigation Department shall endeavor to institute and conduct the investigation in cooperation with the State of Occurrence, but failing such cooperation should itself conduct an investigation with such information as is available; (c) where the accident or serious incident involves a Kenya aircraft or an aircraft operated by a Kenya operator and the investigation has

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	been delegated to Kenya by another Contracting State by mutual arrangement and consent; (d) where the accident or serious incident occurs in a location which cannot be definitely established as being in the territory of any State and involves a Kenya aircraft; (e) where the State of Occurrence does not institute and conduct an investigation and does not delegate the investigation to another State or to a regional accident and incident investigation organization, and Kenya is the State of Registry or the State of the Operator, the Aircraft Accident Investigation Department is entitled to request, in writing, the State of Occurrence to delegate the conducting of such investigation; (f) Subject to sub-regulation (1)(e), provided that if the State of occurrence gives express consent or does not reply to such a request within 30 days, Kenya shall institute and conduct the investigation with such information as is available. (2) In the event of an accident or serious incident involving a civilian aircraft and a military or State aircraft, investigation shall be conducted in accordance with the provisions of these Regulations, with the military or the State being a party to the investigation. (3) The Chief Investigator may when he expects to draw air safety lessons from it, cause an investigation to be carried out into an incident which occurs — (a) in Kenya; or (b) outside Kenya involving a Kenya aircraft or an aircraft operated by a Kenya operator. (4) The Chief Investigator may designate himself or herself or any other investigator as the Investigator-In-Charge for the purpose of carrying out the investigations referred to in sub-regulation (1) or (2). (5) The Chief Investigator may, in consultation with the Investigator-In-Charge, appoint any person as an adviser to assist in carrying out an investigation under these Regulations.

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	(6) In any case where the Chief Investigator is of the view that more than one investigator is needed to effectively carry out an investigation, he or she may appoint more investigators, one of whom shall be designated Deputy Investigator-In-Charge, to assist the Investigator-In-Charge. (7) The Aircraft Accident Investigation Department may delegate the whole of an investigation into an accident or serious incident to another State or to a regional accident and incident investigation organization by the formal agreement and such State or Regional Accident Investigation Organization shall be responsible for the conduct of the investigation, including the issuance of the final report and the ADREP reporting. (8) Where the Aircraft Accident Investigation Department delegates any part of an investigation into an accident or serious incident to another State or to a regional accident and incident investigation organization, by mutual arrangement and consent the Aircraft Accident Investigation Department shall be responsible for the conduct of the investigation, including the issuance of the final report and the ADREP reporting. (9) Where the Chief Investigator believes that it would be desirable for public notice to be given that an investigation is taking place, he or she may do so in such manner as he or she may deem fit. 10) The notice referred to in sub-regulation (8) may, if the Chief Investigator thinks it appropriate, state that any person who desires to make representations concerning the circumstances or causes of the accident or incident may do so orally or in writing within a time to be specified in the notice. (11) Where Kenya is the State nearest to the scene of an accident in international waters, the Aircraft Accident Investigation Department shall, in collaboration with other authorities, provide such assistance as it may be able and shall, likewise, respond to requests by the State of Registry. (12) Where the State of Registry is a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13 and Kenya is the State of the Operator or, the State of Design or the State of Manufacture, Aircraft Accident Investigation Department shall endeavour to institute and conduct the investigation:

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	(13) The Aircraft Accident Investigation Department may institute an investigation involving unmanned aircraft where an accident or serious incident occurs in Kenya and be responsible for its conduct.
Notification and reporting of accidents and incidents.	**11.** (1) Where an accident or a serious incident occurs— (a) in Kenya; or (b) outside Kenya which involves a Kenya aircraft or an aircraft operated by a Kenya operator, the relevant person shall, as soon as practicable after he becomes aware of the accident or serious incident notify any of the following by the quickest means of communication available— (i) Chief Investigator; (ii) the nearest Air Traffic Service. (2) The relevant person shall, not later than twenty-four hours after becoming aware of the accident or serious incident, send a written notification in plain language to the Chief Investigator. (3) Subject to sub-regulation (2), the notification shall contain as much of the information as provided for in the Second Schedule, as is readily available, but its dispatch shall not be delayed due to the lack of complete information. (4) Where an incident, other than a serious incident, occurs — (a) in Kenya; or (b) outside Kenya which involves a Kenya aircraft or an aircraft operated by a Kenya operator, the relevant person or hirer of the aircraft shall send to the Chief Investigator such information as is in his possession or control with respect to the incident. (5) Flight crew members or operator of an aircraft involved in an accident or incident shall file an accident or incident report with the Aircraft Accident Investigation Department in a format to be prescribed by the Chief Investigator within ten days of the occurrence or within thirty days for an overdue aircraft that is still missing. (6) The reportable occurrences referred to in sub-regulation (5) shall be as provided for in the Third Schedule of the Regulations;

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	(7) Each flight crew member involved in an accident or incident shall, if physically able and whenever the circumstances of the occurrence allow, submit a written statement of events of the accident or incident to the Investigator-In-Charge within seventy-two hours after the occurrence. (8) Where a crew member is not physically able to submit the written statement referred to in sub-regulation (7) or the circumstances of the occurrence do not allow for the submission of the statement within the stipulated timeline, the crew member shall submit the statement as soon as practicable. (9) The Chief Investigator shall develop appropriate forms for notification and reporting of accidents and incidents by the relevant person referred to in sub-regulations (1), (2), (3) and (4), which shall include the following information— (a) the pilot-in-command, operator, owner or any crew member of the aircraft at the time of the accident or serious incident; (b) where the accident or serious incident occurs on or adjacent to an aerodrome in Kenya, the owner or operator of the aerodrome; or (c) the air traffic controller having knowledge of an accident or incident. (10) In the event Kenya is the State of Occurrence, the Aircraft Accident Investigation Department shall forward a notification of an accident, a serious incident, or an incident to be investigated with a minimum of delay and by the most suitable and quickest means available to— (a) the State of Registry; (b) the State of the Operator; (c) the State of Design; (d) the State of Manufacture; and (e) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2250 kg or is a turbojet-powered aeroplane.
Action to be taken on receipt of notification.	**12.** (1) Where an accident or serious incident involving a civil aircraft occurs in Kenya or occurs to a Kenya aircraft in a Non-Contracting State which does not intend to carry out the investigation in accordance with Annex 13 or occurs outside the territory of any State and involving a Kenya registered aircraft, the Aircraft Accident Investigation Department shall—

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	(a) with a minimum of delay and by the most suitable and quickest means of communication available, forward a notification of the accident or serious incident containing the information referred to in the Second Schedule as may be available— (i) to a Contracting State(s) having direct interest in the accident or incident, including the State of Registry, the State of the Operator, the State of Design or the State of Manufacture; (ii) if the aircraft is of a maximum mass of more than 2,250 kg or is a turbojet-powered aeroplane, to the International Civil Aviation Organisation; (iii) to any concerned department; (iv) to any involved air operator, operators of airports and air traffic control units, and aircraft manufacturer; and (v) to any other local authorities and organizations that could assist the Aircraft Accident Investigation Department in its investigation: Provided that where Kenya is the State of Registry or State of Operator and the State of Occurrence is not aware of a serious incident, the Aircraft Accident Investigation Department shall forward a notification of such an incident to the State of Design, the State of Manufacture and the State of Occurrence. (b) inform the entities referred to in paragraph (a)(i), (ii) and (iii) either in the communication forwarding the notification or as soon as practicable— (i) as to whether the Aircraft Accident Investigation Department will conduct an investigation; (ii) the type and scope of the investigation that will be conducted; (iii) if the investigation is proposed to be delegated to another Contracting State; and (iv) as to the means by which the Chief Investigator and the Investigator-In-Charge may be contacted; (c) as soon as it is practicable to do so, provide the entities referred to in paragraph (a), (i), (ii) and (iii) with any other information referred to in the Second Schedule which becomes subsequently available to

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	Aircraft Accident Investigation Department and any other known relevant information pertaining to the accident or serious incident. (2) The notification referred to in sub-regulation (1) shall be prepared in English: Provided that the Aircraft Accident Investigation Department may prepare the notification in other working languages of ICAO, taking into account the language of the recipient(s), whenever it is possible to do so without causing undue delay. (3) Upon receipt of a notification of an accident or a serious incident which occurs outside Kenya involving a Kenya aircraft or an aircraft operated by a Kenya operator, or an aircraft designed or manufactured in Kenya, the Aircraft Accident Investigation Department shall— (a) acknowledge receipt of the notification; (b) provide the State of Occurrence with the following information with the least possible delay— (i) any relevant information regarding the aircraft and flight crew involved in the accident or serious incident; and (ii) if Kenya is the State of the Operator, provide the State of Registry with details of any dangerous goods on board the aircraft with a minimum delay and by the most suitable and quickest means available; (c) inform the State referred to in paragraph (b)— (i) whether the Aircraft Accident Investigation Department intends to appoint or has appointed an accredited representative; and (ii) if such an accredited representative has been appointed and may be travelling to the State of Occurrence, the contact details and the expected date of arrival. (4) Where Kenya is the State of the Operator or the State of Design or the State of Manufacture, the Aircraft Accident Investigation Department shall upon receipt of the notification and upon request—

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	(a) provide the State of Registry with any relevant information available to the Aircraft Accident Investigation Department regarding the flight crew and the aircraft involved in the accident or serious incident; (b) 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.
Parties to the investigation.	**13.** (1) The Investigator-In-Charge shall designate parties to participate in the investigation. (2) The Parties shall be limited to those persons, government agencies, companies, and associations whose employees, functions, activities, or products were involved in the accident or incident and who can provide suitable qualified technical personnel to actively assist in the investigation. (3) Other than the Aircraft Accident Investigation Department, no other entity shall have the right to participate in the investigation, save as provided under regulation 7(2). (4) The participants shall be under the direction of the Investigator-In-Charge through their respective party representatives and party coordinators and a party may lose party status if they do not comply with their assigned duties and activity proscription or instructions or if they conduct themselves in a manner prejudicial to the investigation.
Accredited representatives, advisers, experts from contracting states.	**14.** (1) Where an investigation into an accident or a serious incident is being carried out by an Investigator-In-Charge under these Regulations, each of the following States that is a Contracting State shall be invited to appoint an accredited representative to participate in the investigation and one or more advisers, to assist the accredited representative— (a) the State of Registry; (b) the State of the Operator; (c) the State of Manufacture; (d) the State of Design;

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	(e) a State which has provided information, facilities, equipment or experts to the Investigator-In-Charge in connection with the investigation. (2) An accredited representative shall participate in all aspects of an investigation under the control of the Investigator-In-Charge and shall be entitled, in particular, to— (a) visit the scene of the accident; (b) examine the wreckage; (c) obtain witness information and suggest areas for questioning witnesses; (d) have full access to all relevant evidence as soon as possible; (e) receive copies of all pertinent documents, including reports on the examination of components or studies performed during the investigation; (f) participate in readouts of recorded media; (g) participate in off-scene investigative activities including 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; (i) make submissions in respect of various aspects of the investigation; and (j) any other entitlement as may be granted by the Aircraft Accident Investigation Department. (3) Notwithstanding sub-regulation (2), participation of the accredited representative of a Contracting State referred to in sub-regulation 1 (e) may be limited to those matters in respect of which that State has provided information, facilities or experts to the Investigator-In-Charge in connection with the investigation. (4) A Contracting State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall, upon request to the Investigator-In-Charge, be entitled to appoint an expert who shall be entitled to— (a) visit the scene of the accident; (b) have access to the relevant factual information which is approved for public release by the State conducting the

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	investigation, and information on the progress of the investigation; (c) participate in the identification of victims; (d) assist in questioning surviving passengers who are citizens of the expert's State; and (e) receive a copy of the final report. (5) An adviser assisting an accredited representative shall participate in the investigation under the accredited representative's supervision and to the extent necessary to make the accredited representative's participation effective. (6) The accredited representative, his or her adviser and the expert appointed under sub-regulation (4) shall— (a) provide the Investigator-In-Charge with all relevant information available to them; and (b) not disclose any information on the progress and findings of the investigation without the express consent in writing of the Investigator-In-Charge. (7) The provisions of sub-regulation (6) shall not preclude accredited representative(s) from reporting to their respective State(s) in order to facilitate appropriate safety actions. (8) Where Kenya is the State conducting the investigation and other states participating in the investigation have appointed accredited representative(s) or adviser(s) who intend to travel to Kenya, the Aircraft Accident Investigation Department shall endeavour to facilitate their entry as well as their equipment with a minimum of delay. (9) Where neither the State of Design nor the State of Manufacture has appointed an accredited representative, the Aircraft Accident Investigation Department shall invite the organizations responsible for the type design and the final assembly of the aircraft to participate, subject to the provisions of these Regulations and procedures. (10) Where Kenya is the State of Operator, State of Registry, State of Design, or State of Manufacture (for aircraft, power plant and major components) and is specifically requested by the State conducting the

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	investigation to appoint an accredited representative to participate in an investigation involving an aircraft of maximum weight of over 2250kg, the Aircraft Accident Investigation Department shall appoint such an accredited representative. (11) Where Kenya is the State conducting the investigation, the Aircraft Accident Investigation Department may, if necessary, request the State of Design and the State of Manufacture to assist in the investigation of accidents or serious incidents.
Observers and participants.	**15.** (1) A representative of a State or an air accident investigation authority from a State other than the States specified in regulation 12(1) may, on request and with written permission of the Investigator-In-Charge, participate in an investigation as an observer. (2) The Chief Investigator may appoint investigators as observers in major accident investigations conducted by other Contracting States, where in his opinion, the investigators will gain relevant experience to handle such investigations if they occur in Kenya. (3) Subject to any conditions that the Aircraft Accident Investigation Department may impose, a person may, upon written request, participate as an observer in an investigation conducted by the Aircraft Accident Investigation Department if the person is designated as an observer by a concerned department of Kenya having a direct interest in the subject matter of the investigation. (4) Subject to any conditions that the Aircraft Accident Investigation Department may impose, a person may attend as a participant in an investigation conducted by the Aircraft Accident Investigation Department if in the opinion of the Aircraft Accident Investigation Department, that person has the expertise to contribute to achieving Aircraft Accident Investigation Department's mandate. (5) The Aircraft Accident Investigation Department may remove or ask to have removed an observer or a participant from an investigation— (a) if that person contravenes a condition imposed by the Aircraft Accident Investigation Department on the person's presence; or

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	(b) if, in the Aircraft Accident Investigation Department's opinion, the person has a conflict of interest that impedes the conduct of the investigation. (6) Where a person referred to in sub-regulations (1), (3) and (4) participates as an observer or a participant in an investigation of an occurrence conducted by the Aircraft Accident Investigation Department, the person may, subject to the conditions and limitations imposed by the Aircraft Accident Investigation Department, and under the supervision of an Investigator-In-Charge— (a) visit the occurrence site(s); (b) examine the aircraft and its component parts and contents involved in the occurrence; (c) unless otherwise prohibited by law, examine any document as defined in regulation 2 of these Regulations, and any other relevant evidence, relating to— (i) the aviation activity during which the occurrence took place; (ii) the crew members involved in the occurrence, and (iii) the aircraft, its component parts and contents; (d) attend laboratory tests or analyses. (7) The rights and entitlements granted to an observer or participant in sub-regulation (6) shall not, unless otherwise authorized by the Chief Investigator, include attendance at an interview of a witness during an investigation.
Appointment of accredited representatives, advisers and experts by aircraft accident investigation department.	**16.** (1) The Aircraft Accident Investigation Department shall appoint an accredited representative to participate in the investigation into an accident or incident which occurs in another Contracting State and one or more advisers to assist the accredited representative where Kenya— (a) is the State of Registry, State of the Operator, State of Manufacture or State of Design of the aircraft involved in the accident or incident; or (b) has, at the request of the Contracting State conducting the investigation, provided information, facilities or experts to the State in connection with the investigation.

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	(2) The Aircraft Accident Investigation Department may engage, on a temporary basis, the services of person(s) having technical or specialized knowledge to assist the Aircraft Accident Investigation Department in the investigation of an accident or serious incident which occurs in Kenya or in the territory of another State where Kenya has a special interest in the accident or serious incident by virtue of fatalities or injuries to citizens of Kenya. (3) The accredited representative and, to the extent specified by the Chief Investigator, an adviser appointed by the Aircraft Accident Investigation Department under sub-regulation (1) may, for the purposes of the investigation in which they are participating, under the control of the Investigator-In-Charge exercise all or any of the rights and powers of the Investigator-In-Charge specified in sub-regulation (2). (4) Technical experts appointed by the Aircraft Accident Investigation Department may also be appointed as advisers to the Accredited Representative. (5) Where Kenya is the State of Registry or the State of the Operator, the Aircraft Accident Investigation Department shall appoint one or more advisers, proposed by the operator, to assist its Accredited Representative. (6) Where Kenya is the State conducting the investigation and neither the State of Registry nor the State of the Operator has appointed an Accredited Representative, the Aircraft Accident Investigation Department shall invite the operator to participate in the investigation, subject to the provisions of these Regulations and procedures. (7) Where Kenya is the State of Design or the State of Manufacture, the Aircraft Accident Investigation Department shall appoint one or more advisers, proposed by the organizations responsible for the type design and the final assembly of the aircraft, to assist the accredited representative(s) appointed under sub-regulation (1)(a).
Powers of investigators and advisers.	**17.** (1) Where the whole or any part of the investigation is carried out in Kenya an Investigator-In-Charge shall have the access rights, powers and unrestricted control over all relevant material and information as specified in sub-regulations (2) and (3) to carry out an investigation into an accident or incident in the most efficient way and within the shortest

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	period possible and to ensure that a detailed examination can be made without delay by authorized personnel participating in the investigation. (2) The Investigator-In-Charge shall have— (a) free and unhindered access to the site of the accident or incident as well as to the aircraft, its contents or its wreckage; (b) powers to secure and preserve the accident site; (c) access to the results of examination of the bodies of victims or tests made on samples taken from the bodies of the victims; (d) immediate and unrestricted access to and use of the contents of the flight recorders, Air Traffic Service records and any other recordings; (e) access to the results of examination of the bodies of victims or tests made on samples taken from the bodies of the victims; (f) immediate access to the results of examinations of the persons involved in the operation of the aircraft or tests made on samples taken from such persons; and (g) free access to any relevant information or records held by the owner, the operator, the operator's maintenance contractors and sub-contractors, the hirer, the designer or the manufacturer of the aircraft and by the authorities for civil aviation or airport operation or Air Traffic Service. (3) The Investigator-In-Charge may— (a) by summons under his or her hand or by other appropriate means— (i) call before him or her and examine any person(s) as he deems appropriate; (ii) require such person(s) to answer any question or furnish any information or produce any

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	books, papers, documents and articles which he may consider relevant; and (iii) retain any such books, papers, documents and articles until the completion of the investigation; (b) require the protection and preservation of— (i) the aircraft accident or incident site(s); (ii) the aircraft and any parts thereof, and; (iii) all records and documents associated with the occurrence; (iv) prohibit or limit access to the area immediately surrounding the place at which anything involved or likely to have been involved in an accident or incident is located for such period as is necessary for the purposes of preserving and protecting evidence. (c) require the provision and to make copies of any documents that he may consider relevant to the accident or incident; (d) retain any such documents until the completion of the investigation, or as the case may be, it is determined that an investigation shall not be carried out; (e) take statements from all such persons as he deems fit and require each of such persons to make and sign a declaration of the truth of the statement made by him; (f) on production, if required, of his credentials, enter and search any place, building or aircraft where he believes on reasonable grounds that there is anything relevant to the conduct of an investigation of an accident or incident, and to seize anything relevant that is found in the course of that search; (g) on production, if required, of his credentials, remove, test, take measures for the preservation of or otherwise deal with any aircraft other than an aircraft involved

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	in the accident or incident where it appears to him to be necessary for the purposes of the investigation; (h) take possession of, examine, remove, test, including test to destruction, or take measures for the preservation of any object or evidence he considers necessary for the purposes of the investigation; (i) order for immediate listing of evidence and removal of debris or components for examination or analysis purposes; (j) order for the readout of the flight recorders; (k) cause an autopsy or medical examination to be performed on a fatally injured flight crew, and when necessary, passengers, cabin crew or the body of any other deceased person where he believes on reasonable grounds that the information derived from the autopsy and medical examination is, or may be, relevant to the conduct of the investigation: Provided that the autopsy or medical examination shall be conducted by a pathologist, and if a pathologist experienced in the investigation of aircraft accidents is available, by such pathologist; (l) require the person having custody of the body of the deceased person or other human remains to permit the performance of autopsy or medical examination; (m) where appropriate, require the expeditious medical and toxicological examinations of a person who was directly or indirectly involved in the operation of an aircraft involved in an accident or incident by a medical practitioner, and if a medical practitioner experienced in the investigation of aircraft accidents is available, by such medical practitioner; (n) require a physician or other practitioner to provide medical information concerning a patient where he

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	believes on reasonable grounds that such information is relevant to the investigation; (o) require the crew, passengers and aviation personnel involved in the accident or incident to undergo such other tests including a breathalyser test within reasonable time for the purposes of the investigation; (p) call on the services of local authorities or other authorized persons to ensure protection of the accident site, including the aircraft and its contents, until such time as the Aircraft Accident Investigation Department is able to directly take over custody and security of the aircraft and its contents; and (q) seek such advice or assistance as he or she considers necessary for the purposes of the investigation. (4) Subject to the provisions of sub-regulation 3(l),(m),(n),(o), the notice for medical information shall be made in writing and signed by the Investigator-In-Charge. (5) In exercising the powers as stipulated under sub-regulation (3), the Investigator-In-Charge shall produce his or her credentials as proof of his identity and powers, when requested to do so by an involved person. (6) No person shall refuse or fail to produce information to the Investigator-In-Charge, or to attend before him and give a statement, or to provide information, to submit to a medical examination, or to make the body of a deceased person or other human remains available for the performance of an autopsy or medical examination as stipulated in sub-regulation (3). (7) The Investigator-In-Charge may apply to the Tribunal for a court order to compel compliance with orders or directives issued under sub-regulation (3). (8) Pursuant to sub-regulation 3(i), where the owner of the component being tested, and any person who appears on reasonable grounds to be entitled to it are invited to observe such tests, these persons may—

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	(a) record or cause to be recorded the condition of the component being tested prior to, during and after the test; and (b) be represented by a person having technical knowledge and expertise in the subject-matter of the test. (9) The Investigator-In-Charge may delegate to his or her deputy or any other investigator the rights and powers vested in him or her in sub-regulations (2) and (3), where the whole or any part of the investigation is carried out in Kenya. (10) Without prejudice to the generality of sub-regulation (3) (*r*), the Investigator-In-Charge may, in consultation with the Chief Investigator request another Contracting State to provide such information, facilities or experts as he may consider necessary for the purposes of an investigation.
Form and conduct of investigation.	**18.** (1) An investigation shall not be open to the public. (2) The extent of investigations and the procedure to be followed in carrying out investigations required or authorised under these Regulations shall be determined by the Chief Investigator taking into account— (a) the objective of the investigation set out in these Regulations; (b) the lessons expected to be drawn from the aircraft accident or incident for the improvement of safety; and (c) the complexity of the investigation. (3) Where, in the course of an investigation into an accident or a serious incident, it becomes known or is suspected that an act of unlawful interference was involved, the Investigator-In-Charge shall, after consultation with the Chief Investigator— (a) immediately inform the police; or (b) take steps to ensure that the aviation security authorities of other Contracting State(s) concerned are informed of the fact.

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Assistance to survivors and families.	**19. (**1) The Investigator-In-Charge shall in coordination with the Chief Investigator ensure assistance to the survivors and to the families of victims and survivors of an accident which is the subject of an ongoing investigation by— (a) communicating all relevant information in time; (b) coordinating assistance efforts by the government, airlines and humanitarian and other organisations; (c) facilitating their entry into and exit from the country and the repatriation of victims. (2) The Chief Investigator shall develop instructions for better implementation of sub-regulation (1).
Flight recorders.	**20. (**1) The Aircraft Accident Investigation Department shall make effective use of flight recorders in the investigation of an accident or an incident. (2) The Aircraft Accident Investigation Department shall arrange for the read-out of the flight recorders without delay. (3) Where there are no adequate facilities to read out the flight recorders, such facilities available from other States may be used taking into consideration the— (a) capabilities of the read-out facility; (b) timeliness of the read-out; and (c) location of the read-out facility. (4) Where a Kenyan registered aircraft or an aircraft operated by a Kenyan operator is involved in an accident or serious incident and lands in a State other than the State of Occurrence, the Aircraft Accident Investigation Department shall, upon request from the State conducting the investigation, furnish the latter State with the flight recorder records and, if necessary, the associated flight recorders. (5) Subject to sub-regulation 1, the Aircraft Accident Investigation Department shall make available any data from a flight recorder of an aircraft involved in an accident or incident without delay, and provide the State conducting the investigation with all such data available, and not divulge such data without the express consent of the State conducting the investigation.
Removal of damaged aircraft.	**21.** (1) Subject to regulations 9(1) and 10(5), where an accident or a serious incident occurs in Kenya, no person shall—

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	(a) have access to the aircraft involved in the accident or serious incident, the contents thereof or the site of the accident or serious incident, other than the Chief Investigator, the Investigator-In-Charge or an authorised person; or (b) move or interfere with the aircraft, its contents or the site of the accident or serious incident except under the authority of the Chief Investigator, Investigator-In-Charge or an authorised person. (2) Notwithstanding sub-regulation (1) — (a) the aircraft involved in an accident or a serious incident may be moved or interfered with to such extent as may be necessary for all or any of the following purposes— (i) extricating persons or animals; (ii) removing any mail, valuables or dangerous goods carried by the aircraft; (iii) preventing destruction by fire or other cause; (iv) preventing any danger or obstruction to the public, air navigation or other transport; and (b) where it becomes necessary to move or interfere with an aircraft involved in an accident or serious incident as per paragraph (a), the persons responsible including the operator, search and rescue personnel, fire personnel or the police shall whenever possible ensure that only minimal and necessary interference with the aircraft is done; (c) the persons referred to in paragraph (b) shall, prior to movement or interference of the wreckage, and whenever possible, preserve the original condition and position of the wreckage and any significant marks using photography, descriptive notes or sketches; (d) where the aircraft is wrecked in water, the aircraft or any contents thereof may be moved to such extent as may be necessary for bringing the aircraft or its contents to a place of safety. (3) Where the Investigator-In-Charge has authorised any person to remove any goods or passenger baggage from the aircraft or to release

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	any goods or passenger baggage from the custody of the Investigator-In-Charge, that person may— (a) remove the goods or passenger baggage from the aircraft subject to the supervision of a police officer; and (b) release the goods or passenger baggage from the custody of the Investigator-In-Charge subject to clearance by or with the consent of an officer of customs, if the aircraft has come from a place outside Kenya. (4) Where the Investigator-In-Charge is of the opinion that the aircraft involved in the accident or serious incident is likely to endanger or obstruct the public, air navigation or other transport, he or she may order the owner, operator or hirer of such aircraft to remove it to such place as the Investigator-In-Charge may indicate. (5) In the absence of the owner, operator or hirer or in the event of non-compliance with the instruction given pursuant to sub-regulation (4), the Investigator-In-Charge may remove or cause the removal of the aircraft and shall not be liable for any further damage that may occur during removal. (6) The expenses incurred in removing such aircraft shall be borne by the owner, operator or hirer of the aircraft and where the aircraft is removed by the Investigator-In-Charge under sub-regulation (5), such expenses shall be recoverable from the owner, operator or hirer or all of them. (7) In this regulation, "authorised person" means any person authorised by the Investigator-In-Charge either generally or specifically to have access to any aircraft involved in an accident or a serious incident and includes any police officer or any officer of customs. (8) The police officer referred to in sub- regulation (7) shall be responsible for the maintenance of law and order and preservation of the site of the accident pending the conclusion of on-site investigation by the Investigator-In-Charge.
Autopsy examinations.	**22.** The Aircraft Accident Investigation Department shall arrange for complete and expeditious autopsy examination of fatally injured flight crew and, subject to the particular circumstances, passengers and cabin crew members, by a pathologist, preferably experienced in accident investigation.

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Investigation reports.	**23.** (1) Where an investigation is carried out into an accident or serious incident involving— (a) an aircraft of a maximum mass of more than 2,250 kg; or (b) an aircraft of a maximum mass of 2,250 kg or less and when airworthiness or matters considered to be of interest to other Contracting States are involved, the Investigator-In-Charge shall, unless an Accident Data Report has been sent within 30 days of the accident, send a Preliminary Report within that period to— (i) each of the Contracting States that is the— (a) State of Registry or the State of Occurrence, as appropriate; (b) State of the Operator; (c) State of Design; (d) State of Manufacture; (e) State that provided relevant information, significant facilities or experts; and (ii) ICAO, where the aircraft is of a maximum mass of more than 2,250 kg. (2) Subject to sub-regulation (1), the Investigator-In-Charge shall submit the Preliminary Report to the appropriate States and to ICAO in English. (3) Notwithstanding sub-regulation 1, the Investigator-In-Charge shall release information early in the investigation, as appropriate, and then later more formally with a written Preliminary Report. (4) The Investigator-In-Charge shall send the Preliminary Report by facsimile, e-mail, or airmail within thirty days of the date of the accident or serious incident unless the Accident or Incident Data Report has been sent by that time: Provided that when matters directly affecting safety are involved, it shall be sent as soon as the information is available and by the most suitable and quickest means available.

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	(5) The Investigator-In-Charge shall, as soon as practicable after the investigation, send the Accident Data Report to ICAO, where the accident involves an aircraft of a maximum mass of more than 2,250 kg. (6) The Investigator-In-Charge shall, upon request, provide other relevant States with pertinent information additional to that made available in the Accident or Incident Data Report. (7) The Investigator-In-Charge shall as soon as possible after the completion of an investigation into an accident or serious incident— (a) send a copy of the draft Final Report, including the intended safety recommendations, to State that instituted the investigation, the State of Registry, the State of the Operator, the State of Design, the State of Manufacture and any other State or organization that participated in the investigation, inviting their significant and substantiated comments on the report; and (b) if any such comments are received within the consultation period 60 days of the date of the transmittal letter amend the draft Final Report to include the substance of the comments received, as deemed appropriate or, if desired by the Contracting State that provided the comments, append the comments to the Final Report; (8) When sending the draft Final Report to recipient States, the Investigator-In-Charge may consider using the most suitable and quickest means available, such as facsimile, e-mail, courier service or express mail. (9) Comments to be appended to the Final Report shall be restricted to non-editorial-specific technical aspects of the Final Report upon which no agreement could be reached. (10) The Investigator-In-Charge shall 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. (11) The Investigator-In-Charge shall 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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	(12) Subject to the provisions of sub-regulations (6), (9), and (10), no person shall communicate or use the draft Final Report, or permit its communication or use, for any purpose not strictly necessary to the study of the report and the preparation of comments concerning the report. (13) Subject to sub-regulation 6(b), if no comments are received and no extension of time has been agreed upon with the Contracting State to whom the draft Final Report was sent, the Aircraft Accident Investigation Department shall issue and send the Final Report with a minimum of delay to— (a) Contracting States referred to in sub-regulation (1) (ii) and the State that instituted the investigation; (b) Contracting State that has suffered fatalities or serious injuries to its citizens; (c) any other State that participated in the investigation; (d) the International Civil Aviation Organisation, where the accident involves an aircraft of a maximum mass of more than 5,700 kg; (e) any concerned department; and (f) any other organization(s) or person(s) who, in the opinion of the Aircraft Accident Investigation Department, have a direct interest in the investigation. (14) The Investigator-In-Charge shall, where an investigation is carried out into an incident involving an aircraft of a maximum mass of more than 5,700 kg, send to the International Civil Aviation Organization after the completion of the investigation into the incident— (a) the Final Report of the incident, if the Final Report has been released; and (b) the Incident Data Report. (15) The Chief Investigator may from time to time issue a list of incidents to be regarded as serious incidents for the purposes of these Regulations.

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	(16) The Final Report shall be submitted by the Investigator-In-Charge to the Chief Investigator before dissemination to any State under these Regulations. (17) The Investigator-In-Charge shall prepare the draft Final Report and the Final Report in English.
Release of final report.	**24.** (1) Subject to regulation 4(1), the Aircraft Accident Investigation Department shall release the Final Report of the investigation of an aircraft accident or serious incident as soon as possible and, if possible, within twelve months from the date of the occurrence of accident or incident. (2) Where it is not possible to release the report as provided in sub-regulation (1), the Aircraft Accident Investigation Department shall release Interim Report(s) periodically but not later than on each anniversary of the occurrence detailing the progress of the investigation, established factual information and any safety issues raised. (3) The Aircraft Accident Investigation Department shall provide the Interim Report referred to in sub-regulation (2) to— (a) any concerned department of Kenya; (b) the States having a direct interest in the occurrence, and if appropriate to ICAO; and (c) States having suffered fatalities or serious injuries to its citizens. (4) The Aircraft Accident Investigation Department shall make the Interim Report publicly available.
Publication of report.	**25**. (1) In the interest of accident prevention, the Aircraft Accident Investigation Department shall make the Final Report of an investigation into an aircraft accident or serious incident publicly available pursuant to its release as per regulation 24. (2) The Final Report shall be made public within fourteen days after it has been sent out to the relevant Contracting States referred to under these Regulations. (3) A person shall not circulate, publish, disclose or give access to any draft report or any part of its contents or any documents obtained during an investigation of an aircraft accident or incident unless the Final

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	Report or documents have already been published by the Aircraft Accident Investigation Department. (4) Where Kenya is participating in an investigation of an accident or serious incident as the State of Registry, State of Operator, State of Design or State of Manufacture, the Aircraft Accident Investigation Department shall 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.
Safety recommendations.	**26**. (1) Where Kenya is the State conducting an investigation under these Regulations, the Aircraft Accident Investigation Department shall, at any stage of the investigation— (a) recommend in a dated transmittal correspondence to the appropriate authorities, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety; (b) address, when appropriate, any safety recommendation arising out of the investigation in a dated transmittal correspondence to the accident investigation authorities of the other States concerned and when ICAO documents are involved, to ICAO: Provided if the Final Report contains safety recommendations addressed to ICAO, when ICAO documents are involved, this report must be accompanied by a letter outlining the specific action proposed; (c) send, when appropriate, any safety recommendation arising out of the investigation to those persons or organizations of the aviation community that have a direct interest in the safety issue that was the basis for the safety recommendation, as well as to other members of the aviation community who would benefit from the information, including but not limited to the following— (i) action addressee for the safety recommendation; (ii) involved departments;

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	(iii) involved stakeholders, such as but not limited to the airline, maintenance organization, manufacturer, air traffic services provider, and airport operator; and (iv) others who may benefit from lessons learned. (2) Subject to sub-regulation 1 the Aircraft Accident Investigation Department may consult States participating in the investigation on the draft safety recommendations, inviting their comments on the appropriateness and effectiveness of the safety recommendations. (3) Where Kenya is participating in an investigation conducted by another State, the Aircraft Accident Investigation Department may, in coordination with the State conducting the investigation and at any stage of the investigation, recommend in a dated transmittal correspondence to the appropriate authorities, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety. (4) The Aircraft Accident Investigation Department shall communicate to relevant person(s) or authorities in Kenya, the safety recommendations received from another Contracting State. (5) Any person, department, organization or authority in Kenya to whom a recommendation has been communicated under sub-regulations (1)(c) and (4) shall— (a) take that recommendation into consideration without delay and, where appropriate, act upon it; (b) send to the Investigator-In-Charge within ninety days from the date of the transmittal correspondence— (i) full details of the measures, if any, he or she or it has taken or proposes to take to implement the recommendation and, if such measures are to be implemented, the schedule for the implementation; or (ii) a full explanation as to why no measures shall be taken to implement the recommendation; and (6) Give notice to the Investigator-In-Charge if at any time any information provided to the Investigator-In-Charge under paragraph (b) concerning the measures he or she or it proposes to take or the schedule

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	for the implementation of the recommendation is rendered inaccurate by any change of circumstances. (6) A recommendation for preventive action or safety recommendation shall, in no case, create a presumption of liability for an aircraft accident or incident. (7) Where any safety recommendation has been received by the Aircraft Accident Investigation Department from another State, the Aircraft Accident Investigation Department shall, within ninety days of the date of the transmittal correspondence, notify that State of the preventive action taken or under consideration or the reason(s) as to why no action shall be taken: Provided that the Aircraft Accident Investigation Department may also act on any other proposals for preventive action other than safety recommendations received from another State. (8) The Aircraft Accident Investigation Department shall establish an implementation procedure system or record responses to the safety recommendations issued to other States, departments, authorities and organizations and assess the degree to which the risks underlying the safety recommendations have been mitigated. (9) The Aircraft Accident Investigation Department shall implement procedures to monitor the progress of the action taken in response to the safety recommendations received. (10) The safety recommendations referred to in sub-regulation (1) may, in addition to safety recommendations arising from accident and incident investigations, result from diverse sources, including safety studies. (11) Where the Aircraft Accident Investigation Department has addressed safety recommendations to an organization in another State, they shall also be transmitted to that State's accident investigation authority. (12) The Aircraft Accident Investigation Department shall inform ICAO of safety recommendations of global concern issued by the Aircraft Accident Investigation Department, as well as the responses received to these recommendations.

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Accidents and incidents database.	**27.** (1) The Aircraft Accident Investigation Department shall 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: Provided the accident and incident database established may be included as part of the safety database established and maintained by the State Safety Programme. (2) The Aircraft Accident Investigation Department may disseminate information received under sub-regulation (1) to users of the aviation system within and outside Kenya in order to facilitate the free exchange of information on actual and potential safety deficiencies. (3) The Aircraft Accident Investigation Department shall have access to the accident and incident database referred to in sub-regulation (1) to support its safety responsibilities under the State Safety Programme.
Reopening of investigation.	**28**. (1) The Aircraft Accident Investigation Department shall re-open an investigation it conducted, where new and significant evidence becomes available after the accident or serious incident investigation has been closed. (2) The Aircraft Accident Investigation Department may cause the investigation of an incident other than a serious incident to be re-opened if evidence has been disclosed after the completion of the investigation which is considered new and significant or where an aircraft which was considered missing following an official search is subsequently located. (3) Where the investigation of an accident or a serious incident has been instituted by another Contracting State, the Aircraft Accident Investigation Department shall obtain the consent of that State before causing the investigation to be re-opened under sub-regulation (1). (4) Any investigation which is re-opened shall be carried out in accordance with these Regulations.
Exchange of information on accident and incidents.	**29.** (1) The Aircraft Accident Investigation Department shall, 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.

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	(2) To facilitate the exchange of information with other States for purposes of an accident or incident investigation, the Aircraft Accident Investigation Department shall cooperate with such States to determine the limitations on disclosure or use that will apply to information before it is exchanged. (3) Where Kenya is in custody of information pertinent to an accident or incident investigation by virtue of the fact that the aircraft had used Kenyan facilities and services prior to the accident or incident or would normally have used those facilities and services, the Aircraft Accident Investigation Department shall provide such information to the State conducting the investigation. (4) Where Kenya is the State of Registry or the State of the Operator, the Aircraft Accident Investigation Department shall, on request from the State conducting the investigation, provide pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft.
Coordination with judicial authorities.	**30.** (1) Any investigation conducted in accordance with the provisions of these Regulations shall be separate from any judicial or administrative proceedings to apportion blame or liability. (2) The Aircraft Accident Investigation Department shall endeavour to cooperate with judicial authorities so that an investigation is not impeded by administrative or judicial investigations or proceedings. (3) Cooperation shall be achieved through agreements, procedures and arrangements that may cover access to the site of the accident, preservation of and access to evidence, initial and ongoing debriefings of the status of each process, exchange of information, appropriate use of safety information and resolution of conflicts. (4) The Aircraft Accident Investigation Department shall ensure coordination between the Investigator-In-Charge and judicial authorities while giving particular attention 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.
Coordination with other institutions.	**31.** (1) The Aircraft Accident Investigation Department shall take all reasonable measures to ensure that the investigation procedures and

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	practices that it follows in relation to aircraft accidents and incidents are compatible to the degree possible with investigation requirements, procedures and practices followed by other institutions, regulatory authorities, police forces and coroners. (2) The Aircraft Accident Investigation Department shall make all reasonable efforts to enter into agreements to provide for the coordination of activities between the Aircraft Accident Investigation Department and the entities noted in sub-regulation (1), with respect to— (a) investigation procedures and practices; (b) requirements for reporting aircraft accidents and incidents; and (c) procedures to be followed in the event that conflicting interests arise during their activities with respect to aircraft accidents or incidents. (3) Subject to sub-regulation 10(2), the Aircraft Accident Investigation Department may investigate aircraft accidents and incidents that involve both State and civil aircraft and facilities: Provided that the Aircraft Accident Investigation Department shall take all reasonable measures to ensure that its investigation activities are coordinated with other ongoing investigations, if any. (4) Where a department is notified of an aircraft accident or incident that the Aircraft Accident Investigation Department has the power to investigate under the Act, the department shall— (a) notify the Aircraft Accident Investigation Department with particulars of the aircraft accident or incident; and (b) advise the Aircraft Accident Investigation Department of any investigation that the department plans to conduct and of any remedial measures that the department plans to take.
Conflict of interest.	**32.** (1) Members of the Aircraft Accident Investigation Department or advisers shall not directly or indirectly have an interest in or be an owner, shareholder, director, officer, partner, or otherwise— (a) be engaged in an aviation undertaking or business; or

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	(b) have an interest in the manufacture or distribution of aircraft or aircraft equipment or components. (2) On appointment to the Aircraft Accident Investigation Department, members of the Aircraft Accident Investigation Department shall set aside conflicts of interest detailed in sub-regulation (1). (3) During their terms of office, members of the Aircraft Accident Investigation Department shall not accept or hold any office or employment, or carry on any activity inconsistent with the performance of their duties under the Act, these Regulations and the policies of the Aircraft Accident Investigation Department. (4) The Aircraft Accident Investigation Department experts assigned to participate in an investigation being conducted by the Aircraft Accident Investigation Department shall not be engaged in any duties associated with the civil aviation authority for the duration of their involvement in the investigation.
	PART III—GENERAL PROVISIONS
Obstruction of investigation.	**33.** (1) A person shall not obstruct an investigator or any person acting under the authority of the Aircraft Accident Investigation Department or the Chief Investigator in the exercise of any rights, powers or duties under these Regulations. (2) A person shall not, without reasonable cause, fail to comply with any summons of— (a) an Investigator-In-Charge carrying out an investigation under these Regulations; or (b) any person empowered to exercise the powers of the Investigator-In-Charge under regulation 17(9). (3) Subject to sub-regulation (2), the onus of proving reasonable cause for failing to comply with summons shall lie on the person relying on such excuse.
Non-disclosure of records.	**34**. (1) The Aircraft Accident Investigation Department shall take measures to ensure the following records are not disclosed to the public for purposes other than accident or incident investigation, unless a court of

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	competent jurisdiction or the Tribunal, in accordance with national laws, determines that their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigations— (a) cockpit voice recordings and airborne image and audio recordings and any transcripts from such recordings; (b) all statements taken from persons by the Aircraft Accident Investigation Department in the course of their investigation; (c) all communications between persons having been involved in the operation of the aircraft; (d) medical or private information regarding persons involved in the accident or incident; (e) recordings and transcripts of recordings from air traffic control units; (f) analysis of and opinions about information, including flight recorder information, made by the Aircraft Accident Investigation Department and accredited representatives in relation to the accident or incident; (g) the draft Final Report of an accident or incident investigation issued or received; and (h) any other relevant record(s) obtained or generated in the course of the accident or incident investigation. (2) The records or parts thereof referred to in sub-regulation (1) shall be included in the Final Report or its appendices only when pertinent to the analysis of the accident or incident. (3) The names of the persons involved in an accident or incident shall not be disclosed to the public by the Aircraft Accident Investigation Department. (4) the Aircraft Accident Investigation Department shall ensure that requests for records in its custody or control are directed to the original source of the information, where available. (5) the aircraft Accident Investigation Department shall 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.

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Release and disposal of aircraft and wreckage.	**35**. (1) Subject to the provisions of regulation 8, the Aircraft Accident Investigation Department shall release custody of an aircraft involved in an accident or incident, its contents, wreckage 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 and for this purpose the Aircraft Accident Investigation Department shall 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 Aircraft Accident Investigation Department finds it impracticable to grant such access, it shall itself effect removal to a point where access can be given. (2) For a Kenyan registered aircraft, the Aircraft Accident Investigation Department shall release custody of the aircraft, parts, wreckage or contents to the following person(s) — (a) the owner of the aircraft, parts, wreckage or contents; (b) where the owner is deceased his personal representative; or (c) a person authorised in writing by the owner or his personal representative to take custody on behalf of the owner or the owner's personal representative. (3) The Investigator-In-Charge shall, where he intends to release aircraft wreckage, issue a notice to persons referred to in sub-regulation (1), or where such persons cannot be traced, by publishing such notice in at least two national daily newspapers in the State of Occurrence giving details of the aircraft wreckage and specifying the period during which it should be removed: Provided that persons to whom the notice has been issued may, before the expiry of the notice and for good cause, apply in writing to the Investigator-In-Charge for an extension of the period within which the wreckage may be removed. (4) Where a person to whom custody of the aircraft, parts, wreckage or contents is to be released fails to take custody within the period specified in the notice, the aircraft, parts, wreckage or contents may be disposed of in such manner as the Investigator-In-Charge considers fit.

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	(5) The expenses incurred by the Investigator-In-Charge in disposing of the aircraft, parts, wreckage or contents shall be recoverable from the owner or operator of the aircraft or both.
Return and disposal of records.	**36.** (1) The Investigator-In-Charge shall, after the completion of the investigation or at any time determined by the Investigator-In-Charge, return the aircraft records or any documents containing factual information concerning an accident or incident to the persons from whom they were obtained, unless they are still required for judicial proceedings or other proceedings. (2) The records and information referred to in sub-regulation (1) not claimed by or returned to the persons from whom they were obtained, may be disposed of in any manner that the Investigator-In-Charge considers fit after a period of two years. (3) The Aircraft Accident Investigation Department should retain, where possible, only copies of records obtained in the course of an investigation.
Penalties.	**37.** (1) A person who contravenes any provision of these Regulations, orders or notices made there-under commits an offence and shall, upon conviction, be liable to a fine or imprisonment or both, and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence. (2) Any person who has been convicted under sub-regulation (1) shall be liable to a fine of not more than one million shillings or to imprisonment for a term not more than six months or to both, and in a case of a continuing offence shall be liable to a fine of not more than fifty thousand shillings for each day the offence continues. (3) Where it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of these Regulations, orders or notices made there under was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.

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Revocation and Saving. LN No.89 of 2018.	**38.** (1) The Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, 2018, are revoked. (2) Notwithstanding sub-regulation (1) any investigation, review or inquiry commenced under those regulations shall be continued as if they were instituted under these Regulations. (3) Regulation 18(3), Regulation 18 (7) (b) shall commence on 28th November 2024. Regulation 3 (1) (b) shall commence on 26th November 2024.

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FIRST SCHEDULE

(r.6(3))

FORMAT OF THE FINAL REPORT

PURPOSE

The purpose of this format is to present the Final Report in a convenient and uniform manner. Detailed guidance on completing each section of the Final Report is found in the Accident and Incident Investigation Policies and Procedures Manual.

FORMAT

Title

The Final Report begins with a title comprising: name of the operator; manufacturer, model, nationality and registration marks of the aircraft; place and date of the accident or incident.

Synopsis

Following the title is a synopsis describing briefly all relevant information regarding: notification of accident to national and foreign authorities; identification of the accident investigation authority and accredited representation; organization of the investigation; authority releasing the report and date of publication; and concluding with a brief résumé of the circumstances leading to the accident.

Body

The body of the Final Report comprises the following main headings:

1. Factual information
2. Analysis
3. Conclusions
4. Safety recommendations

Each heading consisting of a number of sub-headings as outlined in the following.

Appendices

Include as appropriate.

Note.— In preparing a Final Report, using this format, ensure that:

a) all information relevant to an understanding of the factual information, analysis and conclusions is included under each appropriate heading;

b) where information in respect of any of the items in 1.— Factual information is not available, or is irrelevant to the circumstances leading to

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the accident, a note to this effect is included under the appropriate sub-headings.

1. FACTUAL INFORMATION

1.1 ***History of the flight.*** A brief narrative giving the following information:
— Flight number, type of operation, last point of departure, time of departure (local time or UTC), point of intended landing.
— Flight preparation, description of the flight and events leading to the accident, including reconstruction of the significant portion of the flight path, if appropriate.
— Location (latitude, longitude, elevation), time of the accident (local time or UTC), whether day or night.
1.2 ***Injuries to persons.*** Completion of the following (in numbers):

Injuries	***Crew***	***Passengers***	*Others*
Fatal			
Serious			
Minor/None			

Note. — Fatal injuries include all deaths determined to be a direct result of injuries sustained in the accident. Serious injury is defined in Chapter 1 of the Annex.

1.3 ***Damage to aircraft.*** Brief statement of the damage sustained by aircraft in the accident (destroyed, substantially damaged, slightly damaged, no damage).

1.4 ***Other damage.*** Brief description of damage sustained by objects other than the aircraft.

1.5 ***Personnel information:***

(a) Pertinent information concerning each of the flight crew members including: age, validity of licences, ratings, mandatory checks, flying experience (total and on type) and relevant information on duty time.
(b) Brief statement of qualifications and experience of other crew members.

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(c) Pertinent information regarding other personnel, such as air traffic services, maintenance, etc., when relevant.

1.6 ***Aircraft information:***

(a) Brief statement on airworthiness and maintenance of the aircraft (indication of deficiencies known prior to and during the flight to be included, if having any bearing on the accident).

(b) Brief statement on performance, if relevant, and whether the mass and centre of gravity were within the prescribed limits during the phase of operation related to the accident. (If not and if of any bearing on the accident give details.)

(c) Type of fuel used.

1.7***Meteorological information:***

(a) Brief statement on the meteorological conditions appropriate to the circumstances including both forecast and actual conditions, and the availability of meteorological information to the crew.

(b) Natural light conditions at the time of the accident (sunlight, moonlight, twilight, etc.).

1.8 ***Aids to navigation.*** Pertinent information on navigation aids available, including landing aids such as ILS, MLS, NDB, PAR, VOR, visual ground aids, etc., and their effectiveness at the time.

1.9 ***Communications.*** Pertinent information on aeronautical mobile and fixed service communications and their effectiveness.

1.10 ***Aerodrome information.*** Pertinent information associated with the aerodrome, its facilities and condition, or with the take-off or landing area if other than an aerodrome.

1.11 ***Flight recorders.*** Location of the flight recorder installations in the aircraft, their condition on recovery and pertinent data available therefrom.

1.12 ***Wreckage and impact information.*** General information on the site of the accident and the distribution pattern of the wreckage; detected material failures or component malfunctions. Details concerning the location and state of the different pieces of the wreckage are not normally required unless it is necessary to indicate a break-up of the aircraft prior to impact. Diagrams,

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charts and photographs may be included in this section or attached in the Appendices.

1.13 ***Medical and pathological information.*** Brief description of the results of the investigation undertaken and pertinent data available therefrom.
Note. — Medical information related to flight crew licences should be included in 1.5 — Personnel information.

1.14 ***Fire.*** If fire occurred, information on the nature of the occurrence, and of the firefighting equipment used and its effectiveness.

1.15 ***Survival aspects.*** Brief description of search, evacuation and rescue, location of crew and passengers in relation to injuries sustained, failure of structures such as seats and seatbelt attachments.

1.16 ***Tests and research.*** Brief statements regarding the results of tests and research.

1.17 ***Organizational and management information.***
Pertinent information concerning the organizations and their management involved in influencing the operation of the aircraft. The organizations include, for example, the operator; the air traffic services, airway, aerodrome and weather service agencies; and the regulatory authority. The information could include, but not be limited to, organizational structure and functions, resources, economic status, management policies and practices, and regulatory framework.

1.18 ***Additional information.***
Relevant information not already included in 1.1 to 1.17.

1.19 ***Useful or effective investigation techniques.***
When useful or effective investigation techniques have been used during the investigation, briefly indicate the reason for using these techniques and refer here to the main features as well as describing the results under the appropriate sub-headings 1.1 to 1.18.

2. ANALYSIS
Analyse, as appropriate, only the information documented in 1. — Factual information and which is relevant to the determination of conclusions and causes.

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3. CONCLUSIONS

List the findings and causes established in the investigation. The list of causes should include both the immediate and the deeper systemic causes.

4. SAFETY RECOMMENDATIONS

As appropriate, briefly state any recommendations made for the purpose of accident prevention and identify safety actions already implemented.

APPENDICES

Include, as appropriate, any other pertinent information considered necessary for the understanding of the report.

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SECOND SCHEDULE
(rr.11 (3) & 12 (1)(c))

CONTENTS OF THE INITIAL NOTIFICATION

As specified in Regulation 8 of the Regulations, the notification shall be in plain language and contain as much of the following information as is readily available, but its dispatch shall not be delayed due to the lack of complete information:

(a) in the case of an accident, the identifying abbreviation "ACCID" or, in the case of a serious incident, the identifying abbreviation "SINCID"; for incidents "INCID";

(b) the manufacturer, model, nationality and registration marks and serial number of the aircraft;

(c) the name(s) of the owner, operator and hirer, if any, of the aircraft;

(d) the name and qualification of the pilot-in-command of the aircraft and the number and nationality of the crew and passengers on board the aircraft at the time of the accident or serious incident; the date

(e) and local time or Coordinated Universal Time (UTC) of the accident or serious incident;

(f) the last point of departure and the next point of intended landing of the aircraft including the date and time of departure;

(g) the position of the aircraft with reference to some easily defined geographical point and the latitude and longitude;

(h) in the case of an accident, the number of crew members, passengers or other persons respectively killed or seriously injured as a result of the accident;

(i) a description of the accident or serious incident and the extent of 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 the State of Occurrence;

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(k) the physical characteristics of the area in which the accident or serious incident occurred and an indication of access difficulties or special requirements to reach the site;

(l) the identification of the originating authority sending the notification and where the accident or serious incident occurred outside Kenya, the means by which the investigator-in-charge and the accident investigation authority of the State of Occurrence may be contacted; and

(m) the presence and description of dangerous goods on board the aircraft, if any.

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THIRD SCHEDULE

(r.11(6))

REPORTABLE AIRCRAFT ACCIDENTS/INCIDENTS

Reportable accidents

All aircraft accidents are reportable.

Reportable serious incidents

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

2) Collisions not classified as accidents.

3) Controlled flight into terrain only marginally avoided.

4) Aborted take-offs on a closed or engaged runway, on a taxiway[1] or unassigned runway.

5) Take-offs from a closed or engaged runway, from a taxiway[1] or unassigned runway.

6) Landings or attempted landings on a closed or engaged runway, on a taxiway1 or unassigned runway.

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

8) Fires 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.

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

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

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

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12) Flight crew incapacitation in flight.

13) 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.

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

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

16) System failures, weather phenomena, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties controlling the aircraft.

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

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

Note: *The incidents listed above are typical examples of incidents that are likely to be serious incidents. The list is not exhaustive and only serves as guidance to the definition of serious incident.*

Made on the ……., 2024.

DAVIS CHIRCHIR
Cabinet Secretary for Roads and Transport.

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