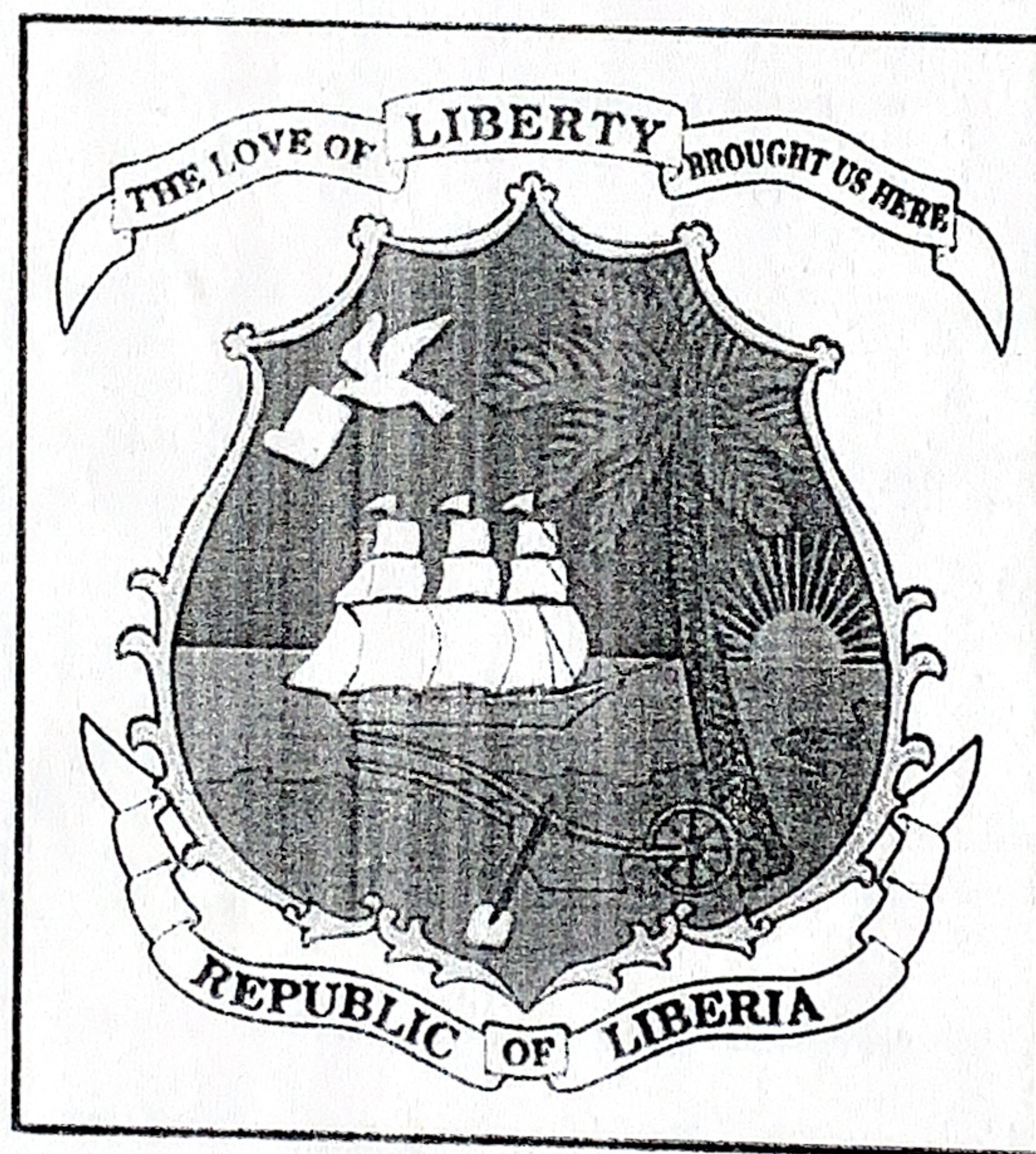


**AN ACT
FOR THE ESTABLISHMENT OF
AN AIRCRAFT ACCIDENT INVESTIGATION BUREAU**



REPUBLIC OF LIBERIA

**AN ACT
FOR THE ESTABLISHMENT OF AN AIRCRAFT ACCIDENT
INVESTIGATION BUREAU**

It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature Assembled:

SUBCHAPTER I – GENERAL PROVISIONS

§ 1. SHORT TITLE

This Act may be cited as the “Aircraft Accident Investigation Bureau Act”

§ 2. REPEALER

Immediately upon passage of this Act, Section 410, Aircraft Accident Investigation, of the Civil Aviation Act of 2005 is hereby repealed.

**SUBCHAPTER 2 – ESTABLISHMENT OF AN AIRCRAFT ACCIDENT
INVESTIGATION BUREAU**

§ 1. ESTABLISHMENT

1. There is hereby established AN AIRCRAFT ACCIDENT INVESTIGATION BUREAU hereinafter referred to as the Bureau which shall be a body corporate with power to sue and be sued in its corporate name except for matters associated with accident reports and to acquire, hold and dispose of property whether movable or immovable.
2. The Bureau shall be an autonomous agency reporting to the Minister of Transport.
3. The Bureau shall be headquartered in the Ministry of Transport or shall acquire its own headquarters depending on the Bureau's financial position.

§ 2. APPLICATION OF THE ACT

1. This Act applies in respect of aircraft accidents and serious incidents:
 - (a) in or over The Republic of Liberia;
 - (b) when Liberia is the State of Registry and:
 - i. the location of the accident or the serious incident cannot definitely be established as being in the territory of any other State; or

- ii. the accident or the serious incident has occurred in the territory of a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13 to the Chicago Convention.
 - (c) civil airports in Liberia, including all technical activities such as air traffic control, the installation, operation and maintenance of communication equipment, navigation aids and meteorology.
2. The Bureau shall take all reasonable measures to ensure that the investigation procedures and practices that it follows in relation to accidents and serious incidents are compatible with Liberia's obligations under the Convention on International Civil Aviation (Chicago Convention) and the Standards and Recommended Practices contained in Annex 13 to the Convention.

§ 3. OBJECTIVES AND FUNCTIONS OF THE BUREAU

1. The sole objective of the investigation of an aircraft accident or serious incident conducted under this Act shall be the prevention and establishment of the causes of accidents and incidents. It is not the purpose of this activity to apportion blame or liability.
2. Investigations by the Bureau shall be conducted separate from investigations conducted for the purposes of establishing blame or civil or criminal liability.
3. The Bureau shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13 to the Convention.
4. Any investigations conducted under the provisions of this Act shall have unrestricted access to all evidential material without delay and shall not be impeded by administrative or investigations or proceedings.
5. The Bureau shall be functionally independent from other State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation.
6. The mandate of the Bureau is to conduct independent investigations, including:
 - (a) the gathering, recording and analysis of all relevant information of an accident or serious incident;
 - (b) the issuance of safety recommendations;
 - (c) if possible, the determination of the causes and or contributing factors; and
 - (d) as appropriate, the issuance of the Final Report.
7. No one shall circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or serious incident, without the express consent of the Bureau, unless such reports or documents have already been published or released by the Bureau.
8. No safety recommendation made under this Act shall be construed as assigning fault or determining civil or criminal liability.

9. The Minister shall make and promulgate regulations for carrying out the purposes and provisions of this Act.

§ 4. APPOINTMENT OF COMMISSIONER

1. The Bureau shall be headed by a Commissioner who shall be appointed by the President on the recommendation of the Minister.
2. The Commissioner, who shall be the Chief Executive Officer of the Bureau, shall serve at the will and pleasure of the President of Liberia.
3. The Commissioner shall possess cognate experience and qualification in air Aircraft Accident Investigation.
4. The Commissioner shall be responsible for aircraft accident and serious incident investigations within the meaning of this Act and ensure that sufficient funds are available to enable the Bureau to properly investigate accidents and serious incidents that fall within the Bureau's area of responsibility.

§ 5. RECRUITMENT OF STAFF

The Commissioner may, with the approval of the Minister, recruit such staff as is necessary for the execution of the functions of the Bureau under this Act.

§ 6. FINANCE OF THE BUREAU

1. There shall be established for the Bureau a fund into which shall be paid and credited:
 - (a) all subventions and budgetary allocation from the Government of Liberia;
 - (b) all sums accruing to the Bureau by way of gifts, endowments, bequests, grants or other contributions by persons and organisations, provided that the terms and conditions attached to any gifts, endowments, bequests or grants are not inconsistent with the functions of the Bureau;
 - (c) returns on investments;
 - (d) foreign aid and assistance; and
 - (e) all other sums which may, from time to time, accrue to the Bureau.
2. The Bureau's recurrent budget and emergency and contingency budget for accident and serious incident investigation, shall be allocated by the Government upon submission by the Minister.

§ 7. EXEMPTION

The Bureau shall be exempted from such taxes and duties as the Minister responsible for finance may approve.

§ 8. POWERS AND DUTIES

1. The Commissioner shall have the following powers and duties:
 - (a) establish policies and procedures to be followed in the conduct of investigations;
 - (b) conduct investigations into the circumstances of accidents and serious incidents;
 - (c) delegate the investigation, in whole or in part, to another State or a regional organization with the experience and technical capacity to do so, when deemed appropriate;
 - (d) designate an Investigator-in-charge for each investigation;
 - (e) delegate the powers of investigation to the members of the investigation team, and provide each member with a certificate of appointment; and
 - (f) release a Final Report on its investigations.
 - (g) recommend to the Minister for appointment of accredited representatives, advisors, observers and participants for the proper achievement of its objectives;
 - (h) summon any person to appear in person and provide oral, written or documentary evidence and related materials for the investigation;
 - (i) release to the owner or dispose of wreckage and other property seized or acquired during investigation;
 - (j) provide safety recommendations to the concerned bodies based on the findings of its investigation;
 - (k) follow up on the implementation of its safety recommendations and provide further safety recommendations when necessary;
 - (l) implement and enforce the provisions of this Act, regulations and directives issued hereunder and relevant treaties, standards and recommended practices to which Liberia is a party;
 - (m) Implement other activities as may be necessary for the fulfilment of its objectives.

§ 9. INVESTIGATIONS

1. The Investigator-in-charge shall have exclusive authority to direct the conduct of an investigation under this Act on behalf of the Commissioner.
2. The Investigator-in-charge shall:

- (a) report to the Commissioner on the investigation, including proposing findings as to causes and contributing factors, and safety recommendations related to investigations conducted by the Bureau; and
 - (b) be responsible for appointing observers and participants required for the investigation.
3. The Investigator-in-charge shall have the following powers and duties during the investigation of any aircraft accident or serious incident:
- (a) call and interrogate, collect information, from witnesses and any person deemed important for investigation;
 - (b) conduct examination of relevant material and evidence without delay;
 - (c) grant unhampered access to and control over the scene of the accident and the wreckage;
 - (d) grant unhampered access and control over all relevant material and evidence, including flight recorders and air traffic service records;
 - (e) ensure the protection and preservation of the occurrence site, aircraft and any parts thereof including all records associated with an occurrence;
 - (f) ensure the provision of documents related to the investigation, make copies of any documents and retain any such documents until the completion of the investigation;
 - (g) subject any person who is directly or indirectly involved in the aircraft operation and occurrence for medical examination.

§ 10. INDEPENDENCE OF THE BUREAU

To achieve functional independence of the Bureau, and to ensure the credibility of its investigations, members of the Bureau shall avoid actual and potential conflicts of interest.

§ 11. INVESTIGATIVE JURISDICTION OF THE BUREAU

1. The Bureau shall have exclusive jurisdiction for the conduct of safety investigations into aircraft accidents and serious incidents. Notwithstanding any other Act, no Government entity may commence an investigation under this Act if the accident or serious incident has been investigated, is being investigated, or pending investigation by the Bureau.
2. Nothing in subsection (1) above prevents a Government entity from commencing an investigation into or continuing to investigate an aircraft accident or serious incident for any purpose other than that of the Act.
3. Nothing in subsection (1) above prevents any Liberian law enforcement agency from investigating an aircraft accident or incident for any purpose for which it is empowered to conduct investigations.

§ 12. COMMISSIONER'S EXCLUSIVE JURISDICTION FOR AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATIONS

For any investigation conducted under the provisions of this Act, the Commissioner shall:

1. have unhampered access to and unrestricted control over the scene of the accident or serious incident, including the wreckage and any material relevant to the investigation, irrespective of the location of the accident;
2. have unhampered access to and control of the wreckage and all relevant material, including flight recorders and air traffic services recordings and records;
3. have unrestricted control over wreckage and parts to ensure that detailed examinations can be made without delay;
4. 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 the investigation; and
5. relinquish control of the accident or serious incident site(s) and release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required by the investigation.

§ 13. REPORTING OBLIGATIONS

Subject to the provisions of the Air Accidents and Serious Incidents Investigation Regulations, the owner, operator, pilot-in-command, crew members, operator of an airport, air traffic controller, or any other person having knowledge of an accident or incident shall report to the Commissioner and provide as much information as soon as possible and by the quickest means available.

§ 14. DETERMINATION OF SCOPE OF INVESTIGATION

Where the Commissioner is notified of an aircraft accident or serious incident, the Commissioner will decide as to the extent of the investigation required and the procedures to be followed in carrying out the investigation, based on the lessons it expects to draw from the investigation for the improvement of safety.

§ 15. PROTECTION OF EVIDENCE

1. The aircraft involved in the accident, its wreckage or the accident site shall be protected from access by unauthorized personnel. Where an aircraft accident or serious incident takes place, the owner, operator, and crew members shall, to the extent possible, and until otherwise instructed by the Commissioner or except as otherwise required by this Act, take all reasonable measures to protect the evidence, including documents defined in this Act, 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. Subsection (1) above shall not be construed as preventing any person from taking necessary measures to ensure the safety of any person and property.

3. Where there is a need to interfere with evidence relevant to an accident or serious incident pursuant to Subsection (2), the person directing, supervising or responsible shall, to the extent possible in the circumstances, and prior to the interference, record the evidence by the best means available.

§ 16. CONFIDENTIALITY OF EVIDENCE

1. When conducting the investigation of an accident or serious incident, Liberia shall not make the following records available for purposes other than accident or serious incident investigation, unless the Bureau 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 (CVR) and airborne image recordings and any transcripts from such recordings;
 - (b) records in the custody or control of the Bureau being:
 - i. all statements taken from persons by the Bureau in the course of their investigation;
 - ii. all communications between persons having been involved in the operation of the aircraft;
 - iii. medical or private information regarding persons involved in the aircraft accident or serious incident;
 - iv. recordings and transcripts of recordings from air traffic control units;
 - v. analysis of and opinions about information, including flight recorder information, made by the Bureau and accredited representatives in relation to the accident or serious incident; and
 - vi. the draft Final Report of an accident or serious incident investigation.
2. Audio content of cockpit voice recordings as well as image and audio content of airborne image recordings shall not be disclosed to the public.
3. The records specified above shall not be used against any of the involved persons in disciplinary, or other proceedings.

§ 17. PROTECTION OF PRIVILEGED INFORMATION

Where the request is for a record listed under LCAR, Part 12, (Section 12.13) to be disclosed or used in a criminal, civil, administrative or disciplinary proceeding, the Bureau shall be satisfied that a material fact in question in the proceedings cannot be determined without that record, before administering the balancing test.

§ 18. INVESTIGATOR PRIVILEGE NOT TO TESTIFY

Investigators shall not be compelled to appear as a witness in any administrative or disciplinary proceedings related to apportioning blame or liability.

§ 19. DISTRIBUTION OF DRAFT FINAL REPORT

Before releasing the Final Report on its investigation, the Commissioner shall send a draft Final Report to Government agencies, States, and other organizations that participated in the investigation, inviting their significant comments.

§ 20. PUBLIC AVAILABILITY OF FINAL REPORT

In the interest of accident and serious incident prevention, the Commissioner shall make the Final Report on its investigation publicly available as soon as possible and, if possible, within twelve months.

§ 21. COMMISSIONER RECOMMENDATION FOR PREVENTIVE ACTIONS

1. At any stage of the investigation of an accident or serious incident, the Commissioner shall 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.
2. The Commissioner shall address, when appropriate, any safety recommendations arising out of its investigations in a dated transmittal correspondence to the Aircraft Accident Investigation authorities of other State(s) concerned and, to ICAO when ICAO documents are involved.

§ 22. NEW EVIDENCE AFTER CLOSURE OF INVESTIGATION

If new and significant evidence becomes available after the investigation has been closed, the Commissioner shall reopen it.

§ 23. This Act shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

-2019-

SECOND SESSION OF THE FIFTY-FOURTH LEGISLATURE
OF THE REPUBLIC OF LIBERIA

HOUSE'S ENGROSSED BILL NO. 35 ENTITLED:

"AN ACT FOR THE ESTABLISHMENT OF AN
AIRCRAFT ACCIDENT INVESTIGATION BUREAU"

On Motion, the Bill was read. On motion, the Bill was adopted
on its first reading and sent to committee Room on Tuesday,
August 27, 2019 @ 15:30 G.M.T.

On Motion, the Bill was taken from Committee Room for its
second reading. On motion, under the suspension of the rule, the
second reading of the Bill constituted its third and final reading
and the Bill was adopted, passed into the full force of the law
and ordered engrossed today, Friday, September 6, 2019 @
13:59 G.M.T

Michael M. Seayon
CHIEF CLERK, HOUSE OF REPRESENTATIVES, R. L.

-2019-

SECOND SESSION OF THE FIFTY-FOURTH LEGISLATURE
OF THE REPUBLIC OF LIBERIA

SENATE'S ENDORSEMENT TO HOUSE'S ENGROSSED BILL
NO. 35 ENTITLED:

"AN ACT FOR THE ESTABLISHMENT OF AN
AIRCRAFT ACCIDENT INVESTIGATION BUREAU"

On Motion, the Bill was read. On motion, the Bill was adopted
on its first reading and sent to committee Room on Monday,
September 9, 2019 @ 12:58 G.M.T.

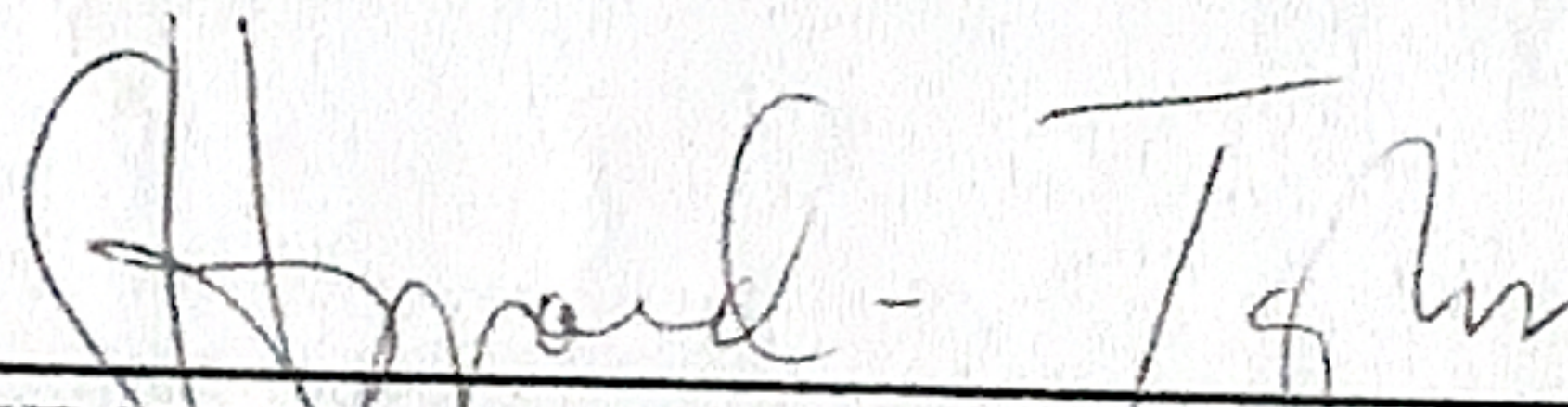
On Motion, the Bill was taken from Committee Room for its
second reading. On motion, under the suspension of the rule, the
second reading of the Bill constituted its third and final reading
and the Bill was adopted, passed into the full force of the law
and ordered engrossed today, Friday, September 20, 2019 @
13:20 G.M.T.

[Signature]
SECRETARY OF THE LIBERIAN SENATE, R.L.

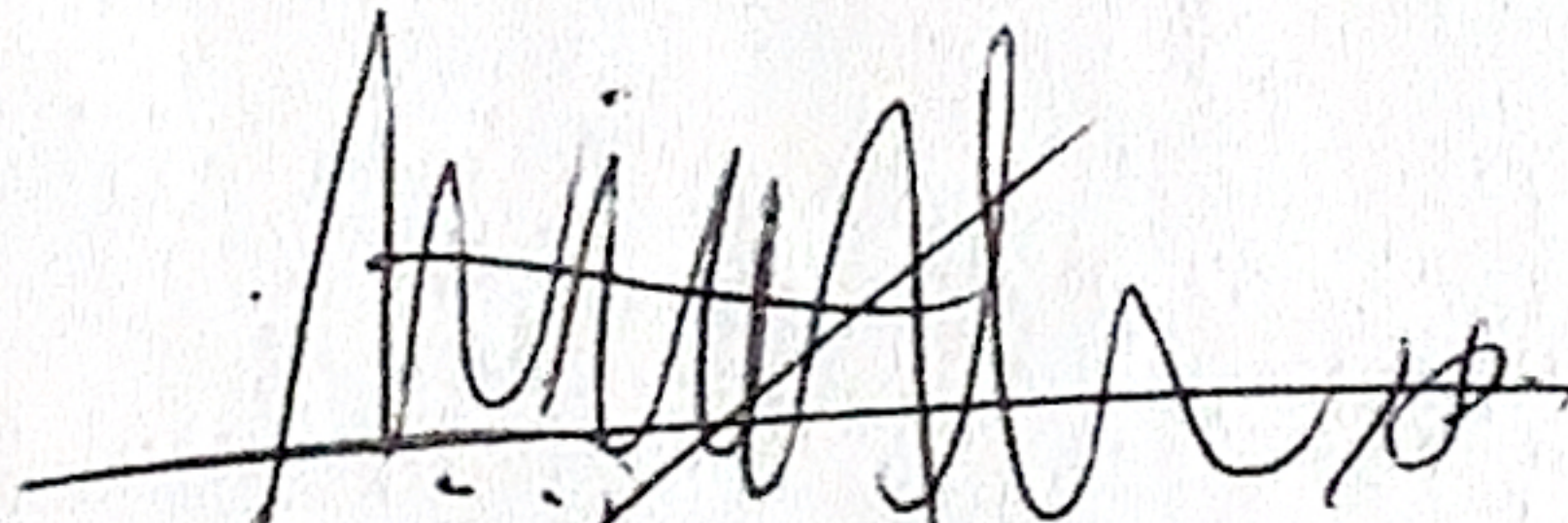
-2019-

ATTESTATION TO:


"AN ACT FOR THE ESTABLISHMENT OF AN
AIRCRAFT ACCIDENT INVESTIGATION BUREAU"



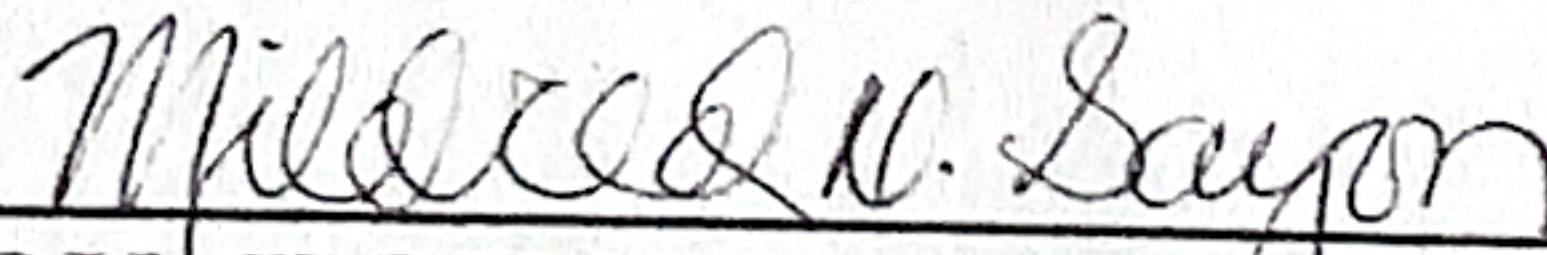
VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/
PRESIDENT OF THE SENATE



SECRETARY, LIBERIAN SENATE



SPEAKER, HOUSE OF REPRESENTATIVES, R.L.



CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.



THE HONORABLE HOUSE OF REPRESENTATIVES

Capitol Building
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Monrovia, Liberia
Website: www.legislature.gov.lr



Office of the Chief Clerk

-2019-

SECOND SESSION OF THE FIFTY-FOURTH LEGISLATURE OF THE REPUBLIC
OF LIBERIA

SCHEDULE OF HOUSE'S ENROLLED BILL NO. 16 ENTITLED:

**"AN ACT FOR THE ESTABLISHMENT OF AN
AIRCRAFT ACCIDENT INVESTIGATION BUREAU"**

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR EXECUTIVE
APPROVAL

APPROVED THIS: 16th DAY OF October A.D. 2019

AT THE HOUR OF 1:11 pm



THE PRESIDENT OF THE REPUBLIC OF LIBERIA