

REPUBLIC OF UGANDA



PUBLIC NOTICE

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THE MANDATORY OCCURRENCE REPORTING; INFORMATION AND GUIDANCE

1.0 PURPOSE

This Advisory Notice (AN) is issued to provide information and guidance on the mandatory occurrence reporting.

2.0 REFERENCES

The Civil Aviation (Aircraft Accident And Incident Investigation) Regulations as amended.

3.0 GUIDANCE AND PROCEDURES.

3.1 The Objectives of the System.

The following are the objectives of the **Mandatory Occurrence Reporting (MOR)** :

- i. To ensure that individuals and Air Operators inform the minister in charge of hazardous or potentially hazardous incidents and defects (hereafter referred to as occurrences).
- ii. To ensure that knowledge of these occurrences is disseminated so that other persons and organisations may learn from them.
- iii. To enable an assessment to be made by those concerned (whether inside or outside the CAA) of the safety implications of each occurrence, both in itself and in relation to previous similar occurrences, so that they may take or initiate any necessary action.
- iv. The overall objective of the Ministry in operating occurrence reporting is to use the reported information to improve the level of flight safety and not to attribute blame.

3.2 Submission of Reports

The Regulations places the primary responsibility for reporting with individuals and Air Operators. However, the interests of flight safety are best served by full participation, in the investigation and follow-up, by the organisation involved. Therefore, wherever possible, the Ministry of works and transport encourages the use of company reporting systems, with a responsible person(s) within the organisation being nominated to receive all reports and to establish which reports from individuals within the organisation meet the desired criteria for an occurrence report to the CAA on behalf of the Ministry in charge. Correlation of operational and technical aspects and the provision of any relevant supplementary information, e.g. the reporter's assessment and immediate action to control the problem, is an important part of such activity. With such systems the reporting level within the organisation can be, and often is, set at a lower level than the CAA requirement in order to provide a wider monitoring of the organisation's activities. However, when the employee making such a report is a person having a duty to report to the Authority in accordance with the Regulations, the company must ask him if his report has been passed on to the CAA or not. If not, and the employee is convinced that it should, he must have the right to insist that the report be passed to the CAA or to report it directly to the Ministry of works and transport himself. Procedures to ensure that this right of the individual reporter is maintained must be incorporated into the organisation's reporting procedures and be clearly stated in the relevant instructions to staff.

In the case of occurrences arising from, or relating to, defects in the aircraft, its equipment or any item of ground equipment, it is important that the appropriate manufacturer(s) be advised of the occurrence as soon as possible. The Authority therefore expects that any organisation which raises an occurrence report (or which has been made aware of a report raised by an individual employee) will pass a copy of the report to the appropriate aircraft or equipment manufacturer(s) as soon as possible, unless it is known that the originator has already done so. In the case of incidents affecting ground installations or services, e.g. aerodrome and/or air traffic control, those responsible for those services should also be informed. The original report should list all addressees to whom it has been sent.

Individuals may submit an occurrence report directly to the Ministry Aviation Desk/ CAA should they so wish, but in the interest of flight safety they are strongly advised also to notify their employers, preferably by a copy of the report, unless confidentiality is considered essential.

Reports must be dispatched within 96 hours of the event, unless exceptional circumstances prevent this. Nevertheless, when the circumstances of an occurrence are judged to be particularly hazardous, the Authority expects to be advised of the essential details by the fastest possible means (e.g. email/telephone/fax/telex). This should be followed up within 96 hours by a full written report to the Authority.

Should the initial report be incomplete in respect of any item of information required by the Regulations, a further report containing this information must be made within 96 hours of the information becoming available.

Prompt advice to the Minister on the results of investigations and the actions taken to control the situation will minimise or may render unnecessary direct investigation authority involvement in the investigative activity. The CAA on behalf of the Ministry seeks the co-operation of all reporting organisations in this respect. In the case of technical failures or difficulties, the availability of photographs and/or preservation of damaged parts will greatly facilitate the subsequent investigation.

Where a repair organisation, overhaul facilities, etc. is in doubt as to the applicability of the reporting requirements, e.g. it discovers a defect in a piece of equipment which cannot be associated with a particular aircraft, or even a type of aircraft, it should, nevertheless, make a report in order to ensure that it has complied with the law. The CAA would, in any case, wish the organisation, or individual, to report voluntarily such defects on equipment fitted to aircraft types not subject to mandatory reporting.

3.3 Confidential Reports

If any reporter considers that it is essential that his/her identity not be revealed, the report itself should be clearly annotated '**CONFIDENTIAL**' and submitted direct to the Authority and the envelope should be marked accordingly. The request will be respected and the reporter will be contacted.

3.4 Voluntary Reporting

The Authority encourages voluntary reporting to the same criteria across the whole spectrum of Uganda civil aviation operations.

3.5 Categories of Persons Required to Report

The Regulations specifies the categories of persons (or organisations) who are required to report occurrences. These include:

- i. Operators and commanders of public transport aircraft and turbine powered aircraft.
- ii. Those concerned with the repair, maintenance and overhaul of such aircraft, or any part or item of equipment intended for use on such an aircraft.
- iii. Those concerned with training organizations.
- iv. Aerodrome licensees/managers.
- v. Civil air traffic controllers operating in circumstances requiring an air traffic controller's licence are also included, as are Personnel who perform a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of equipment on the ground used or intended to be used for the purpose of, or in connection with, the provision of an air traffic control service or navigational aid to an aircraft. It should be understood that while the legislation defines those who have to report, anyone may, in fact, report should they consider it necessary.

3.6 Items to be Reported

Any person specified in the legislation should report any reportable occurrence of which he has positive knowledge, even though this may not be first hand, unless he has good reason to believe that appropriate details of the occurrence have already been, or will be, reported by someone else.

A reportable occurrence in relation to an aircraft means:

- a) Any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants, or any other person; and
- b) Any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants.

A report should also be submitted on any occurrence which involves, for example, a defective condition or unsatisfactory behavior or established procedure.

It is of great importance to the success of the reporting system that the reporters keep firmly in mind the concept of 'endangering' or 'potentially endangering', as used in the above definition, when deciding whether or not to submit a report. The primary objective of occurrence reporting is to monitor, disseminate and record for analysis, critical or potentially critical safety occurrences. It is not intended to collect and monitor the normal flow of day-to-day defects/incidents etc. The latter is an important part of the overall flight safety task but procedures and systems already exist to carry out this function. In the main these comprise industry responsibilities monitored overall by the Certificating Authority.

3.7 Assurance Regarding Prosecution

The CAA gives an assurance that its primary concern is to secure free and uninhibited reporting and that it will not be its policy to institute proceedings in respect of unpremeditated or inadvertent breaches of the law which come to its attention only because they have been reported under the Scheme, except in cases involving dereliction of duty amounting to gross negligence.

3.8 Possible Action by Employers

Where a reported occurrence indicated an unpremeditated or inadvertent lapse by an employee, the Authority would expect the employer to act responsibly and to share its view that free and full reporting is the primary aim, and that every effort should be made to avoid action that may inhibit reporting. These will, accordingly, make it known to employers that, except to the extent that action is needed in order to ensure safety, and except in such flagrant circumstances as **CONSIDERED AS CRIMINAL**, it expects them to refrain from disciplinary or punitive action which might inhibit their staff from duly reporting incidents of which they may have knowledge.

3.9 The CAA Occurrence Report Forms (Form-CAA/AIG/003)

To facilitate consistent reporting and subsequent storage and analysis of data, Air Operators and individuals are advised to use Form-AC-OPS031 or Form-CAA/AIG/003 which can be downloaded from the CAA Website or Ministry Aviation Desk.

3.10 Retention of Data from a Flight Data Recorder (FDR)

The CAA on behalf of the Ministry of works and transport expects to use flight recorder data only when this is necessary for the proper investigation of the more significant occurrences. It is not intended to use such data to check on information contained in a written report but to supplement and extend the written information. Examples of the types of occurrence for which flight data records would be most useful are: significant excursion from the intended flight parameters; significant loss of control or control difficulties; unexpected loss of performance; a genuine GPWS warning. However, the more comprehensive recorders fitted to some aircraft are capable of providing valuable data on a wider range of occurrences and the Authority would expect to make judicious use of such information in relation to appropriate occurrences.

For this purpose, the Regulation requires that operators retain the data from FDR which is relevant to a reportable occurrence for a period of 14 days from the date of the occurrence being reported to Authority or Ministry, or a longer period if the Authority so directs.

By direction of


Abraham James Byandala
MINISTER OF WORKS AND TRANSPORT