



DELEGATION AGREEMENT IN RESPECT OF AIRCRAFT ACCIDENT AND SERIOUS INCIDENT INVESTIGATION

AGREEMENT BETWEEN

AIR ACCIDENT INVESTIGATION DEPARTMENT

of

THE COMMONWEALTH OF THE BAHAMAS

AND

BAHAMAS CIVIL AVIATION AUTHORITY

REGARDING DELEGATION OF INVESTIGATION

IN RESPECT OF

AIRCRAFT INCIDENT INVOLVING

WESTERN AIR EMBRAER 145 – C6-REX

1. DELEGATION

1.1 Two incidents have occurred in the territory of the Commonwealth of The Bahamas on the 15th February 2019, at the Grand Bahama International Airport and again on 23rd February 2019 at the Lynden Pindling International Airport (MYNN) both involving an Embraer 145 aircraft, registration C6-REX operated by Western Air Ltd, a scheduled Bahamas Air Operator Certificate Holder.

1.2 This agreement expresses the delegation of the investigation in whole of the abovementioned occurrences by the Aircraft Accident Investigation Authority of the Commonwealth of the Bahamas to the Bahamas Civil Aviation Authority hereafter referred to as the Parties to this agreement.

1.3 It is recognized that both the Air Accident Investigation Authority (AAIA) and the Bahamas Civil Aviation Authority (BCAA) are parties to the Convention on International Civil Aviation (The Chicago Convention) and that they are therefore bound by the Standards contained in Annex 13 — *Aircraft Accident and Incident Investigation* to the Chicago Convention.

1.4 Both parties to this agreement are authorized by the Government of The Bahamas to act in their capacity as regulator and accident investigator respectively.

1.5 This agreement is in accordance with Annex 13 to the Chicago Convention, Standard 5.1, which states “The State of Occurrence shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation, but it may delegate the whole or any part of the conducting of such investigation to another State or a regional accident investigation organization by mutual arrangement and consent. In any event, the State of Occurrence shall use every means to facilitate the investigation.”

The AAIA is hereby delegating this occurrence to the BCAA in whole based on the following:

- a). The incident involved an AOC holder whose certificate is under the scope of the BCAA.
- b). The BCAA possess the resources and expertise to conduct the investigation and follow-up as part of their certificate management portfolio.
- c). Both documented incidences related to this particular aircraft involves the same component (nose wheel steering related).

2. TERMINOLOGY

2.1 The words and phrases used in this document have the same meaning as that ascribed to them in Annex 13 — *Aircraft Accident and Incident Investigation*.

3. THE PURPOSE OF INVESTIGATIONS

3.1 The sole objective of investigating an accident or incident in accordance with Annex 13 is for the prevention of accidents and incidents. It is not the purpose of such an investigation to apportion blame or liability.

4. CODE OF CONDUCT

4.1 This agreement serves to foster cooperation and mutual assistance between the parties in implementing the provisions of Annex 13. Each party shall strive to overcome difficulties that may arise due to differences in languages, national cultures, legislative systems or geographic locations.

5. PARTICIPATION BY STATES AND OTHER ENTITIES

5.1 In accordance with Annex 13, Standard 5.18, the State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall each be entitled to appoint an accredited representative to participate in the investigation. Additionally, in accordance with Annex 13, Standard 5.23, any State which on request provides information, facilities or experts to the State conducting the investigation shall be entitled to appoint an accredited representative to participate in the investigation.

5.2 In addition to the States referred to in 5.1 above, any other States or entities invited by the Aircraft Accident Investigation Authority of the Commonwealth of the Bahamas to participate in the investigation will be accorded rights of participation in accordance with Annex 13.

6. PROGRESS OF THE INVESTIGATION

6.1 The two parties agree to work together to ensure that a competent investigation is conducted in accordance with the procedures and intent of Annex 13.

6.2 Either party may request information on the progress of the investigation being carried out by the other party. All possible efforts will be made to provide the requested information. In accordance with the relevant laws of the respective States, any such information provided should be treated with at least the same rules with respect to confidentiality as those to which the providing party is bound.

6.3 It is recognized that the Bahamas Civil Aviation Authority is responsible for the conduct of the whole investigation, including the issuance of the Final Report and the ADREP reporting (if applicable).

7. COORDINATION

7.1 The contact person in the Aircraft Accident Investigation Department of the Commonwealth of the Bahamas for the implementation of this agreement is:

Capt. Delvin Major
Chief Investigator of Air Accidents
Air Accident Investigation Department
Manx Corporate Center, West Bay St, Nassau Bahamas
Telephone (242) 397-5513 (office) (242) 376-1617 (mobile)
Fax – (242) 327-2192
Email – delvinmajor@bahamas.gov.bs

7.2 The contact person in the Bahamas Civil Aviation Authority for the implementation of this agreement is:

Mrs. Julia Brathwaite-Rolle
Manager – Safety Oversight Division
Bahamas Civil Aviation Authority
JL Center, Blake Rd. Nassau, Bahamas
Telephone (242) 397-4725 (office) (242) 376-0830 (mobile)
Email - Juliea.brathwaite@bcaa.gov.bs

8. ENTRY INTO FORCE AND TERMINATION

8.1 This agreement will come into effect on the date of signing by the parties to this agreement.

8.2 This agreement may be terminated by mutual consent of the parties.

Signed on the March 4, 2019 in the Commonwealth of The Bahamas

...Delvin R. Major.....
Chief Investigator of Air Accidents	Signature

...Julie Brathwaite-Rolle.....
Manager- Safety Oversight Bahamas Civil Aviation Authority	Signature
