GOVERNMENT NOTICE NO. 38

AVIATION ACT

(CAP. 70:01)

AVIATION (SEARCH AND RESCUE) REGULATIONS, 2013

ARRANGEMENT OF REGULATIONS

REGULATION

IN EXERCISE of the powers conferred by section 19 of the Aviation Act, I, MOHAMMED SIDIK MIA, Minister of Transport and Public Works, make the following Regulations–

PART I—GENERAL

Citation and Application

1.—(1) These Regulations may be cited as the Aviation (Search and Rescue) Regulation, 2013.

Interpretation

(2) These Regulations are applicable to the establishment, maintenance and Operations of Search and Rescue Services in the territory of Malawi

2. For the purpose of these Regulations, unless the context otherwise requires—

"alert phase" means a situation wherein apprehension exists as to the safety of an aircraft and its occupants;

"alerting post" means a unit designated to receive information from the general public regarding aircraft in emergency and to forward the information to the associated rescue coordination center;

"distress phase" means a situation wherein there is a reasonable certainty that an aircraft and its occupants are threatened by grave and imminent danger or require immediate assistance;

"ditching" means the forced landing of an aircraft on water;

"emergency phase" means a generic term meaning, as the case shall be, uncertainty phase, alert phase or distress phase;

"rescue coordination center" means a unit responsible for promoting efficient organization of search and rescue services and for coordinating the conduct of search and rescue operations within a search and rescue region.;

"rescue subcenter" means a unit subordinate to a rescue coordination centre, established to complement the latter within a specified portion of a search and rescue region;

"rescue unit" means a unit composed of trained personnel and provided with suitable equipment for the expeditious conduct of search and rescue;

"search and rescue aircraft" means an aircraft provided with specialized equipment suitable for the efficient conduct of search and rescue missions;

"search and rescue region" means an area of defined dimensions within which search and rescue services are provided;

"search and rescue service unit" means a generic term meaning, as they case shall be, rescue coordination, centre, rescue subcentre or alerting post;

"uncertainty phase" means a situation wherein uncertainty exists as to the safety of an aircraft and its occupants.

Acronyms

3. The following acronyms are used in these Regulations—

(*a*) "RCC" means Rescue Coordination Centre;

(*b*) "SAR" means Search and Rescue;

(*c*) "SPOC" means Search and Rescue Point of Contact;

(*d*) "SMC" means Search and Rescue Mission Coordinator;

(*e*) "SRR" means Search and Rescue Region;

(*f*) "RSC" means Rescue Subcentre;

(*g*) "SRU" means Search and Rescue Unit.

PART II–SAR ORGANIZATION AND FACILITIES

Organization of search and rescue

4.—(1) The Authority may designate a unit as an RCC responsible for directing Search and Rescue operations for aircraft in distress and survivors of aircraft accidents.

(2) The Authority shall designate the territorial airspace of Malawi as the search and rescue region.

(3) The Authority may include potions of foreign airspace in the SRR if there is an agreement between the authority and the foreign state's authority to facilitate air search.

(4) The Authority may designate as rescue units elements of public or private services suitably located and equipped for search and rescue operations and shall define the relative functions of these elements and the respective RCC.

(5) The Authority may designate the RCC or any other unit a SPOC for receipt of satellite distress data.

(6) The Authority may designate units as RSCs wherever this would improve the efficiency of search and rescue services.

(7) In providing search and rescue services to aircraft the RCC and its associated SRUs shall do so regardless of the nationality of such aircraft or survivors.

Communication for SRU and RCC

5.—(1) The RCC shall have means of rapid and reliable communication with—

(*a*) the headquarters of rescue units;

(*b*) RCCs in adjacent regions;

(*c*) designated meteorological offices or meteorological watch office;

(*d*) rescue units when employed in search and rescue;

(*e*) alerting posts;

(*f*) the Mission control centre servicing the SRR.

(2) The RCC shall have means of immediate communication with—

(*a*) the associated air traffic services unit;

(*b*) associated RSC, when designated;

(*c*) marine radio stations capable of alerting and communicating with surface vessels in the SRR.

(3) Means of rapid and reliable communication in subregulation (1) include digital data interchange, telephone, facsimile and radiotelephone.

(4) Means of immediate communication are considered to be direct-line telephone or teletype, direct radiotelephone circuit, or, when these cannot be made available, telephone or teletype via a switchboard.

Co-operation agreements with other RCCs and services

6.—(1) The Authority shall be entitled to conclude agreements concerning the provision of assistance to aircraft in emergency with other local authorities and suitable agencies and persons.

(2) The Authority may negotiate the terms of, and enter into international agreements with the search and rescue organizations of other states.

(3) During search and rescue operations other government services shall collaborate with the RCC.

(4) All government services concerned shall take measures to facilitate as far as possible, the expeditious and temporary entry of personnel, and their equipment, from other states who, in agreement with the RCC established by the Authority are participating in SAR operations.

(5) Aircraft vessels and local services and facilities which do not form part of the SAR organization shall cooperate fully with the RCC in search and rescue and extend any possible assistance to the survivors of aircraft accidents.

(6) All persons and agencies involved in search and rescue services shall cooperate with the agencies responsible for investigating accidents and with those responsible for the care of the victims of the accident.

Search and rescue equipment

7. The Authority shall ensure that search and rescue units are provided with facilities and equipment for locating promptly, and for providing adequate assistance at the scene of an accident.

Costs of searh and rescue

8. Questions of assignment of costs connected with the conduct of search and rescue operation shall not be allowed to interfere with its prompt and effective execution by the RCC.

Part III — Search and Rescue Plan

Search and rescue plan

9.—(1) The RCC shall prepare a detailed plan for the conduct of search and rescue operations within the SRR.

(2) The plan required by subregulation (1) shall specify arrangements for the servicing and refuelling, to the extent possible, of aircraft, vessels and vehicles employed in SAR.

(3) The RCC shall have available at all times up-to-date information concerning the following in respect of the SRR—

(*a*) rescue units, rescue subcentres and alerting posts;

(*b*) air traffic services units;

(*c*) means of communication that shall be used in SAR operations;

(*d*) cable addresses and telephone numbers of all operators or their designated representatives, engaged in operations in the region; and

(*e*) any other public and private resources including medical and transportation facilities that are likely to be useful in SAR.

(4) The plan of operation referred to in subregulation (1) shall contain details regarding all actions to be taken by those engaged in search and rescue including—

(*a*) the manner in which SAR is to be conducted;

(*b*) the use of available communication systems and facilities;

(*c*) the actions to be taken jointly with adjacent RCCs;

(*d*) the methods of alerting en-route aircraft and ships at sea;

(*e*) the duties and prerogatives of personnel assigned to SAR;

(*f*) the possible redeployment of equipment that shall be necessitated by meteorological or other conditions;

(*g*) the methods of obtaining essential information relevant to SAR operations such as weather reports and forecasts, appropriate NOTAM, etc;

(*h*) the methods of obtaining from other RCCs, such assistance, including aircraft, vessels, personnel or equipment as shall be needed;

(*i*) the methods for assisting distressed aircraft being compelled to ditch to rendezvous with surface craft;

(*j*) the methods for assisting SAR or other aircraft to rendezvous with aircraft in distress; and

(*k*) the initial actions for assistance to an aircraft known or believed to be subject to unlawful interference.

(5) A large–scale map of the search and rescue region shall be available at the RCC for the purpose of displaying and plotting information of interest to search and rescue.

(6) Each rescue unit shall—

(*a*) be cognizant of all parts of the plan of operation that are necessary for the effective conduct of its duties;

(*b*) maintain in readiness the required number of rescue craft and vehicles;

(*c*) maintain supplies of various medical stores, signalling devices and other survival and rescue equipment; and

(*d*) keep the RCC currently informed of the quantity and preparedness of its equipment.

Removal of wreckage

10. The Authority shall ensure that wreckage resulting from aircraft accidents within the territory of Malawi or as far as practicable within the search and rescue region, is removed or obliterated following completion of the accident investigation, or charted, so as to prevent subsequent confusion.

PART IV — SEARCH AND RESCUE OPERATING PROCEDURES

Procedures for RCC

11.—(1) The RCC shall develop and publish SAR operating procedures relevant for each of the following emergency phases—

(*a*) uncertainty Phase;

(*b*) alert Phase; and

(*c*) distress Phase.

(2) The RCC shall develop and publish procedures for terminating each of the emergency phase in subregulation (1).

Procedurs for persons in-charge of the rescue unit

12.—(1) The person assigned to be in charge of the rescue unit at the scene of an accident shall act as required by the rescue coordination centre and shall—

(*a*) ensure that no risk of setting fire to the aircraft is created by use of improper types of lights or by equipment likely to produce electric or friction sparks;

(*b*) give aid to survivors;

(*c*) except as necessary for paragraph (*b*), or when otherwise directed, ensure that the wreckage of the aircraft or marks made by it in landing are not disturbed until all information required for investigation of the causes of the accident has been obtained.

Procedures for pilots-in command at the scene of an accident

13.—(1) When a PIC observes that either another aircraft or a surface craft is in distress, he shall, unless he is unable, or in the circumstances of the case considers it unreasonable or unnecessary—

(*a*) keep in sight the craft in distress until such time as his presence is no longer required;

(*b*) if his position is not known with certainty, take such action as will facilitate the determination of it;

(*c*) report to the RCC or air traffic services unit as much of the following information as possible—

(i) type of craft in distress, its identification and condition;

(ii) its position expressed in geographical coordinates or in distance and true bearing from a distinctive landmark or from a radio navigation aid;

(iii) time of observation expressed in hours and minutes UTC;

(iv) number of persons observed;

(v) whether persons have been seen to abandon the craft in distress;

(vi) number of persons observed to be afloat;

(vii) apparent physical condition of survivors.

(2) If the first aircraft to reach the scene of an accident is not a search and rescue aircraft it shall take charge of on-scene activities of all other aircraft subsequently arriving until the first SAR aircraft reaches the scene of the accident. If, in the meantime, such aircraft is unable to establish communication with the appropriate RCC or air traffic services unit, it shall by mutual agreement, hand over to an aircraft capable of establishing and maintaining such communications until the arrival of the first SAR aircraft.

(3) When it is necessary for an aircraft to direct a surface craft to the place where an aircraft or surface craft is in distress, the aircraft shall do so by transmitting precise instructions by means at its disposal. If no radio communication can be established the aircraft shall use the appropriate signal in IS: 12:13.

(4) When it is necessary for an aircraft to convey information to survivors or surface rescue units, and two-way communication is not available, if shall, if practicable, drop communication equipment that would enable direct contact to be established, or convey the information by dropping the message.

(5) When a ground signal has been displayed the aircraft shall indicate whether the signal has been understood or not by the means described in subregulation (4) or, if this is not practicable, by use of the appropriate signal in IS: 12:13.

Procedures for pilots-in command intercepting a distress transmission

14.—(1) Whenever a distress signal and/or message or equivalent transmission is intercepted on radiotelegraphy or radiotelephony by PIC of an aircraft, the pilot-in-command shall—

(*a*) record the position of the craft in distress if given;

(*b*) if possible take a bearing on the transmission;

(*c*) inform the appropriate RCC or air traffic services unit of the distress transmission, giving all available information;

(*d*) at his discretion, while awaiting instructions proceed to the position given in the transmission.

Search and rescue signals

15.—(1) The signals in IS: 12:13 shall when used, have the meaning indicated therein. They shall be used only for the purpose indicated and no other signals likely to be confused with them shall be used.

(2) Upon observing any of the signals given in IS 12:13, aircraft shall take such action as shall be required by the interpretation of the signal given in that IS.

SCHEDULE

IMPLEMENTING STANDARDS FOR SEARCH AND RESCUE REGULATIONS

IS 12: 13 SEARCH AND RESCUE SIGNALS

(1) The following manoeuvres performed in sequence by an aircraft mean that the aircraft wishes to direct surface craft towards an aircraft or a surface craft in distress—

(*a*) circling the surface craft at least once;

(*b*) crossing the projected course of the surface projected course of the surface craft close ahead at low altitude and—

(i) rocking the wings; or

(ii) opening and closing the throttle; or

(iii) changing the propeller pitch due to high noise level on board surface craft, the sound signals in (ii) may be less effective than the visual signal in (i) and are regarded as alternative means of attracting attention;

(*c*) heading in the direction in which the surface craft is to be directed;

(*d*) repetition of such manoeuvres has the same meaning.

(2) The following manoeuvres by an aircraft means that the assistance of the surface craft to which the signal is directed is no longer required—

(*a*) crossing the wake of the surface craft close astern at a low altitude and—

(i) rocking the wings; or

(ii) opening and closing the throttle; or

(iii) changing the propeller pitch.

(*b*) the following replies may be made by surface craft to the signal in (1)—

(i) for acknowledging receipt of signals—

A—the hosting of the "code pennant" (vertical red and which stripes) close up (meaning understood);

B—the flashing of a succession of "Ts" by signal lamp in the Morse code;

C—the changing of heading of the follow the aircraft.

(ii) For indicating inability to comply—

A—the hosting of the international flag "N" (a blue and white checkered square);

B—the flashing of succession of "Ns" in the Morse code.

(3) Ground air visual signal code for use by survivors—

No	*Message*	*Code Symbol*
1	Require assistance	V
2	Require Medical Assistance	X
3	No or Negative	N
4	Yes or Affirmative	Y
5	Proceeding in this direction	

Table 1

4. Ground–air visual signal code for use by rescue units

No	***Message***	***Code Symbol***
1	Operation completed	LLL
2	We have found all personnel	LL
3	We have found only some personnel	++
4	We are not able to continue: Returning to base	XX
5	Have divided into two groups: Each proceeding in direction indicated	
6	Information received that aircraft in this direction	
7	Nothing found: We will continue to search	

Table 2

The signals in Table 1 and 2 shall be 2.5 metres long and shall be made as conspicuous as possible.

Symbols may be by formed by any means such as: - strips of fabric, parachutes material, pieces of wood, stones or such like material; marking the surface by tramping or straining with oil etc.

Attention to the signals may be attracted by other means such as radio, flares, smoke reflected flight, etc.

5. To ground signals.

The following signals by aircraft mean that the ground signals have been understood—

(i) during the hours of daylight-by rocking the aircraft's wings;

(ii) flashing on and off twice the aircraft's landing lights or, if not so equipped, by twice its navigation lights.

Lack of the above signals indicates the ground signal is not understood.

Made this 26th day of June, 2013.

MOHAMMED SIDIK MIA
Minister of Transport and Public Works

(FILE NO. 5/2/3)