

Document	BAR 12 - Search and Rescue	
Version	01	



Brunei Department of Civil Aviation
Negara Brunei Darussalam
www.mtic.gov.bn/dca

Brunei Aviation Requirements

BAR 12 - Search and Rescue

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Control of this Document

DC.1 Introduction

- DC.1.1 Pursuant to sections 13(1) and 56 to the Civil Aviation Order 2006 and the Civil Aviation Regulations 2006, the Director of Civil Aviation is empowered to adopt and amend Brunei Aviation Requirements. In accordance therewith, the following requirements are hereby established for compliance by all persons concerned. These requirements shall be known as BAR 12 Search and Rescue (SAR) and any reference to this title shall refer to the requirements to be met for civil aviation in Brunei Darussalam.

These requirements are intended to meet the obligations of Brunei Darussalam under the Convention on International Civil Aviation done at Chicago on 7 December 1944 (the Convention), and Annex 12 to that Convention, and the International Convention on Maritime Search and Rescue done at Hamburg on 27 April 1979 (as amended) (the IAMSAR Convention) and the IAMSAR Manual.

DC.2 Authority for this Requirement

- DC.2.1 This BAR 12 - Search and Rescue is issued on the authority of the Director of Civil Aviation.

DC.3 Applicability

- DC.3.1 This BAR 12 - Search and Rescue is applicable to the aviation industry - including Government agencies, SAR providers, air navigation and air traffic service providers, aircraft operators and aircrew - of Brunei Darussalam.

DC.4 Scope

- DC.4.1 BAR 12 Search and Rescue (SAR), provides complete instruction for the staff of Brunei DCA and relevant Industry bodies during the course of their duties. This BAR 12 contains the SAR regulatory requirements of Brunei Darussalam, and shows compliance with ICAO Annex 12.

DC.5 Definitions

- DC.5.1 Terms not defined within this document shall have the meaning given to them in the relevant legal instruments or international legal instruments in which they appear, especially as they appear in the Convention and its Annexes.

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High Level Requirements

Article 1: The Competent Authority

This document establishes high level requirements for the safety regulation of SAR services in Brunei DCA.

For the purpose of this regulation the competent authority for the oversight of SAR services in Brunei Darussalam shall be the Brunei DCA. Throughout this document the term 'Brunei DCA' shall mean the regulatory (competent authority) element only.

Where this regulation addresses the other parts of the Brunei DCA which provide SAR Services it does so using terms such as 'Air Navigation Service Providers (ANSP)' or 'SAR providers'. These organisations shall comply with the requirements for the provision of SAR services set out in Annex I to these requirements.

Article 2: ICAO Compliance

The Brunei DCA and provider(s) of SAR in Brunei Darussalam shall comply with the relevant ICAO Annex 12 and Annex 19 Standards and Recommended Practices relating to SAR unless they are subject to specific national 'differences' which have been filed formally with ICAO and promulgated in the Brunei AIP. All recommended practices promulgated in these ICAO Annexes shall be afforded the same status as standards and implemented accordingly in Brunei Darussalam.

Article 3: Definitions

For the purposes of this regulation the definitions in ICAO Annex 12: Search and Rescue shall apply.

Article 4: Safety Oversight Function

Brunei DCA staff shall exercise safety oversight as part of their supervision of requirements applicable to SAR services in order to monitor the safe provision of this activity and to verify that the applicable safety regulatory requirements and their implementing arrangements are met.

Article 5: Monitoring of Safety Performance

The Brunei DCA shall provide regular monitoring and assessment of the levels of safety achieved in order to determine whether they comply with the safety regulatory requirements applicable in the airspace under their responsibility.

The Brunei DCA shall ensure the appropriate supervision of the application of this regulation, in particular with regard to the safe and efficient provision of SAR services in Brunei Darussalam airspace. To this end, Brunei DCA shall organise a programme of proper inspections and surveys to verify compliance with the requirements of this regulation, including human resources requirements for the provision of SAR services. The provider of SAR services concerned shall facilitate such work. The Brunei DCA shall cooperate closely with the national aviation authorities of adjacent states to ensure adequate coordination of SAR service provision. In the case of cross-border provision of SAR services, such coordination shall include the establishment of agreements on the mutual recognition of the supervisory tasks set out in this regulation.

Brunei DCA shall use the results of the monitoring of safety in particular to determine areas in which the verification of compliance with safety regulatory requirements is necessary as a matter of priority.

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Article 6: Safety Regulatory Audits

- (1) The Brunei DCA, or qualified entities as delegated by them shall conduct safety regulatory audits.
- (2) The safety regulatory audits referred to in paragraph (1) shall:
 - (a) provide the Brunei DCA with evidence of compliance with applicable safety regulatory requirements and with implementing arrangements by evaluating the need for improvement or corrective action;
 - (b) be independent of internal auditing activities undertaken by the organisation concerned as part of its safety or quality management systems;
 - (c) be conducted by auditors qualified in accordance with the requirements of Article 11;
 - (d) apply to complete implementing arrangements or elements thereof, and to processes, products or services;
 - (e) determine whether:
 - (i) implementing arrangements comply with safety regulatory requirements;
 - (ii) actions taken comply with the implementing arrangements;
 - (iii) the results of actions taken match the results expected from the implementing arrangements.
 - (f) lead to the correction of any identified non-conformities in accordance with Article 9.
- (3) Within the inspection programme required by Article 5, the Brunei DCA shall establish and update at least annually a programme of safety regulatory audits in order to:
 - (a) cover all the areas of potential safety concern, with a focus on those areas where problems have been identified;
 - (b) cover all the SAR organisations operating under the supervision of the Brunei DCA;
 - (c) ensure that audits are conducted in a manner commensurate with the level of risk posed by the organisations activities;
 - (d) ensure that sufficient audits are conducted over a period of 2 years to check the compliance of all these organisations with applicable safety regulatory requirements in all the relevant areas.
 - (e) ensure follow up of the implementation of corrective actions.
- (4) The Brunei DCA may decide to modify the scope of pre-planned audits and to include additional audits, wherever that need arises.
- (5) The Brunei DCA shall decide which arrangements, elements, services, functions, products, physical locations and activities are to be audited within a specified time frame.
- (6) Audit observations and identified non-conformities shall be documented. The latter shall be supported by evidence, and identified in terms of the applicable safety regulatory requirements and their implementing arrangements against which the audit has been conducted.
- (7) An audit report, including the details of the non-conformities, shall be drawn up.

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Article 7: Facilitation of Compliance Monitoring

Organisations shall facilitate inspections and surveys by the Brunei DCA or by a qualified entity acting on the latter's behalf, including site visits and visits without prior notice.

The authorised persons shall be empowered to perform the following acts:

- (a) to examine the relevant records, data, procedures and any other material relevant to the provision of SAR services;
- (b) to take copies of or extracts from such records, data, procedures and other material;
- (c) to ask for an oral explanation on site;
- (d) to enter relevant premises, lands or means of transport. Such inspections and surveys, when conducted by the Brunei DCA or by a qualified entity acting on its behalf, shall be carried out in compliance with the legal provisions of Brunei Darussalam as outlined in these Requirements.

Article 8: Corrective Actions

- (1) The Brunei DCA shall communicate the audit findings to audited organisations and shall simultaneously request corrective actions to address the non-conformities identified without prejudice to any additional action required by the applicable safety regulatory requirements.
- (2) Audited organisations shall determine the corrective actions deemed necessary to correct non-conformities and the time frame for their implementation.
- (3) The Brunei DCA shall assess the corrective actions as well as their implementation as determined by audited organisations and accept them if the assessment concludes that they are sufficient to address the non-conformities.
- (4) Audited organisations shall initiate the corrective actions accepted by the Brunei DCA. These corrective actions and the subsequent follow-up process shall be completed within the time period accepted by the Brunei DCA.

Article 9: Qualified Entities

- (1) When the Brunei DCA decides to delegate to a qualified entity the conduct of safety regulatory audits or reviews in accordance with this regulation, it shall ensure that the criteria used to select an entity amongst those qualified include the following:
 - (a) the qualified entity has prior experience in assessing safety in SAR entities;
 - (b) the qualified entity is not simultaneously involved in internal activities within the safety or quality management systems of the organisation concerned;
 - (c) all personnel concerned with the conduct of SAR safety regulatory audits or reviews are adequately trained and qualified and meet the qualification criteria of Article 11(3) of this regulation.
- (2) The qualified entity shall accept the possibility of being audited by the Brunei DCA or any body acting on its behalf.
- (3) The Brunei DCA shall maintain a record of the qualified entities commissioned to conduct safety regulatory audits or reviews on their behalf. Such records shall document compliance with the requirements contained in paragraph (1).

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Article 10: Safety Oversight Capabilities

- (1) Brunei Darussalam shall ensure that the Brunei DCA has the necessary capability to ensure the safety oversight of all organisations operating under their supervision, including sufficient resources to carry out the actions identified in these requirements.
- (2) The Brunei DCA shall produce and update every 2 years, an assessment of the human resources needed to perform their SAR safety oversight functions, based on the analysis of the processes required by this regulation and their application.
- (3) The Brunei DCA shall ensure that all persons involved in SAR safety oversight activities are competent to perform the required function. In that regard they shall:
 - (a) define and document the education, training, technical and operational knowledge, experience and qualifications relevant to the duties of each position involved in safety oversight activities within their structure;
 - (b) ensure specific training for those involved in SAR safety oversight activities within their structure;
 - (c) ensure that personnel designated to conduct safety regulatory audits, including auditing personnel from qualified entities, meet specific qualification criteria defined by the Brunei DCA. The criteria shall address:
 - (i) the knowledge and understanding of the requirements related to SAR services, against which safety regulatory audits may be performed;
 - (ii) the use of assessment techniques;
 - (iii) the skills required for managing an audit;
 - (iv) the demonstration of competence of auditors through evaluation or other acceptable means.

Article 11: SAR Safety Oversight Records

The Brunei DCA shall keep and maintain access to the appropriate records related to their SAR safety oversight processes, including the reports of all safety regulatory audits.

Article 12: Information Exchange between National Aviation Authorities

The Brunei DCA shall make arrangements for close cooperation with the national aviation authorities of neighbouring states and exchange any appropriate information to ensure the safety oversight of all organisations providing cross-border SAR services or functions.

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Annex I - Requirements for the Provision of SAR Services

- 1 SAR service providers shall provide their services in a safe, efficient, continuous and sustainable manner consistent with a reasonable level of overall demand. To this end, they shall maintain adequate technical and operational capacity and expertise.
- 2 Organisational structure
SAR service providers shall set up and manage their organisation according to a structure that supports the safe, efficient and continuous provision of SAR services. The organisational structure shall define:
 - (a) the authority, duties and responsibilities of the nominated post holders, in particular of the management personnel in charge of safety, quality, security, finance and human resources related functions;
 - (b) the relationship and reporting lines between different parts and processes of the organisation.
- 3 Safety Management
SAR service providers shall manage the safety of all their services. In doing so, they shall establish formal interfaces with all stakeholders which may influence directly the safety of their services.
SAR service providers shall develop procedures for managing safety when introducing new systems or changing existing systems.
- 4 Working Methods and Operating Procedures
Providers of air traffic services shall be able to demonstrate that their working methods and operating procedures are compliant with the standards in the following annexes to the Convention
ICAO Annex 11 on Air Traffic Services
ICAO Annex 12 on Search and Rescue
- 5 Operations manuals
SAR service providers shall provide and keep up-to-date operations manuals relating to the provision of their services for the use and guidance of operations personnel. They shall ensure that:
 - (a) operations manuals contain the instructions and information required by the operations personnel to perform their duties;
 - (b) relevant parts of the operations manuals are accessible to the personnel concerned;
 - (c) the operations personnel are expeditiously informed of amendments to the operations manual applying to their duties as well as of their entry into force.
- 6 Human resources
SAR service providers shall employ appropriately skilled personnel to ensure the provision of SAR services in a safe, efficient, continuous and sustainable manner. In this context, they shall establish policies for the recruitment and training of personnel.

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7 Contingency plans

SAR service providers shall have in place contingency plans for all the SAR services they provide in the case of events which result in significant degradation or interruption of their operations.

8 Reporting requirements

SAR service providers shall provide an annual report of their activities to the Brunei DCA.

That annual report shall cover any significant activities and developments in particular in the area of safety and shall include as a minimum:

- (a) an assessment of the level of performance of SAR services generated;
- (b) developments in operations and infrastructure;
- (c) information about the formal consultation process with the users of its services;
- (d) information about the human resources policy.

BRUNEI DCA