



Search and Rescue Conference

(Saint Denis de La Réunion, 3 – 7 September 2007)

WP/2 – Draft Search and Rescue Bill

Draft Search and Rescue Bill

Introduction

The purpose of this Act is to establish a cooperative *[State]* aeronautical and maritime Search and Rescue service organisation and to provide for matters connected therewith, in accordance with the provisions of the International Convention on Maritime Search and Rescue (Hamburg, 27 April 1979), the Convention on International Civil Aviation (Chicago, 7 December 1944), and the International Convention on Safety of Life at Sea (SOLAS) (London, 1 November 1974 as amended).

Article I. Definitions

1.01 **Craft:** aircraft or vessel

1.02 **The *[State]* Joint Rescue Coordination Centre:** the unit administered jointly by the *[appropriate maritime authority]* and the *[appropriate aeronautical authority]* responsible for promoting efficient organization of aeronautical and maritime Search and Rescue services and for coordinating the conduct of aeronautical and maritime Search and Rescue operations within the *[State]* Search and Rescue region.

1.03 **Alerting post:** any facility intended to serve as an intermediary between a person reporting an emergency and the *[State]* Joint Rescue Coordination Centre.

1.04 **The *[State]* Search and Rescue Region:** an area of defined dimensions, recognized by the International Civil Aviation Organization and the International Maritime Organization, and associated with a Joint Rescue Coordination Centre, within which Search and Rescue services are provided.

1.05 **Search and Rescue services:** operations coordinated by the *[State]* Joint Rescue Coordination Centre using public and private resources to locate and retrieve survivors of aircraft or vessel accidents or incidents, regardless of their nationality or circumstances, provide for their initial medical and other survival needs, and deliver them to a place of safety.

1.06 **Search and Rescue facility:** any mobile resource, including designated search and rescue units, used to conduct search and rescue operations.

1.07 **Search and Rescue unit:** a *[mobile resource]*¹ composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations.

¹ According to Annex 12 : Search and rescue unit. A mobile resource composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations.
According to the International Convention on Maritime Search and Rescue: Search and rescue unit. A unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations.

Article II. Search and Rescue Regions

2.01 The Minister(s) responsible for aeronautical and maritime transport shall, by public notice as well as in relevant aeronautical and maritime publications, publish the *[State]* Search and Rescue Region.

Article III. Provision of Search and Rescue services

3.01 Search and Rescue services shall be provided to craft in distress within the *[State]* Search and Rescue region regardless of their state of registry.

3.02 The *[State]* Civil Aviation Authority shall be responsible for defining policy and providing operational planning and coordination of aeronautical Search and Rescue services.

3.03 The *[State]* Maritime Authority shall be responsible for defining policy for maritime Search and Rescue services.

3.04 *[The [State] Coast Guard shall be responsible for providing operational planning and coordination of maritime Search and Rescue services.]*

3.05 *[The [State] Civil Aviation Authority and the [State Coast Guard] shall, as far as their primary functions permit, respond to other emergencies upon request from competent authorities, including the National Disaster Committee.]*

Article IV. Coordination between participating Ministries

4.01 The Ministry/*ies* responsible for aviation and maritime transport shall conclude agreements with other appropriate Ministries, *[including the Ministries responsible for Defence and Interior etc.]* Government agencies, private agencies, commercial and voluntary organisations and persons, concerning the provision of Search and Rescue services. Such agreements may be bilateral or multilateral.

4.02 During Search and Rescue operations, the *[State]* joint rescue coordination centre shall call for the collaboration and support of other Government services *[including the National Disaster Committee]* as required.

4.03 Any *[State]* Government *[agency/organization/body]* that operates Search and Rescue facilities shall comply with any request from the joint rescue coordination centre, in accordance with priorities and terms agreed by all Parties.

Article V. Establishment of a Search and Rescue coordinating committee

5.01 A Search and Rescue coordinating committee shall be established for the purposes of:

1. Providing a standing forum for co-ordination of administrative and operational Search and Rescue matters;
2. Approving national plans, policies, and procedures.

5.02 The Committee shall be chaired *[in rotation]* by the *[Ministers/the Permanent Secretaries]* responsible for aviation and maritime transport.

5.03 The composition of the Committee shall include representatives of Ministries responsible for:

- a. Defence;
- b. Interior;
- c. National disaster management;
- d. Civil aviation;
- e. Health;
- f. *[Works]*;
- g. *[Parks and wildlife]*;
- h. Maritime transport;
- i. Transport.

5.04 The Chairperson may invite representatives of other Ministries, private, non-governmental and volunteer organizations on an *ad hoc* basis.

5.05 All institutions represented in the Committee shall bear the costs and expenses of their participation in Committee business.

5.06 The terms of reference of the Search and Rescue coordinating committee shall be developed jointly by the Ministries responsible for aviation and maritime transport, in accordance with the provisions of Article 5.01 of this Act.

Article VI. The *[State]* joint rescue coordination centre

6.01 The *[Civil Aviation Authority]* and the *[Maritime Authority]* shall jointly establish, suitably equip and operate a joint rescue coordination centre for the coordination of aeronautical and maritime Search and Rescue operations.

6.02 The designation of Search and Rescue regions does not preclude the *[State]* joint rescue coordination centre from :

- a. coordinating Search and Rescue services in another region, at the request of the rescue coordination centre responsible for the provision of Search and Rescue services in that region; or
- b. performing, by agreement, the tasks nominally the responsibility of another rescue coordination centre.

Article VII. *[Requisition]* of craft

7.01 The *[Minister responsible]* may, for purposes of any aeronautical or maritime Search and Rescue operation and subject to the pilot in command of the aircraft or the master of the vessel concerned exercising ultimate responsibility for the safety of the craft:

- a. *[requisition]* any national civil aircraft or vessel to participate in the Search and Rescue response;

- b. request any holder of a *[State]* aircraft flight crew licence or the master of a vessel registered in the *[State]* to assist in the operation; or
- c. request the assistance of:
 - i. any foreign military aircraft or vessel, or
 - ii. any holder of a foreign aircraft flight crew licence or the master of a vessel registered abroad.

7.02 Any case where the *[Minister responsible]* contemplates requisitioning a civil aircraft or vessel, or requesting a civil holder of a *[State]* aircraft flight crew licence or the master of a *[State]*-registered vessel, the *[Minister responsible]* may do so only if:

- a. human life is in grave and immediate danger; and
- b. there are no other means available to conduct the search and rescue operation.

7.03 *[Arrangements shall be made for private operators of requisitioned aircraft to be compensated financially for part or all of their aircraft operating costs while requisitioned for SAR operations.]*

7.04 *[Any person who, without lawful reason, fails to positively respond to a requisition such as referred to above is guilty of an offence].*

Article VIII. Reporting of craft in distress

8.01 Any person who knows or has reason to believe that an aircraft or vessel is in distress must report the occurrence to a police station or to any alerting post.

Article IX. Suspension or termination of search and rescue operations

9.01 Search and Rescue operations shall continue until all reasonable hope of rescuing survivors or victims has passed.

9.02 The responsible Rescue Coordination Centre, in consultation with designated officers in the appropriate Ministry, shall decide when to discontinue SAR operations.

Article X. Financial arrangements

10.01 *[Notwithstanding provisions of article 7.03],* each participating Ministry or agency shall bear the costs incurred in the use of its facilities and resources in the conduct of Search and Rescue operations, unless specifically agreed otherwise between that Ministry or agency and the Ministry responsible for aviation or maritime transport.

Article XI. Regulations

11.01 Each Ministry listed in section 5.03 shall publish regulations relevant to the discharge of its responsibilities under the terms of this Act.

Article XII. Delegation and assignment

12.01 The Minister/*s*/ may:

- a. Delegate any power conferred or assign any duty imposed upon the Minister[s] by this Act to an Officer of the [Department], except the power to publish notices or to make regulations; and
 - b. At any time, withdraw a delegation or assignment effected in terms of this section.
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