REGULATIONS FOR THE INVESTIGATION OF MARINE CASUALTIES AND INCIDENTS

Issued by virtue of paragraph (H) of Article (5) and para. (K) of Article (9) of Jordan Maritime Authority Law No. (46) for the year 2006 and amendments, and in accordance with the IMO Resolution A.849 (20) and the Code issued thereupon.

Article 1:
These regulations shall be named (Regulations for the Investigation of Marine Casualties and Incidents and shall come into force on the date of publication in the Official Gazette).

Chapter I
General Provisions

Article 2:
The following words and terms wherever mentioned in these Regulations shall have the meanings assigned thereto hereunder unless the context expressly provides otherwise:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Director</td>
<td>The Director General of Jordan Maritime Authority</td>
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<tr>
<td>Authority</td>
<td>Jordan Maritime Authority</td>
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<tr>
<td>Organisation</td>
<td>The International Maritime Organisation</td>
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<tr>
<td>Specialised</td>
<td>The committee set up under these regulations to investigate Marine Casualties and Incidents.</td>
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<tr>
<td>Committee</td>
<td>The committee set up under these regulations to investigate Marine Casualties and Incidents.</td>
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<tr>
<td>Code</td>
<td>The Code issued by IMO Resolution A.849 (20) for the Investigation of Marine Casualties and Incidents.</td>
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<td>Marine Incident</td>
<td>An accident caused by, or in connection with, the operations of a ship or happened during its stay in the Jordanian territorial waters by which the ship or any person is imperilled, or as a result of which serious damage to the ship or structure or environment or any other establishment can be caused.</td>
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<tr>
<td>Marine Casualty</td>
<td>An occurrence or event being caused by, or in connection with, the operations of a ship by which the</td>
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</table>
ship or any person is imperilled, or as a result of which serious damage to the ship or structure or environment can be caused.

**Ship**

Any kind of vessel which is used in navigation by water.

**Small Ship**

Any kind of vessel or boat under (24) meters of length.

**Marine Investigator**

Person or persons authorised by the Authority to carry out investigation of marine incidents or casualties.

**Causes of Marine Incident**

Any action, negligence, accident or condition whether existing or was existing or weather conditions or force majeure conditions or all of these elements which may cause an incident or casualty or led to the casualty or the incident.

**Investigation of Marine Incident**

A process held either in public or in camera conducted for the purpose of casualty prevention which includes the gathering and analysis of information, the drawing of conclusions, including the identification of circumstances and the determination of causes and contributing factors, and, when appropriate, the making of safety recommendations.

**Article 3:**
The purpose of Investigation of Marine Casualties and Incidents on ships and on small ships is to prevent similar casualties in the future where the circumstances of the casualty are identified and causes and contributing factors are established through the gathering and analysis of information, the drawing of conclusions and the making of necessary recommendations.

**Chapter II**

**Responsibility of investigating marine casualties and incidents**

**Article 4:**
The Authority shall carry out investigations into all casualties and incidents occurring to all ships within its territorial waters and to Jordanian ships wherever they are in coordination with the concerned maritime administrations.

**Article 5:**
Investigations into marine casualties and incidents which pose a risk to the safety of shipping or cause injury to persons or serious damage to ships or marine environment or persons shall be carried out in accordance with Article (6) of the Code.

**Article 6:**
Investigations into marine casualties and incidents shall be conducted by the Authority’s concerned staff. The Director may set up investigation committees with the help of external expertise as required by nature of the casualty or incident.

**Article 7:**
Investigations into marine casualties and incidents on small ships shall be conducted by a technical committee set up for this purpose, headed by the Director of the Marine Safety and Technical Affairs Department in the Authority and with a membership of:

1- the person/persons entrusted with conducting the investigation in the Authority.
2- Representative from the Royal Navy.
3- Representative from the Ports Corporation specialized in legal affairs.

The head of the committee may seek advice from other persons/parties as he deemed it necessary.

**Chapter III**
**Notification procedures**

**Article 8:**
   a) The master or the owner or the operator of a Jordanian ship should notify, with a minimum of delay, the Authority of any casualty or incident wherever it occurred.
   b) The master or the owner or the operator of a foreign ship should notify, with a minimum of delay, the Authority of any casualty or incident occurring within the Jordanian territorial waters.
   c) All relevant parties within the Jordanian ports area or any other relevant party should notify, with a minimum of delay, the Authority of any casualty or incident occurring within the Jordanian ports area.

**Article 9:**
The notification mentioned in Article (8) should include the following information:

a. Ship’s name, IMO number, nationality and call sign.
b. Date, time and place of incident/casualty.
c. Type of incident/casualty.
d. Summary of incident/casualty, injuries, fatalities and damage to property.
e. Summary of weather conditions at the time of incident/casualty.
f. Any other relevant information deemed necessary by the Authority.

Chapter IV
Investigation procedures and reporting

Article 10:
Upon receiving a notification of an incident or casualty, the Authority shall perform the following procedures:

a. Analysis and classification of information and determining the need for carrying out the investigation.
b. Informing all interested parties on commencement of investigation.
c. Taking into consideration the “Guidelines to assist investigation in the implementation of the Code”.
d. Upon completion of the investigation, a detailed report of the incident/casualty should be issued in accordance with the investigation forms attached to the Code.
e. The report should include:
   - Ship’s name, nationality, name of owner, name of management company/operator, classification society, call sign and registration official number.
   - Details of incident/casualty and the events leading up to it and details of any injuries or fatalities, pollution or damage to property.
   - Summary of the main and secondary causes of the incident/injury.
   - Recommendations necessary to prevent similar incidents/casualties in the future.
   f. The Authority may re-open the investigation if new information or evidence relating to any incident/casualty is presented.

Article 11:
a. The Authority may stop the ship involved in a casualty or an incident from continuing its service if such continuing hinders the investigation. The Authority may also order the non-removal of the wreckage resulting from an incident/casualty until the Authority’s investigators carry out all necessary checks avoiding any unnecessary delay of the ship.

b. If the wreckage poses a threat to safety of shipping or marine environment, the Authority shall take all necessary measures in cooperation with the concerned authorities to remove such a threat.

c. The Authority shall have the right to take any part of the wreckage for investigation purposes.

Chapter V
Incident and Casualty Records

Article 12:
The information, statements and records obtained during the conduct of the investigation should not be made available to any other party for purposes other than casualty/incident investigation unless the party providing the information authorizes its release or upon a decision by the competent court. These records shall include:

a. All statements taken from persons by the investigating authorities in the course of the investigation.
b. All communications between persons involved in the operation of the ship.
c. Medical or private information regarding persons involved in the operation of the ship.
d. Opinions expressed during the conduct of the investigation.

Article 13:
The Authority shall keep a separate record of all investigation proceedings.

Chapter VI
Coperation and Contact with the Organisation & Administrations Regarding Incident/Casualty Investigation

Article 14:
The Authority may invite other administrations or interested parties to take part in the investigation of incidents/casualties occurred in the Jordanian territorial waters or on Jordanian ships wherever they are in accordance with Article (9) of the Code and its amendments.

**Article 15:**
When the Authority practices its right mentioned in Article (14), the representatives of the parties taking part in the investigation shall be allowed to:

a. Question witnesses.
b. View and examine evidence and take copies of documents.
c. Produce witnesses and other evidence.
d. Make submissions in respect of the evidence, comment on and have their views properly reflected in the final report.
e. Be provided with transcripts, statements and the final report relating to the investigation.

**Article 16:**
a. The Authority shall send a copy of the draft of the final investigation report to all interested parties inviting their comments on the report as soon as possible. If comments are received within thirty days, then the comments shall be included in the report if the Authority deemed it necessary. A copy of the final report should be sent to the Organisation and the interested parties.

**Chapter VII**
**Final Provisions**

**Article 17:**
If the provisions of Article (8) are violated, the Director may withdraw the Navigation License of Jordanian ships and/or refer the violator to the competent court. If the violation of the provisions of Article (8) is committed by a foreign ship, the violator shall be referred to the competent court.

**Article 18:**
All previous Regulations in these matters shall be cancelled as of the date of publication of these regulations in the Official Gazette.