

PART V

FINAL REPORT

30. (1) The Director General shall ensure that the requirements of this Part are satisfied with respect to the Final Report of an investigation of an accident or incident that he is responsible for under regulation 4.

Final Report

(2) A Final Report under subregulation (1) shall be in the format set out in Schedule 5 with such necessary adaptations as the investigator in charge determines necessary having regard to the circumstances of the accident or incident.

Schedule 5

(3) An investigator in charge who conducts an investigation of an accident or serious incident instituted by the Director General shall prepare a draft of the Final Report and submit it to the Director General.

(4) On receipt of the draft of the Final Report, the Director General under subregulation (3), shall forward that report to—

- (a) all the States that participated in the investigation;
- (b) the operator of the aircraft, through the State of the operator;
- (c) the organizations responsible for the type design and the final assembly of the aircraft, the State of Design and the State of Manufacture, respectively, inviting their significant and substantiated comments on that draft Final Report to be submitted within sixty days.

(5) The Director General, when sending copies of the draft Final Report under subregulation (4), shall send such report under confidential cover forbidding the recipients from circulating or publishing the draft Final Report or any part thereof.

(6) On receipt of any comments under subregulation (4), the Director General shall forward the comments to the Investigator in charge to—

- (a) amend the draft Final Report to include the substance of the comments received; or
- (b) append the comments to the Final Report, where it is desired by the State that made the comments.

(7) Where the investigator in charge makes an amendment or appends the comments under subregulation (6), he shall forward the amended draft of the Final Report to the Director General who shall release it as the Final Report.

(9) The Director General, where he is in receipt of a draft Final Report from another State, shall not circulate or publish the draft Final Report or any part thereof, or any document obtained during the investigation of the accident or incident without the express consent of the State that conducted the investigation.

(10) The Director General shall, with a minimum of delay and in the interest of accident prevention, release the Final Report of an accident or incident to the States that appointed accredited representatives, advisers and experts in the investigation of the accident or incident, including—

(a) the State of the Operator;

(b) the State of Design;

(c) the State of Manufacture;

(d) any State having fatalities or serious injuries to its citizens; and

(e) any State that provided relevant information, significant facilities or experts.

(11) Where it is not possible to release a Final Report under subregulation (10), within twelve months of the date of occurrence, the Director General shall release an interim report on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

(12) The Director General shall, in releasing a Final Report under subregulation (10), for an aircraft of a maximum mass of over 5700 kg, send a copy of that Final Report to the International Civil Aviation Organization.

(13) The Director General shall, where during the investigation of an accident or incident considers it necessary for certain prompt preventive actions to be taken to enhance aviation safety, issue such recommendations to the appropriate authorities including those authorities in other States.

(14) The Director General shall address, when appropriate, any safety recommendations arising out of his investigations to the accident investigation authorities of other State(s) concerned and, to ICAO when ICAO documents are involved.

(15) Where the Director General is in receipt of safety recommendations arising out of an accident or incident investigation from a Contracting State, he shall inform the Contracting State of the preventive action taken or under consideration, or reasons why no action will be taken.

(16) The investigator in charge shall include only the relevant parts of the records referred to in subregulation (1), in the final report or its appendices, only when pertinent to the analysis of the accident or incident.

*Measures to re-open an Investigation*

31. Where new and significant evidence becomes available after the investigation into an accident or incident constituted and conducted by the Director General has been closed, the Director General shall take measures to re-open that investigation.

Measures to  
re-open an  
investigation

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