



REPUBLIC OF MAURITIUS

DEPARTMENT OF CIVIL AVIATION

Sir Seewoosagur Ramgoolam International Airport, Plaine Magnien

**MAURITIUS CIVIL
AVIATION
REQUIREMENTS
MCAR-13**

**Investigation of
Accidents & Incidents**

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FOREWORD

This requirement has been prepared for the use and guidance of Investigation of Aircraft Accidents and Incidents involving Civil Aircraft.

This part prescribes the Definition, Applicability, Objective of Investigation, Protection, Custody, Removal of Aircraft, Notification, Investigation, Final Report, Reporting, Accident prevention measures and Guidance materials whenever an investigation is carried out.

This requirement has been issued by the Director of Civil Aviation pursuant to Regulation 135 of the Mauritius Civil Aviation Regulations 2007 (As Amended).

Enquires on the contents of this requirement should be addressed to:

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REPUBLIC OF MAURITIUS



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Director of Civil Aviation

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INTRODUCTION

The Civil Aviation Act (1974)

The Mauritius Civil Aviation Act 1974, Section 8, empowers the Minister responsible for Civil Aviation to take such measures as he thinks fit to investigate any accident and serious incident arising out of or in the course of air navigation and occurring in or over Mauritius. Any person appointed by the Minister to investigate an accident and serious incident shall have the same powers as the Supreme Court to summon witnesses, to examine them under oath and to order the production of documents or other articles.

Part XI of the Civil Aviation Regulations 2007 (as amended) apply to an accident or serious incident, which arises out of or in the course of air navigation and involves a civil aircraft. Regulation 113 of Part XI lays down the requirements of Notification and Reporting of accidents or serious incidents respectively in respect of civil registered aircraft. Regulation 115 lays down the requirements of Investigation of accidents and serious incidents by the Authority or by the person appointed as the Inspector. Regulation 119 stipulates the modalities of investigation of air accidents or serious incidents by a Committee of Inquiry appointed by the Minister. Regulation 122 deals with accidents or serious incidents to aircraft registered in a foreign state.

Article 26 of the Chicago Convention and chapter 5 of Annex-13 to the Convention on International Civil Aviation, which we comply with, as Mauritius being a contracting State of Chicago Convention, lays down the International Standard and Recommended Practices for Accident and Incident Investigation. This requirement also elaborates the actions required to be taken by various agencies in Mauritius as per the Standard and Recommended Practices of the above Annex.

Referring to ICAO Doc 9962, Section 3.3, in many states, it may not be practical to establish a permanent accident investigation authority. These States generally appoint a separate accident investigation commission for each major accident to be investigated. It is essential that such a commission report direct to a ministerial level of government so that the findings and safety recommendations of the investigation are not diluted through regular administrative channels.

CHAPTER 1 DEFINITIONS

Mauritius has adopted the definitions contained in Chapter 1 of ICAO Annex 13. The definitions are reproduced below.

“Accident” means an occurrence associated with the operation of an aircraft which takes place between the times any person boards the aircraft with the intention of flight until such time as all persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

- (a) a person is fatally or seriously injured as a result of
 - i. being in the aircraft or
 - ii. direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
 - iii. direct exposure to jet blast, except when the injuries arise from natural causes, are self-inflicted or inflicted by other persons, or where the person injured is a stowaway hiding outside the areas normally available to passengers and crew; or
- (b) the aircraft sustains damage or structural failure which
 - i. adversely affects the structural strength, performance or flight characteristics of the aircraft; and
 - ii. would normally require major repair or replacement of the affected component, except for engine failure or damage when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear, doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, the tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or
- (c) the aircraft is missing or completely inaccessible;

Note 1: For statistical uniformity only, an injury resulting in death within thirty days of the date of the accident is classified, by ICAO, as a fatal injury.

Note 2: An aircraft is considered to be missing when the official search has terminated and the wreckage has not been located.

Note 3: The type of unmanned aircraft system to be investigation is address in 5.1.

Note 4: Guidance for the determination of aircraft damage can be found in Attachment G of ICAO Annex 13.

“Accredited representative” means a person designated by a State, on the basis of his qualifications, for the purpose of participating in an investigation conducted by another State. Where the state has established an accident investigation authority, the designated accredited representative would normally be from that authority.

“Adviser” means a person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.

“Aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

“Causes” means actions, omissions, events, conditions, or combinations thereof, which led to the accident or incident. The identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability.

“Contributing factors” means actions, omissions, events, conditions, or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.

“Flight recorder” means any type of recorder installed in the aircraft for the purpose of complementing accident or incident investigation.

Automatic deployable flight recorder (ADFR) means a combination flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft.

Note: See Annex 6 – Operation of Aircraft, Parts I, II and III, for specifications relating to flight recorders.

“Incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of such operation.

Note: The types of incidents which are of main interest to the International Civil Aviation Organization for accident prevention studies are listed in Attachment C of Annex 13.

“Investigation” means a process conducted for the purpose of accident prevention which includes the gathering and analysis of information the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations .

“Investigator-in-charge” means a person charged, on the basis of his or her qualification, with the responsibility for the organization, conduct and control of an investigation.

Note: Nothing in the above definition is intended to preclude the functions of an investigator-in-charge being assigned to a commission or other body

“Maximum Mass” means maximum certificated take-off mass.

“Operator” means a person, organization or enterprise engaged in or offering to engage in an aircraft operation;

“Preliminary Report” means the communication used for the prompt dissemination data obtained during the early stages of the investigation.

“Safety recommendation” means a proposal of the Chief Inspector, investigator-in-charge or the accident investigation authority of a State conducting an investigation which is based on information derived from the investigation, made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigation, safety recommendations may result from diverse sources, including safety studies.

Safety recommendation of global concern (SRGC) - A safety recommendation regarding a systemic deficiency having a probability of recurrence, with significant consequences at a global level, and requiring timely action to improve safety.

Note: Refer to the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part IV – Reporting which contains the criteria for a recommendation to be classified as an SRGC.

“Serious incident” means an incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.

Note 1: The difference between an accident and a serious incident lies only in the result.

Note 2: Examples of serious incidents can be found in Attachment C of Annex 13 and in the Accident/incident Reporting Manual (Doc 9156).

“Serious injury”, An injury which is sustained by a person in an accident and which:

- (a) requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury; or
- (b) results in a fracture of any bone (except a simple fracture of fingers , toes or the nose); or
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- (d) involves injury to any internal organ; or
- (e) involves second or third degree burns or any burns affecting more than 5 per cent of the body surface ; or
- (f) involves verified exposure to infectious substances or injurious radiation.

“State of Design” means the State having jurisdiction over the organization responsible for the type design of the aircraft;

“State of Manufacture” means the State having jurisdiction over the organization responsible for the final assembly of the aircraft, remote pilot station, engine or propeller;

“State of Occurrence” means the State in whose territory an accident or incident occurs;

“State of the Operator” means the State in which the operator’s principal place of business is located or, if there is no such place of business , the operator’s permanent residence;

“State of Registry” means the State on whose register the aircraft is entered.

Note: In case of the registration of aircraft of an international operating agency on other than a national basis, the States constituting the agency are jointly and severally bound to assume the obligations which, under the Chicago Convention, attach to a State of Registry. See, in this regard, the Council Resolution of 14 December 1967 on Nationality and Registration of Aircraft Operated by International Operating Agencies which can be found in Policy and Guidance Material on the Economic Regulation of International Air Transport (Doc 9587)

“State Safety Programme (SSP)”. An integrated set of regulations and activities aimed at improving safety.

CHAPTER 2 APPLICABILITY

- 2.1 This Mauritius Civil Aviation Requirement, MCAR-13 applies to all the occurrences of accidents and serious incidents in the Mauritius Flight Information Region (FIR) and involving civil aircraft registered in Mauritius. It also applies to accidents and serious incidents of a foreign Civil registered aircraft occurring in Mauritius FIR. All aircraft accidents and incidents are to be investigated in accordance with provision to Annex-13 of ICAO.
- 2.2 In this MCAR-13, the specifications concerning the State of the Operator apply only when an aircraft is leased, chartered or interchanged and when Mauritius is not the State of Registry and if it discharges, in respect of ICAO Annex 13, in part or in whole, the functions and obligations of the State of Registry.

CHAPTER 3 GENERAL

3.1 Objective of the Investigation

- 3.1.1 The sole objective of accident and serious incident investigation, shall be the prevention of accident and incident, it is not the purpose of the investigation to apportion blame or liability.
- 3.1.2 Any judicial or administrative proceedings which apportion blame or liability are separate from any investigation conducted under the provision of Annex 13 to the Chicago Convention.
- 3.1.3 The Authority or the Inspector nominated by the Minister, as the case may be, is the specific designated investigation body to be held formally responsible within the State to conduct aircraft accident and serious incident investigation.
- 3.1.4 The Authority or the Inspector nominated by the Minister has been provided with the independence of conducting aircraft accident and serious incident investigations and will comply with ICAO Annex-13 provisions in conducting the investigation.
- 3.1.5 Considering the small size of the aviation industry in Mauritius, it is not feasible and economically viable to set up an independent Aircraft Accident Investigation Bureau.

In the event of an aircraft accident or serious incident which mandate an investigation to be carried out, the Minister under Regulation 117 of the Civil Aviation Regulations may direct that the investigation be undertaken following an arrangement made with the parent Ministry to delegate the investigation to the State of Certification, State of Design or State of Manufacture to conduct the investigation.

This will demonstrate independence of the investigation in accordance with ICAO Annex 13, the investigation will be undertaken with the assistance of inspectors from the Department. These inspectors will report directly to the Chief Investigator who will be appointed by one of the above-mentioned State who will undertake the investigation as an independent accident investigation under the responsibility of the Ministry.

3.2 Protection of Evidence, Custody and Removal of Aircraft

Responsibility of Mauritius as the State of Occurrence

- 3.2.1 All reasonable measures shall be made to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for a purpose of an investigation. Protection of evidence shall include the preservation by photographic or other means of any evidence which might be removed, deleted, lost or destroyed. Safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration.

Note 1.— Control over the wreckage is dealt with in 6.2 of the Mauritius Aircraft Accident Investigation Manual.

Note 2.— Protection of flight recorder evidence requires that the recovery and handling of the recorder and its recordings be assigned only to qualified personnel.

- 3.2.2 If a request is received from the State of the Operator, the State of Registry, the State of Design or the State of Manufacture that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, Mauritius shall take all necessary steps to comply with such request, so far as this is reasonably practicable and compatible with the proper conduct of the investigation; provided that the aircraft may be moved to the extent necessary to extricate persons, animals, mail and valuables, to prevent destruction by fire or other causes, or to eliminate any danger or obstruction to air navigation, to other transport or to the public, and provided that it does not result in undue delay in returning the aircraft to service where this is practicable.
- 3.2.3 Subject to the provisions of 3.2.1 and 3.2.2, Mauritius, shall release custody of the aircraft shall release its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable. For this purpose, Mauritius shall facilitate access to the aircraft, its contents or any parts thereof, provided that, if the aircraft, its contents, or any parts thereof lie in an area within which the State finds it impracticable to grant such access, it shall itself effect removal to a point where access can be given.

3.3 Removal of Aircraft Wreckage

- 3.3.1 In the case of an accident or a serious incident which involves serious structural damage or in any other case in which the Director General of Civil Aviation, Mauritius gives notice to the owner or other person in charge of the aircraft to this effect, the aircraft shall not, except under the authority of the Director General of Civil Aviation Mauritius, be removed or otherwise:
- (a) if the aircraft is wrecked on water, the aircraft or any parts or contents thereof may be removed to such extent as may be necessary for bringing it or them to a place of safety.
 - (b) The aircraft or any parts or contents thereof may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals preventing the destruction of the aircraft or its contents by fire or other cause or preventing any danger or obstruction to the public; and
 - (c) Goods, mails or passenger's baggage may be removed from the aircraft under the supervision of the pilot, a member of the crew, an official of the operating company, an officer of police, a Magistrate, or an officer of the Civil Aviation Directorate, and, in the absence of any such person, mails may be removed under the supervision of an officer of the Posts and Telegraphs Department, and passengers baggage by the owner or owners thereof.
- 3.3.2 The owner of the aircraft or his nominated representative shall have the right to be present during any examination or other action taken.

CHAPTER 4 NOTIFICATION

4.1 Accident or serious incident in Mauritius.

- 4.1.1 When an accident or serious incident occurs in or over the Mauritius FIR of any aircraft or anywhere of aircraft registered in Republic of Mauritius, the operator or owner or hirer or other persons on whose behalf he was in command of the aircraft shall send notification to Director of Civil Aviation as soon as possible by the quickest available means with the information as contained in Regulation 113 of the Civil Aviation Regulations 2007 (as Amended).
- 4.1.2 In case of accident/serious incident occurring in Mauritius FIR, the Authority shall forward the available information as soon as possible to the State of Design and Manufacture, the State of Operator and Registry (if not Mauritius) and ICAO (maximum mass over 2250kg). The notification shall be one of the plain working Language of ICAO with Annex-13 format and content.

4.2 Accident or serious incident outside Mauritius

- 4.2.1 If Mauritius is the State of Registry or State of Operator, an Occurrence has taken place in a non-contracting State or outside the territory of any States or when the State of Occurrence is not aware of an accident or serious incident; Mauritius will forward notifications to the involved States and ICAO.
- 4.2.2 Mauritius as the State of Operator or the State of Registry, shall provide to the State of Occurrence or State conducting the investigation with any relevant information regarding the aircraft and flight crew involved in the accident or serious incident. Mauritius is the State of Operator will provide details of any dangerous goods on board the aircraft.
- 4.2.3 Mauritius shall also inform the State of Occurrence or the state conducting the investigation, whether it intends to appoint an accredited representative and advisers to assist the accredited representative. The names and contact details as well as the expected date of their travel shall be provided to the State of Occurrence.
- 4.2.4 If Mauritius has suffered serious injuries or fatalities to its citizens, the following details should be provided to send an expert or a team of experts:
 - (a) The address from where the expert will come from;

- (b) Who will be accompanying the expert;
- (c) With what mandate and guidance etc.

4.3 List of Contacts

4.3.1 Investigation Authorities

The addresses and contact numbers of the investigation Authorities in the other States are available in Appendix 2 of Chapter 4 of Part 1 of the ICAO Manual of Aircraft Accident and Incident Investigation (Doc 9756). The contact details are also available on the ICAO website.

Caution: There may have been changes to the contact details of some Investigation Authorities listed in the manual since the publication of the manual.

- 4.3.2 The contact details of the Investigation Authorities as listed in Doc 9756 are available in Appendix A of this manual.

CHAPTER 5 INVESTIGATION

- 5.1 Mauritius as the State of Occurrence shall institute an investigation into the circumstances of an accident or serious incident and be responsible for the conduct of the investigation, but it may delegate the whole or any part of the conducting of such investigation to another state as described in section 3.1.5 or if required to a regional accident and incident investigation organization (RAIO) by mutual arrangement and consent. In any event, Mauritius as the State of Occurrence shall use every means to facilitate the investigation.

Note 1 - The investigation into the circumstances of a serious incident shall be instituted when the aircraft is of a maximum mass of over 2 250 kg.

Note 2 - The investigation of a serious incident does not exclude other already existing types of investigation of incidents (serious or not) by other organizations.

Note 3 - When the whole investigation is delegated to another State or a regional accident and incident investigation organization, such a State is expected to be responsible for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting. When a part of the investigation is delegated, Mauritius as the State of Occurrence will retain the responsibility for the conduct of the investigation.

Note 4 - In the case of investigation of an unmanned aircraft system, only aircraft with a design and/or operational approval are to be considered.

Note 5 - In the case of serious incidents, Mauritius as the State of Occurrence may consider delegating the investigation to the State of Registry or the State of the Operator, in particular those involving occurrences in which it might be beneficial or more practical for one of these States to conduct the investigation.

Note 6 - Guidance related to the establishment and management of an RAIO is contained in the Manual on Regional Accident and Incident Investigation Organization (Doc 9946).

Note 7 – The delegation of an investigation does not absolve Mauritius as the State of Occurrence from its obligation under ICAO Annex 13.

- 5.1.1 If Mauritius as the State of Occurrence does not institute and conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization, as set out in 5.1, the State of Registry or, in the following order, the State of the Operator, the State of Design or the State of Manufacture is entitled to request in writing to the Department of Civil Aviation to delegate the conducting of such investigation. If the Department of Civil Aviation gives express consent or does not reply to such a request within 30 days, the State making the request should institute and conduct the investigation with such information as is available.
- 5.2 When the accident or the serious incident has occurred in the territory of a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13, Mauritius as the State of Registry or the State of the Operator, should endeavour to institute and conduct an investigation in cooperation with the State of Occurrence but, failing such cooperation, should itself conduct an investigation with such information as is available.
- 5.3 When the location of the accident or the serious incident cannot definitely be established as being in the territory of any State, Mauritius as the State of Registry shall institute and conduct any necessary investigation of the accident or serious incident. However, it may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.
- 5.3.1 States nearest the scene of an accident in international waters shall provide such assistance as they are able and shall, likewise, respond to requests by the State of Registry.
- 5.3.2 If the State of Registry is a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13, the State of the Operator or, failing that, the State of Design or the State of Manufacture should endeavour to institute and conduct an investigation. However, such a State may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.
- 5.4 Mauritius as the State conducting the investigation, will permit from the following:
- (a) Accredited representatives from the states of Occurrence, the States of Registry, the State of the Operator, the State of Design

and the State of Manufacture and a state which has on request provided information, facilities or experts.

- (b) Accredited representative from any State which on request provides information, facilities or experts.
 - (c) A State entitled to appoint an accredited representative shall also be entitled to appoint one or more advisers to assist the accredited representative.
 - (d) A State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall upon making a request, be permitted to appoint an expert.
- 5.5 The Republic of Mauritius shall take appropriate measures for using of experts seconded by the DCA or other organization in the State as investigators to be relieved from their duties during an investigation. In addition measures are also established to avoid possible conflicts of interest.
- 5.6 In the investigation, shall make the proper delegation of authority to the various participants/persons (including foreign participants, advisers and observers) in an accident or serious incident investigation.
- 5.7 The Republic of Mauritius shall proceed with the following procedure to facilitate coordination between the Investigator-in-charge and the judicial authorities;
- (a) Specialised examination and testing of components (Scanning electron microscope, chemical analysis, system test, flight test of actual aircraft or in a simulator complete or partial reconstruction of aircraft or specific system, laboratory test etc.)
 - (b) To protect the evidence and maintain safe custody of aircraft and its component including flight recorders and CVR their recording may be resolved by an official of judicial authority carrying the recording to the place of read-out.
 - (c) Identification of victims and assistance to their families.
 - (d) If in the course of an investigation, it becomes known or is suspected that an act of unlawful interference was involved; to inform the police or the aviation security authorities of the State(s) concerned are so informed.

- 5.8 For expeditious medical examination of the flight crew, passengers and involved aviation personnel by a physician, the State shall establish the following:
- (a) Determine the level of physical and psychological fitness of flight crews and personnel involved in the occurrence.
 - (b) Interviews to be properly planned and coordinated through the Investigator-in-charge.
 - (c) Desirable blood and/or urine samples to be taken for analysis to determine the presence of any abnormal substances and the indication of hypoglycaemia.
 - (d) A detail record should be made of the injuries of all occupants with an assessment of their causes. Findings must be collated with their position or location in aircraft and adjacent environment.
 - (e) The psychological effects of accident upon the flight crew before they are allowed to return to flying duties.
- 5.9 Mauritius conducting the investigation of an accident or incident, should make sure that the following records are protected and not disclosed for any purpose other than accident or incident investigation:
- (a) All statements taken from the persons by the investigation team.
 - (b) All communications between persons involved in the operation of the aircraft.
 - (c) Medical or private information regarding persons involved in Accident or Incident.
 - (d) Flight Data Recordings, Cockpit Voice Recordings and Airborne Image Recording and any transcripts from such recordings.
 - (e) Recording and transcript of recordings from air traffic control section.
 - (f) Opinions expressed in the analyses of information including flight records.
 - (g) The final draft report and any draft report or any points raised in any documents.

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- 5.10 All original recordings should be returned to the Operator. A copy of the recordings should be kept by the State conducting the investigation. Any request made for such recordings, should be directed to the Operator or the original of the recordings.
- 5.11 If in the course of an investigation it becomes known or it is suspected that an act of unlawful interference was involved the investigator-in-charge immediately initiates actions to ensure that the aviation security authorities of the State concerned are so informed.
- 5.12 If, after the investigation has been closed new and significant evidence becomes available the Minister will re-open the investigation. However, when the State which conducted the investigation did not institute it, that State shall first obtain the consent of the State which instituted the investigation.

Note.— Where an aircraft which was considered missing following an official search is subsequently located, consideration may be given to reopening the investigation.

- 5.13 For the purpose investigation, the Minister may appoint a committee of inquiry consisting of two or more persons to hold an inquiry into the accident and that the committee shall for the purposes of the inquiry shall have power:
- (a) by summons under his hand to require the attendance of any person whom he thinks fit to call before him and examine for such purpose and to require answers or returns to any inquiries he thinks fit to make;
 - (b) to require any such person to make and sign a declaration of the truth of the statements made by him in his examination;
 - (c) to require and enforce the production of all books, papers, documents and material objects which he considers important for such purpose;
 - (d) to have access to and examine any aircraft concerned in the accident, the place where the accident occurred, or any other place which appears to the Inspector requisite for the purposes of the investigation.
- 5.14 The Republic of Mauritius shall take appropriate measures for ensuring that regulatory provisions and procedures established for;
- (a) Voluntary occurrence reporting system to be non-punitive and ensuring protection to the sources of the information.

(b) The Authority through the Ministry of Finance will establish process for funding of investigation of accidents and serious incidents and supplementary fund when required.

i. Sufficient funds

ii. Provisions for supplementary budgets when required (eg. Major Accident)

5.15 Protection of Accident or Incident Report.

5.16 For accidents or incidents that draw heightened public attention, the Department should publicly release relevant factual information within the early days of the investigation.

Note.— The provision of factual information in the early days of the investigation is intended to address the substantial public interest in the accident or incident and to help ensure that the information in the public domain is as accurate as possible. Guidance on accidents and incidents, that draw heightened public attention, and various formats and methods for the provision of information is contained in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part II – Procedures and Checklists.

5.17 For accidents or incidents that draw heightened public attention, the Department should publish a written Preliminary Report within thirty days of the accident or incident containing established factual information and indicating the progress of the investigation.

5.18 If a State has any data available from a flight recorder of an aircraft involved in an accident or incident, that State shall:

(a) without delay, provide the State conducting the investigation with all such data the State has available; and

(b) not divulge such data without the express consent of the State conducting the investigation.

CHAPTER 6 FINAL REPORT

- 6.1 Mauritius as the State conducting the investigation for all accidents and serious incidents, following procedures of releasing the final report shall be done, as soon as possible and if possible within twelve months;
- (a) Send a copy of the draft final Report of investigation for comments to the State of Registry, the State of Operator, the State of Design, the State of Manufacture, the State that instituted the investigation, any State having suffered fatalities or serious injuries to its citizens and any State that provided relevant information, significant facilities or experts.
 - (b) The usual consultation period shall be thirty days from the date of the transmittal correspondence. The consultation period shall be extended to sixty days by the Department if it is notified of the need for additional time by the State invited to comment. If the Department receives comments within the consultation period, it shall either amend the draft Final Report to include the substance of the comments received or, if desired by the State that provided comments, append the comments to the Final Report. If the Department receives no comments within the consultation period, the Final Report is issued in accordance with section 6.1 (c), unless further extension of that period has been agreed by the States concerned.
 - (c) Final Report shall be released publicly as soon as possible (if possible, within twelve months of the date of occurrence) to the following States:
 - i. the State that instituted the investigation.
 - ii. the State of Registry.
 - iii. the State of Operator.
 - iv. the State of Design.
 - v. the State of Manufacture.
 - vi. any State having suffered fatalities or serious injuries to its citizens.
 - vii. any State provided relevant information, significant facilities or experts.

viii. ICAO (aircraft maximum mass of over 5700 kg).

(d) Mauritius as the State conducting the investigation shall recommend to the appropriate authorities, including those in other State any preventive action that it considers necessary to be taken promptly to enhance aviation safety.

6.2 If for some reason the Final report cannot be made publicly available within twelve months, the Department should make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised. The Department should also issue interim reports and/or safety recommendations, at any time deemed necessary to highlight any safety issues that may be of interest to other States and/or organisations.

Note – If Mauritius conducting the investigation does not make the Final Report or an interim statement publicly available within a reasonable timeframe, other States participating in the investigation are entitled to request in writing from the Department express consent to release a statement containing safety issues raised with such information as is available. If the Department gives express consent or does not reply to such a request within 30 days, the State making the request should release such a statement after coordinating with participating States.

6.3 Mauritius as the State that receives safety recommendations shall inform the proposing State recommendations shall inform the proposing State of the preventive action taken or under consideration, or the reasons why no action will be taken.

CHAPTER 7 ADREP REPORTING

- 7.1 When the aircraft involved in an accident in Mauritius (Mauritius conducting the investigation) the Authority or the Inspector, as the case may be, shall send the Preliminary Report to the State of Registry or State of Occurrence, the State of Operator, the State of Design, the State of Manufacture, any State that provided relevant information, significant facilities or expert and ICAO (aircraft maximum mass over 2250 kg) within thirty days of occurrence.
- 7.2 When the aircraft involved in an accident is of a maximum mass of over 2250 kg (Mauritius conducting the investigation) the Authority or the Inspector, as the case may be, shall send the Accident Data Report (Form D) to ICAO as soon as practicable after investigation.
- 7.3 When the aircraft involved in an incident is of a maximum mass of over 5700 kg (Mauritius conducting the investigation) the Authority or the Inspector, as the case may be, shall send the Incident Data Report (Form D) to ICAO as soon as practicable after investigation.

CHAPTER 8 ACCIDENT PREVENTION MEASURES

- 8.1 With a view to facilitate the collection of information on actual or potential safety deficiencies, the Authority has established a mandatory incident reporting system as stipulated in Regulation 128 of the Mauritius Civil Aviation Regulations 2007 (As Amended)
- 8.2 The Republic of Mauritius shall establish and implement voluntary occurrence reporting system managed at the State Level, to facilitated the collection of information that may not be captured by a mandatory incident reporting system and take appropriate measures for ensuring that regulatory provisions and procedures established for:
- (a) voluntary occurrence reporting system to be non-punitive and
 - (b) ensuring protection to the sources of the information.
- 8.3 The Authority shall establish an accident and incident database exchange with standard format to facilitate the systematically analyse of information contained in its accident/incident reports data exchange and to determine preventive action required.

CHAPTER 9 GUIDANCE MATERIAL

Whenever an investigation into an accident or serious accident is ordered by the Minister responsible for the Department of Civil Aviation in Mauritius, the investigation is to be carried out by Court or Board or Committee of Inquiry in accordance with Regulation 119 of the Mauritius Civil Aviation Regulation 2007 (As Amended). A copy of this MCAR, the Accident Investigation Manual and other relevant document pertaining the investigation shall be presented to the Court or Board or Committee of Inquiry for their reference as required.