



Civil Aviation  
Requirements

MCAR- AIG

**Investigation of Accidents and Incidents**

Second Edition 2017

**Department of Civil Aviation**

**Ministry of Transport and Communications, Myanmar**

## PREFACE

These requirements have been prepared for the use and guidance of Investigation of Aircraft Accidents and Incidents involving Civil Aircraft in accordance with Annex-13 to the Convention on International Civil Aviation.

This part prescribes the Definition, Applicability, Objective of Investigation, Protection of Wreckage, Custody, Removal of Aircraft, Notification, Investigation, Final Report, Reporting, Accident prevention measures, Voluntary Reporting, Crew Statements and Guidance materials. The requirements in this document are to be used in conjunction with Accident Investigation Handbook and Accident Investigation Policy Manual.

These requirements have been issued by the Director General under authority conferred by Section 5A(c) of the Myanmar Aircraft Act (1934).

The First Edition of MCAR-AIG is superseded by this Second Edition with the effective date of 23<sup>rd</sup> October 2017. Comments, suggestions or inconsistencies for improvement of MCAR-AIG Investigation of Accidents and Incidents should be addressed to-

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## INTRODUCTION

Part X of the Union of Myanmar Aircraft Manual (1937) deals with the Notification and Report on Accidents Rule 68, 69 & 70, Removal of wreckage Rule 71, Inspector's Investigation, Power of Inspector and inspector's Fee- Rule 72, 73 & 74, Formal Investigation Rule 75, Obstruction of Proceeding Rule 76, Saving Rule 77.

This part of Civil Aviation Requirements is issued under the provisions of section 5A of the Union of Myanmar Aircraft Act (1934). It specifies the manner in which General guidance and the aircraft accidents, incidents are to be notified, Investigation, Reporting, Prevention thereof and the responsibilities of various organization like the Operators and other Departments / agencies at the airport etc. in providing assistance with regards to investigation.

Annex-13 to the Convention on International Civil Aviation, which is followed in Myanmar being a contracting State of Chicago Convention, lays down the International Standard and Recommended Practices for Aircraft Accident and Incident Investigation. This requirement also elaborates the actions required to be taken by various agencies in Myanmar as per the Standards and Recommended Practices of the above Annex.

## 1. DEFINITIONS

**“Accident”** means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the times any person boards the aircraft with the intention of flight until such time as all such 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 are from natural causes, self - inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the 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, 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 is completely inaccessible.

Note1. 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 been terminated and the wreckage has not been located.

Note 3. The type of unmanned aircraft system to be investigated is addressed in 5.1.

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

**“Accident investigation authority”** means the authority designated by a State as responsible for aircraft accident and incident investigations within the context of the Annex 13.

Note: In Myanmar Aircraft Accident Investigation Bureau is **Accident Investigation Authority** (hereinafter referred to as the AAIB).

**“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.

**"Annex 13"** means the annex to the convention on international Civil Aviation that contains the international Standards and Recommended Practices related to Aircraft Accident and Incident Investigation.

**"Authority"** means the Aircraft Accident Investigation Bureau (AAIB) of Myanmar.

“**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.

“**Collision**” means an impact between aircraft, or between an aircraft and another object.

“**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.

“**Dangerous goods**” means articles or substances which are capable of posing a risk to health, safety, property or the environment. More information related to dangerous goods can be found in ICAO annex 18 The Safety Transport of Dangerous Goods by Air, and in ICAO Doc 9284 Technical Instructions for the safe Transport of Dangerous Goods by Air.

“**Document**” includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic, film, sound recording, video tape, electronic files and data and any copy thereof.

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

Note. See Annex 6, Parts 1.2 and 3. For specification 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 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.

“**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”** A person delegated by the Authority to conduct its investigations.

**“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 certificate take-off mass.

**“Observer”** means a representative of a concerned department of a State who is authorized by the Authority to attend an investigation as an observer, or an Authority investigator authorized to attend an investigation being conducted by another concerned department.

**“Occurrence”** means any accident or incident associated with the operation of an aircraft.

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

**“Participant”** means a person authorized by the Authority to participate in an investigation being conducted by the Authority because in the opinion of the Authority that person has the expertise to contribute to achieving the Authority's mandate.

**“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 an accident investigation authority based on information derived from an 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 investigations, safety recommendations may result from diverse sources, including safety studies.

**“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 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.

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 percent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiations;

**“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;

**“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.

**“State safety Programme” (SSP)** mean an integrated of regulations and activities aimed at improving safety.

## **2. APPLICABILITY**

**2.1** This Myanmar Civil Aviation Requirement-Investigation of Accidents and Incidents (MCAR-AIG) applies in respect of aircraft accidents and incidents:

(a) in or over Myanmar

(b) when Myanmar is the State of Registry and:

(i) the location of the accident or the serious incident cannot definitely be established as being in the territory of any other State; or

(ii) 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.

**2.2** The AAIB shall take all reasonable measures to ensure that the investigation procedures and practices that it follows in relation to accidents and incidents are compatible with the Myanmar's obligations under the Convention on International Civil Aviation, and the International Civil Aviation Organization (ICAO) Standards and Recommended Practices contained in Annex-13.

### **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 Aircraft Accident Investigation Bureau is a specific designated investigation authority to be held formally within the State to conduct aircraft accident and serious incident investigation.

3.1.4 The accident investigation board has provided for the independence with conducting of aircraft accident and serious incident investigations and to comply with ICAO Annex-13 provision in conducting the investigation.

#### **3.2 Protection/ Preservation of Wreckage**

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. It includes the preservation by photographic or other means of any evidence which might be removed, effaced, lost or destroyed.

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, or any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, the AAIB 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 Custody of the aircraft shall release its contents or any parts as soon as they are no longer require in the investigation by the persons duly designated by the AAIB as applicable.

### **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 AAIB gives notice to the owner or other person in charge of the aircraft to this effect, the aircraft shall not, except under the AAIB, be removed or otherwise:

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 if or them to a place of safety.

- (i) 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
- (ii) 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.

## **4. REPORTING OF ACCIDENTS AND INCIDENTS**

### **4.1 Accidents or incidents**

4.1.1 The owner, operator, hirer, pilot -in- command and any crew members of the aircraft, the operator of an airport, any air traffic controller or any other person having knowledge of an accident or incident shall notify and send report to the Aircraft Accident Investigation Bureau (AAIB) as soon as possible by the quickest means available subject to the provisions of section 69 of Myanmar Aircraft Rules (1937) .

4.1.2 The notification to the Aircraft Accident Investigation Bureau (AAIB) shall be in plain language and contain as much of the information specified in C.A forms (165 R1,R2,R3,R4) as is readily available; but the dispatch of the notification shall not be delayed due to the lack of complete information.

4.1.3 A relevant person who, without reasonable excuse, contravenes 4.1.1 shall be guilty of an offence and shall be liable on conviction to penalties in accordance with section 161 of Myanmar Aircraft Rules (1937).

4.1.4 In case of an aircraft accident or serious incident which takes place in Myanmar, the AAIB shall forward the available information as soon as possible to the State of Design and Manufacture, the State of Operator and Registry (if not Myanmar ) and ICAO (maximum mass over 2,250kg). The notification shall be one of the plain working Languages of ICAO with Annex-13 format and contents as in **SCHEDULE 1**.

### **4.2 Accident or serious incident outside Myanmar**

4.2.1 If also the AAIB shall ,as the State of Registry or State of Operator, an Occurrence, 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, forward notifications to the involved States and ICAO.

4.2.2 If Myanmar is the State of Operator or the State of Registry, the AAIB shall provide the State of Occurrence with any relevant information regarding the aircraft and flight crew involved in the accident or serious incident. Myanmar being the State of Operator shall provide details of any dangerous goods on board the aircraft.

4.2.3 Myanmar also inform to the State of Occurrence whether it intends to appoint an accredited representative and advisers to assist accredited representatives and the name and contact details as well as the expected date of they travel to the State of Occurrence.

4.2.4 If Myanmar is the State of Design or the State of Manufacture, the AAIB shall provide details of aircraft information.

4.2.5 If Myanmar suffers from serious injuries or fatalities to its citizens, the AAIB shall make following procedures for sending an expert or team of experts-

- (i) to address where the expert will come from.
- (ii) by whom he or she will be accompanied
- (iii) with what mandate and guidance etc:

## **5. INVESTIGATION**

- 5.1** Myanmar as the State of Occurrence shall institute an investigation into the circumstances of the accident 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 or a regional accident investigation organization by mutual arrangement and consent. Myanmar as the State of Occurrence shall use every means to facilitate the investigation.
- 5.2** Myanmar as the State conducting the investigation, permitting from following states involved-
- (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 representatives.
  - (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.
- 5.3** The Republic of the Union of Myanmar 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.
- 5.4** In the investigation, the AAIB shall make the proper delegation of authority to the various participants (including foreign participants, advisers and observers) in an accident or serious incident investigation.

**5.5** The Republic of the Union of Myanmar shall proceed following procedure to facilitate coordination between the Investigator-in-charge and the judicial authorities;

- (a) Specialized 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) 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.

**5.6** For expeditious medical examination of the flight crew, passengers and involved aviation personnel by a physician, the AAIB shall establish following procedure:

- (a) To determine whether the level of physical and psychological fitness of flight crew and personnel correctly involved in the occurrence.
- (b) Interviews properly, plan and coordinate through Investigator-in-charge.
- (c) Desirable blood and/or urine samples to be taken analysis to determine whether any abnormal substances and to help to determine as hypoglycemia present.
- (d) A detail record should be made of injuries to all occupants with an assessment of their causes; finding must be collated with their position or location in aircraft adjacent environment in order for preventive action.
- (e) The psychological effects of accident for the flight crew before they are allowed to return to flying duties.

**5.7** Myanmar conducting the investigation of an accident or incident shall not make the following records available for purposes other than accident or incident investigation, unless the competent authority designated by that State determines, in accordance with national laws and subject to Appendix 2 and 5.12.5 of Annex 13, that their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigations.

- (a) cockpit voice recording and airborne image recordings and any transcripts from such recordings; and
- (b) records in the custody or control of the AAIB being:
  - (1) all statements taken from persons by the accident investigation authority in the course of their investigation;
  - (2) all communications between persons having been involved in the operation of the aircraft;
  - (3) medical or private information regarding persons involved in the accident or incident;
  - (4) recordings and transcripts of recordings from air traffic control units;
  - (5) analysis of and opinions about information, including flight recorder information, made by the accident investigation authority and accredited representatives in relation to the accident or incident; and
  - (6) the draft final Report of an accident or incident investigation.

**5.8** Myanmar should determine whether any other records obtained or generated by the AAIB, as a part of an accident or incident investigation, need to be protected in the same way as the records listed in 5.7.

**5.9** The records listed in 5.7 shall be included in the Final Report or its appendices only when pertinent to the analysis of the accident or incident. Parts of the records not relevant to the analysis shall not be disclosed.

**Note:** The records listed in 5.7 include information relating to an accident or incident. The disclosure or use of such information for purposes where the disclosure or use is not necessary in the interest of safety may mean that, in the future the information will no longer be openly disclosed to investigators. Lack of access to such information would impede the investigation process and seriously affect aviation safety.

- 5.10** The names of the persons involved in the accident or incident shall not be disclosed to the public by the AAIB.
- 5.11** States shall ensure that requests for records in the custody or control of the accident investigation authority are directed to the original source of the information, where available.
- 5.12** The AAIB should retain, where possible, only copies of records obtained in the course of an investigation.
- 5.13** The AAIB shall take measures to ensure that audio content of cockpit voice recordings as well as image and audio content of airborne image recordings are not disclosed to the public.
- 5.14** The AAIB issuing or receiving a draft Final Report shall take measures to ensure that it is not disclosed to the public.

**Note-** Appendix 2 of Annex-13 contains additional provisions on the protection of accident and incident investigation records. These provisions appear separately for convenience but form part of the SARPs.

- 5.15** 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 initiate to ensure that the aviation security authorities of the State concerned are so informed.
- 5.16** If new and significant evidence becomes available after the investigation has been closed, the AAIB shall reopen it.
- 5.17** Investigators appointed under section 72 or 75 of Myanmar Aircraft Rules (1937) may exercise the following powers for the purpose of investigating aircraft accidents or incidents:
- (a) to call before him and examine all persons as the investigator thinks fit, and to require such persons to answer any questions or furnish any information;
  - (b) to require the protection and preservation of:
    - (i) the aircraft accident or incident site(s);
    - (ii) the aircraft and any parts thereof, and;
    - (iii) all records and documents associated with the occurrence;

- (c) to enter and search any place where an investigator believes on reasonable grounds that there is anything relevant to the conduct of an investigation of an accident or incident, and to seize anything that is found in the course of that search. (An investigator shall not exercise the powers in relation to a particular place without the consent of the person in charge of that place unless those powers are so exercised under the authority of a warrant, or by reason of exigent circumstances, it would not be practical for the investigator to obtain a warrant.);
- (d) to prohibit or limit access to the area immediately surrounding the place at which anything involved or likely to have been involved in an accident or incident is located for such period as is necessary for the purposes of preserving and protecting evidence. (The investigator shall have regard to the desirability of minimizing any resulting disruption to transportation services.);
- (e) to cause such tests, including tests to destruction, of anything that was seized for the purposes of the investigation. (To the extent that it is practical and safe to do so, and does not unreasonably impede the progress of the investigation, the investigator shall take all reasonable measures to invite the owner and any person who appears on reasonable grounds to be entitled to the component being tested to be present at any such test.);
- (f) to require the provision and to make copies of any documents that the investigator may consider relevant to the accident or incident;
- (g) to retain any such documents until the completion of the investigation, or as the case may be, it is determined that an investigation shall not be carried out;
- (h) to take statements from all such persons as the investigator thinks fit and to require any such person to make and sign a declaration of the truth of the statements made by the person;

- (i) to require a person(s) who was (where) directly or indirectly involved in the operation of an aircraft to submit to a medical examination, where the investigator believes on reasonable grounds that the medical condition is, or may be, relevant to the investigation:
  - The notice for medical examinations shall be made in writing and signed by the investigator; and
  - This requirement shall not be construed as a requirement that the person submit to any procedure involving surgery, perforation of the skin or any external tissue or the entry into the body of any drug or foreign substance
- (j) to require a physician or other practitioner to provide medical information concerning a patient who the investigator believes on reasonable grounds that information concerning a patient that is relevant to that investigation. (The notice for medical information shall be made in writing and signed by the investigator);
- (k) to cause such an autopsy or medical examination to be performed on a body of a deceased person where the investigator believes on reasonable grounds that the information derived from the autopsy and examination is, or may be, relevant to the conduct of the investigation. (The notice for medical information shall be made in writing and signed by the investigator);
- (l) to require the person having custody of the body of the deceased person or other human remains to permit the performance of that autopsy or that medical examination. (The notice for medical information shall be made in writing and signed by the investigator); and
- (m) to call on the services of local authorities or other authorized person to ensure protection of the accident site, including the aircraft and its contents, until such time as the Authority is able to directly take over custody and security of the aircraft and its contents.

- 5.18** A person to whom a summons or requirement is given by an investigator in accordance with 5.17 shall be guilty of an offence if the person,
- (a) fails to attend before him in the summons or requirement;
  - (b) refuses to take an oath or make an affirmation when required by the investigator to do so;
  - (c) refuses or fails to answer a question lawfully put to the person; or
  - (d) fails to produce the investigator the specified evidential material in accordance with the summons or requirement and shall be liable on conviction to penalties in accordance with section 161 of Myanmar Aircraft Rules(1937)
- 5.19** The Republic of the Union of Myanmar shall 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.
- 5.20** The AAIB shall establish and implement procedures of the Myanmar Confidential Aviation Incident Reporting Programme.
- 5.21** Ministry of Transport and Communications shall establish process for funding of investigation of accidents and incidents and supplementary fund when required.
- Sufficient funds
  - Provisions for supplementary budgets when required (eg. Major Accident)
- 5.22** Any expenses incurred by reason of anything done by the investigator-in-charge or the persons specified investigation of accidents and any incidents in exercise of any rights or powers refer to section 73 of Myanmar Aircraft Rules(1937) and 5.17 of MCAR-AIG for the purposes of the investigation shall be borne by the owner or operator of aircraft and be recoverable from either or both of them.
- 5.23** In the interest of safety and in accordance with the objective of the investigation, accident investigation personnel shall not be compellable to give an opinion on matters of blame or liability in civil, criminal, administrative or disciplinary proceedings.

## **FOREIGN INVESTGATIONS**

- 5.24** Where the AAIB has been notified of an aircraft accident or serious incident that occurred outside the territory of Myanmar involving a Myanmar aircraft, an aircraft operated by a Myanmar operator, or an aircraft designed or manufactured in the Myanmar, the Authority shall:
- (a) acknowledge receipt of the notification
  - (b) provide the notifying State with the following information with the least possible delay:
    - (i) any relevant information regarding the aircraft and flight crew involved in the accident or serious incident; and
    - (ii) if Myanmar is the State of the Operator, details of any dangerous goods on board the aircraft
  - (c) inform the notifying State as to:
    - (i) whether the Myanmar intends to appoint or has appointed an accredited representative; and
    - (ii) if such accredited representative will be or has been appointed and will be travelling to the State in which the investigation is being carried out, the contact details and the expected date of arrival of the accredited representative in such State.
  - (d) appoint an accredited representative, if requested to do so by the State conducting an investigation into an accident, or a serious incident involving an aircraft of a maximum mass of over 2,250 kilograms.

### **Obstructing Investigations, etc**

- 5.25** A person shall not obstruct or impede an Investigator of accidents or incidents or any person acting in the exercise of any powers or duties under Myanmar Aircraft Rules (1937) or 5.17 of MCAR-AIG.
- 5.26** A person shall not, without reasonable excuse, fail to comply with any summons or requisition of an investigator of Accidents or any incidents under Myanmar Aircraft Rules (1937).
- 5.27** If any person obstructs Investigations, he or she shall be liable on conviction to penalties in accordance with section 161 of Myanmar Aircraft Rules (1937).

## **6. FINAL REPORT**

**6.1** Myanmar as the State of 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) A copy of the draft final Report of investigation shall be sent 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 that participated in the investigation, any State having suffered fatalities or serious injuries to its citizens, any State provided relevant information, significant facilities or experts.
- (b) If Myanmar receives any comments within sixty days of the date of the transmittal letter, it shall amend the draft Final Report as necessary and append the comments to the Final Report. If Myanmar receives no comments within sixty days of the date of transmittal letter, it shall issue the Final Report.
- (c) Final Report shall release 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 5,700 kg)

**6.2** Myanmar 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.

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

- 6.4** Final reports shall not be used as evidence in any court proceeding or in other proceedings related to apportioning blame or liability.

#### **INVESTIGATION OF INTERIM STATEMENT**

- 6.5** If the final report on an investigation cannot be made publicly available within twelve months of the aircraft accident or incident, the AAIB shall issue an Investigation Interim Statement on each anniversary of the occurrence detailing the progress of the investigation and any safety issues raised.
- 6.6** The AAIB shall provide the Investigation Interim Statement referred to 6.5 to the following:
- (a) any concerned department of Myanmar
  - (b) the States having a direct interest in the occurrence, and if appropriate to ICAO; and
  - (c) States having suffered fatalities or serious injuries to its citizens;
- 6.7** The AAIB shall make the Investigation Interim Statement publicly available.

**7. ADREP REPORTING**

- 7.1** When the aircraft involved in an accident in Myanmar (Myanmar conducting the investigation) the AAIB 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 2,250 kg) within thirty days of occurrence. When matters directly affecting safety are involved, it shall be sent as soon as the information is available and by the most suitable and quickest means available.
- 7.2** When the aircraft involved in an accident is of a maximum mass of over 2,250 kg (Myanmar conducting the investigation) the AAIB shall send the Accident Data Report to ICAO as soon as practicable after investigation.
- 7.3** When the aircraft involved in an incident is of a maximum mass of over 5,700 kg (Myanmar conducting the investigation) the AAIB shall send the Incident Data Report to ICAO as soon as practicable after investigation.

**8. ACCIDENT PREVENTION MEASURES**

- 8.1** With a view to facilitate the collection of information on actual or potential safety deficiencies, the AAIB shall establish a mandatory incident reporting system.
- 8.2** The Republic of the Union of Myanmar shall establish and implement voluntary occurrence reporting system managed at the State Level, to facilitate 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 AAIB 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.

**9. VOLUNTARY REPORTING**

- 9.1** Any person having knowledge of any safety-related event, other than an accident or incident, may make a voluntary report to the AAIB and provide any information that the person believes is relevant.
- 9.2** Where a voluntary report is made to the AAIB, no person shall release the identity of the person making the report or any information that could reasonably be expected to reveal that person's identity, unless the person making the report authorize, in writing, its release.
- 9.3** A report made to the AAIB under a voluntary reporting system shall not be used against the person who made the report in any disciplinary, civil, administrative and criminal proceedings.
- 9.4** The protection regarding the identity of the person making the voluntary report shall not apply to situations involving unlawful acts, gross negligence or willful infractions by that person, or unless an appropriate authority determines in accordance with national legislation, the value of its disclosure or use in any particular instance, outweighs the adverse impact such action may have on aviation safety.

**10. CREW STATEMENTS**

As soon as possible after the accident or serious incident, each crew member shall forward to the AAIB, a statement setting forth the facts, conditions, and circumstances relating to the accident or serious incident as they appear to the member.(If the crew member is incapacitated, the member shall submit the statement as soon as the member is physically able to do so.)

**11. GUIDANCE MATERIAL**

Whenever an investigation into an accident or serious incident is ordered by the President of Myanmar to be carried out by Court or Board or Committee of Inquiry in accordance with the Myanmar Aircraft Rules (1937), a copy of this MCAR (AIG), Policy Manual, Hand Book and other relevant document pertaining to investigation may be presented to the Court or Board or Committee of Inquiry for their reference as required.

**SCHEDULE 1****CONTENTS OF THE INITIAL NOTIFICATION**

As specific in Annex 13, the notification shall be in plain language and contain as much of the following information as is readily available, but its dispatch shall not be delayed due to the lack of complete information:

- (a) for accidents the identifying abbreviation ACCID, for serious incidents INCIDS;
- (b) type, manufacturer, model, serial number, nationality and registration marks of the aircraft;
- (c) names to the owner, operator and hirer, if any, of the aircraft;
- (d) qualification of the pilot-in-command, and nationality of crew and passengers;
- (e) date and time (local time or UTC) of the accident or serious incident;
- (f) last point of departure and point of intended landing of the aircraft, including the date and time of the departure;
- (g) position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
- (h) number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured;
- (i) description of the accident or serious incident and the extent of damage to the aircraft so far as is known;
- (j) an indication to what extent the investigation will be conducted or is proposed to be delegated by the State of Occurrence;
- (k) physical characteristics of the accident or serious incident area, as well as an indication of access difficulties or special requirements to reach the site;
- (l) identification of the originating authority and means to contact the investigator-in-charge and the accident investigation authority of the State of Occurrence at any time; and
- (m) presence and description of dangerous goods on board the aircraft.

1. It may be helpful to provide the location of the accident or incident as well as the elevation and topography of the accident site, if it is known.
2. It is useful to first provide the number of persons aboard (crew, passengers) and then the injuries they sustained.
3. A list of addresses of aircraft accident and incident investigation authorities can be found on the ICAO/AIG website or in ICAO Doc 9756, Part I, Chapter 4, Appendix 2.

## SCHEDULE 2

### REPORTABLE AIRCRAFT ACCIDENTS/INCIDENTS

#### Reportable Accidents

- All aircraft accidents are reportable.

#### Reportable Serious Incidents

- Near collisions requiring an avoidance maneuver to avoid a collision or an unsafe situation, or when an avoidance action would have been appropriate.
- Collisions not classified as accidents.
- Controlled flight into terrain only marginally avoided.
- Aborted take-offs on a closed or engaged runway, on a taxiway<sup>1</sup> or unassigned runway.
- Take-offs from a closed or engaged runway, from a taxiway<sup>1</sup> or unassigned runway.
- Landings or attempted landings on a closed or engaged runway, on a taxiway<sup>1</sup> or unassigned runway.
- Gross failures to achieve predicted performance during take-off or initial climb.
- Fires and/or smoke in the cockpit, in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents.
- Events requiring the emergency use of oxygen by the flight crew.
- Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident.
- Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.
- Flight crew incapacitation in flight.
- Fuel quantity level or distribution situations requiring the declaration of an emergency by the pilot, such as insufficient fuel, fuel exhaustion, fuel starvation, or inability to use all usable fuel on board.
- Runway incursions classified with severity A. The Manual on the prevention of Runway Incursions (Doc 9870) contains information on the severity classifications.

1. Excluding authorized operations by helicopters.

- Take-off or landing incidents. Incidents such as under-shooting, overrunning or running off the side of runways.
- System failures, weather phenomena, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties controlling the aircraft.
- Failures of more than one system in a redundancy system mandatory for flight guidance and navigation.
- The unintentional or, as a precautionary or emergency measure, the intentional release of a slung load or any other load carried external to the aircraft.

Note: The incidents listed above are typical examples of incidents that are likely to be serious incidents. The list is not exhaustive and only serves as guidance to the definition of serious incident.

## DEPARTMENT OF CIVIL AVIATION, MYANMAR

## AIRCRAFT ACCIDENT NOTIFICATION

(In accordance with the Myanmar Aircraft Rules 1937 Rule No.69)

Name .....	Place .....	Contact Tel. No .....	
Manufacture/Model .....	Nationality of crews of Passengers .....	Aircraft Reg. Mark and Serial No .....	
Owner/Operator/Hirer ..... .....	Name & Qualification of Pilot-in-Command ..... .....	Occurrence Date and Time ..... .....	
Departure / Destination .....	Nature of Flight .....	Location of Occurrence .....	
No of crew and passenger On Board ..... .....	Fatalities ..... .....	Injuries ..... .....	Other ..... .....
Occurrence Brief Description			
Aircraft Damage			
Site Characteristics			

(Continue overleaf if necessary)

- NOTE - 6 copies to be made and distributed as follows:
- First copy to the Director General of Civil Aviation
  - Second copy to Deputy Director (MAIB)
  - Third copy to Director (FSD)
  - Fourth copy to Director (AIR)
  - Fifth copy to Director of Aerodrome Standards and Safety Division (ASSD)
  - Sixth copy to be retained by originator of this report

C.A Form 165(R-2)

**DEPARTMENT OF CIVIL AVIATION, MYANMAR  
AIRCRAFT INCIDENT NOTIFICATION**

(In accordance with the Myanmar Aircraft Rules 1937 Rule No.69)

Name .....	Place .....	Contact Tel No .....
Manufacture/Model .....	Nationality of crews of Passengers .....	Aircraft Reg; Mark and Serial No .....
Owner/Operator/Hirer ..... .....	Name & Qualification of Pilot -in - Command ..... .....	Occurrence Date and Time ..... .....
Departure / Destination .....	Nature of Flight .....	Location of Occurrence .....
No of crew and passenger on Board On Board ..... .....	Injuries ..... .....	Other ..... .....
Occurrence Brief Description		
Aircraft Damage		
Site Characteristics		

[Continue overleaf if necessary]

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C.A Form 165(R-3)

**DEPARTMENT OF CIVIL AVIATION, MYANMAR**  
**DANGEROUS GOODS ACCIDENT / INCIDENT NOTIFICATION**

Name .....		Place .....		Contact Tel No .....	
Manufacture/Model .....		Name of Pilot -in -command ..... Notification of crews of Passenger .....		Aircraft Reg; Mark and Serial No .....	
Owner/Hirer ..... .....		Location of Occurrence ..... .....		Occurrence Date and Time ..... .....	
No of crew on Board ..... ..... .....	Fatalities ..... ..... .....	Injuries ..... ..... .....	Other ..... ..... .....		
Brief description of the accident					
Occurrence Brief Description					
Information about any continuing damage to safety health or the environment					
Remark					

[Continue overleaf if necessary]

- NOTE - 6 copies to be made and distributed as follows:
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DEPARTMENT OF CIVIL AVIATION, MYANMAR  
BIRD STRIKE REPORTING FORM

<p><b>Operator</b> .....</p> <p><b>Aircraft Make / Model</b> .....</p> <p><b>Engine Make / Model</b> .....</p> <p><b>Aircraft Registration</b> .....</p> <p><b>Date</b> day ..... month ..... year .....</p> <p><b>Local time</b> .....</p> <p>dawn <input type="checkbox"/> day <input type="checkbox"/> dusk <input type="checkbox"/> night <input type="checkbox"/> .....</p> <p><b>Aerodrome Name</b> .....</p> <p><b>Runway Used</b> .....</p> <p><b>Location if En Route</b>  <b>Height AGL</b> ..... ft  <b>Speed (IAS)</b> ..... Kt  <b>Phase of Flight</b></p> <table border="0" style="width: 100%;"> <tr> <td><i>Parked</i></td><td><input type="checkbox"/></td> <td><i>en route</i></td><td><input type="checkbox"/></td> </tr> <tr> <td><i>Taxi</i></td><td><input type="checkbox"/></td> <td><i>descent</i></td><td><input type="checkbox"/></td> </tr> <tr> <td><i>Take-off/run</i></td><td><input type="checkbox"/></td> <td><i>approach</i></td><td><input type="checkbox"/></td> </tr> <tr> <td><i>Climb</i></td><td><input type="checkbox"/></td> <td><i>landing roll</i></td><td><input type="checkbox"/></td> </tr> </table> <p><b>Part(s) of Aircraft</b></p> <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: center;"><b>Struck</b></th> <th style="text-align: center;"><b>Damaged</b></th> </tr> </thead> <tbody> <tr><td><i>radome</i></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td><i>Windshield</i></td><td><input type="checkbox"/></td><td><input 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