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PART C

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LEGAL NOTICE NO. 107 OF 2011

CIVIL AVIATION AUTHORITY ACT, 2009
(Act No. 10 of 2009)

CIVIL AVIATION AUTHORITY (AIRWORTHINESS) REGULATIONS, 2011
(Under Section 104)

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PART I PRELIMINARY

In exercise of the powers conferred by section 104 of the Civil Aviation Authority Act, 2009, the Minister of Public Works and Transport makes the following regulations-

Citation and commencement

1. These regulations may be cited as the Civil Aviation Authority (Airworthiness) Regulations, 2011, and shall come into force on the date of publication in the Gazette.

Interpretation

2. In these regulations, unless the context otherwise requires, words or expressions used in the Act have the same meaning as in these Regulations, and-

“aeronautical product” means an aircraft, aircraft engine, propeller or subassembly, appliance, material, part or component to be installed on the aircraft;

“acceptable” neither means the Authority has reviewed the method, procedure or policy and has neither objected to nor approved its proposed use or implementation;

“aircraft” means a machine that derives support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“aircraft component” means any component part of an aircraft up to and including a complete engine or any operational or emergency equipment;

“aircraft type” means all aircraft of the same basic design;

“airframe” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (including rotors but excluding propellers and rotating airfoils of an engine) and landing gear of an aircraft and their accessories and controls;

“airworthy” means an aircraft or aeronautical product is in a fit and safe State for flight and is in conformity with its type design;

“appliance” means an instrument, mechanism, equipment, part, apparatus, appurtenance or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft and is not part of an airframe, engine or propeller;

“approved” means accepted by the appropriate authority as suitable for a particular purpose;
“approved by the Authority” means approved by the Authority directly or in accordance with a procedure approved by the Authority;

“approved maintenance programme” means a maintenance programme approved by the State of Registry;

“approved data” means technical information approved by the Authority;

“approved maintenance organisation (AMO)” means an organisation approved to perform specific aircraft maintenance activities by the Authority;

“article” means any item, including but not limited to, an aircraft, airframe, aircraft engine, propeller, appliance, accessory, assembly, subassembly, system, subsystem, component, unit, product or part;

“Authority” means the Civil Aviation Authority, established under section 4 of the Civil Aviation Authority Act;

“balloon” means a non-power-driven lighter-than-air aircraft;

“calendar day” means the period of elapsed time using the Co-ordinated Universal Time or local time that begins at midnight and ends 24 hours later in the next midnight;

“certificate of release to service” means a document containing a certification that inspection and maintenance work has been performed satisfactorily in accordance with the methods prescribed by the Authority;

“dry lease” means a lease of an aircraft without crew;

“engine” means a unit used or intended to be used for aircraft propulsion, consisting of at least those components and equipment necessary for functioning and control, but excludes the propeller (if applicable);

“facility” means a physical plant, including land, buildings and equipment, which provide the means for the performance of maintenance, preventive maintenance or modifications of any article;

“flight time aeroplanes” means the total time from the moment an aeroplane first moves for the purpose of taking off until the moment it comes to a stop at the end of the flight;

“flight time helicopters” means the total time from the moment the helicopter blades start turning until the moment the helicopter finally comes to a stop at the end of the flight and the rotor blades are stopped;

“glider” means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces, which remain fixed under given conditions of flight;

“heavier-than-air aircraft” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis;

“inspection” means the examination of an aircraft or aircraft component to establish conformity with a standard approved by the Authority;

“maintenance” means tasks required to ensure the continued airworthiness of an aircraft or aircraft component including any one or more combination of overhaul, repair, inspection, replacement, modification and defect rectification;

“maintenance control manual” means a manual containing procedures, instructions and guidance for use by maintenance and concerned operational personnel in the execution of their duties;

“maintenance programme” means a document which describes the specific scheduled maintenance tasks and their frequency of completion and related procedures, such as a reliability programme, necessary for the safe operation of those aircraft to which it applies;

“major modification” means a type design change not listed in the aircraft, aircraft engine, or propeller specifications that might appreciably affect the mass and balance limits, structural strength, performance, power plant operation, flight characteristics or other qualities affecting airworthiness or environmental characteristics or that will be embodied in the product according to non-standard practices;

“major repair” means a repair of an aeronautical product that might appreciably affect the structural strength, performance, power plant, operation flight characteristics or other qualities affecting airworthiness or environmental characteristics or that will be embodied in the product using non-standard practices;

“modification” means a change to the type design of an aircraft or aeronautical product which is not a repair;

“overhaul” means the restoration of an aircraft or aircraft component using methods, techniques and practices acceptable to the Authority, including disassembly, cleaning and inspection as permitted, repair as necessary and reassembly; and testing in accordance with approved standards and technical data or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the State of Design, holder of the type certificate, supplemental type certificate or a material, part, process or appliance approval under Parts Manufacturing Authorisation (PMA) or Technical Standard Order (TSO);

“prescribed” means the Authority has issued written policy or methodology which imposes either a mandatory requirement, if the written policy or methodology States “shall” or a discretionary requirement if the written policy or methodology States “may”;

“preventive maintenance” means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations;

“propeller” means a device for propelling an aircraft that has blades on an engine driven shaft and that when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation; it includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engine;

“rating” means an authorisation entered on or associated with a license or certificate and forming part of the licence or certificate, stating special conditions, privileges or limitations pertaining to that license or certificate;

“rebuild” means the restoration of an aircraft or aircraft component by using methods, techniques and practices acceptable to the Authority, when it has been disassembled, cleaned, inspected as permitted, repaired as necessary, reassembled and tested to the same tolerances and limits as a new item, using either new parts or used parts that conform to new part tolerances and limits;

“repair” means restoration of an aeronautical product to an airworthy condition and to ensure that the aircraft continues to comply with the design aspects of the airworthiness requirements used for the issue of a type certificate for that aircraft type after the aircraft has been damaged or subjected to wear;

“signature” means an individual’s unique identification used as a means of authenticating any record entry or a maintenance record; a signature may be hand-written, electronic or any other form acceptable to the Authority;

“specific operating provisions” means a document describing the ratings, class or limited, in detail and containing or referencing material and process specifications used in performing repair work, along with any limitations applied to the approved maintenance organisation;

“standard” means an object, artefact, tool, test equipment, system or experiment that stores, embodies or otherwise provides a physical quantity which serves as the basis for measurement of the quantity; it also includes a document describing the operations and processes that must be performed in order for a particular end to be achieved;

“State of design” means a Contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft or which approved the design of an aeronautical product or appliance;

“State of manufacture” means a Contracting State under whose authority an aircraft was assembled, approved for compliance with the type certificate and all extant supplemental type certificates, test flown and approved for operation; the State of manufacture may or may not also be the State of design;

“State of Registry” means a Contracting State on whose registry an aircraft is entered.

Application

3. These Regulations shall apply to all persons operating or maintaining the following-

- (a) Swaziland registered aircraft, wherever operated;
- (b) aircraft registered in another Contracting State that are operated by a person licensed by Swaziland, and maintained in accordance with the standards of the aircraft State of Registry, wherever that maintenance is performed;
- (c) aircraft of other Contracting States operating in *Swaziland.

PART II

AIRCRAFT AND COMPONENT ORIGINAL CERTIFICATION AND SUPPLEMENTAL TYPE CERTIFICATES

Acceptance of type of certificate

4. (1) The Authority may accept a type certificate or equivalent document issued by a State of design in respect of an aircraft or aircraft component if-

- (a) the type certificate or equivalent document was issued based on an airworthiness code recognized by the Authority; or
- (b) the design, materials, construction equipment, performance and maintenance of aircraft or aircraft component technical evaluation against a recognised airworthiness code has been carried out by the Authority and has been found to-
 - (i) meet the required standards of the recognised airworthiness code; or
 - (ii) comply with any recommendations required by the Authority.

(2) Upon acceptance of the type certificate by the Authority, the Authority may, prior to the issue of a certificate of airworthiness or restricted certificate of airworthiness, require the applicant to comply with any additional requirements as prescribed by the Authority.

(3) In this regulation, recognized airworthiness code means standards relating to the design, materials, construction equipment, performance and maintenance of aircraft or aircraft component issued by the State of design and accepted and prescribed by the Authority.

Acceptance of production

5. The Authority shall only accept application for production of aircraft or aircraft component if the Authority is satisfied that-

- (a) the work to be undertaken conforms to the specified design as approved by the State of design;
- (b) there is in place a suitable arrangement with the holder of a type certificate which ensures satisfactory co-ordination between production and design; and
- (c) there are acceptable arrangements for oversight by the State of design.

Issue of supplemental type certificate

6. (1) A person who alters a product by introducing a major modification in type design, which modification is not major enough to require a new application for a type certificate, shall apply for a supplemental type certificate to the regulatory agency of the State of design that approved the type certificate for that product or to the State of Registry of the aircraft.

(2) An application for the supplemental type certificate shall be made in a form and manner prescribed by the Authority.

PART III CERTIFICATES OF AIRWORTHINESS

Application for certificate of airworthiness

7. (1) An owner of an aircraft registered in Swaziland or agent of the owner may apply to the Authority for the issue of a certificate of airworthiness for that aircraft.

(2) An applicant for a certificate of airworthiness shall apply on a form prescribed by the Authority.

Certificate of airworthiness to be in force

8. No person shall fly an aircraft unless there is in force in respect of that aircraft a certificate of airworthiness or restricted certificate of airworthiness or a special flight permit duly issued or rendered valid under the law of the State of registry and any conditions subject to which the certificate was issued or rendered valid are complied with.

Classification of certificates of airworthiness

9. Certificates of airworthiness shall be classified as follows-

- (a) a certificate of airworthiness;
- (b) a restricted certificate of airworthiness;
- (c) a special flight permit; and

- (d) export certificate of airworthiness.

Amendment of certificate of airworthiness

10. The Authority may amend or modify any type of certificate of airworthiness issued under these Regulations upon application by an operator or on the Authority's own initiative.

Surrender of certificate of airworthiness

11. An owner of an aircraft who sells the aircraft shall surrender the certificate of airworthiness or restricted certificate of airworthiness or special flight permit, as applicable-

- (a) to the buyer upon sale of the aircraft within Swaziland; or
- (b) to the Authority in the case of an aircraft sold outside Swaziland.

Validity of a certificate of airworthiness

12. (1) A certificate of airworthiness or restricted certificate of airworthiness issued under these Regulations is valid for twelve months from the date of issue unless-

- (a) a shorter period is specified by the Authority;
- (b) the Authority amends, extends, suspends, revokes or otherwise terminates the certificate;
- (c) the aircraft owner or operator surrenders the certificate to the Authority.

(2) A special flight permit shall be valid for the period of time specified in the permit.

(3) A certificate of airworthiness or restricted certificate of airworthiness issued in respect of an aircraft shall cease to be in force if-

- (a) the aircraft or part of its equipment as is necessary for the airworthiness of the aircraft to be maintained is removed or replaced, otherwise than in a manner and with material of a type approved by the Authority either generally or in relation to a class of aircraft or to the particular aircraft;
- (b) the aircraft or any of its equipment is not maintained as required by the maintenance programme or schedule approved by the Authority in relation to that aircraft;
- (c) an inspection or modification classified as mandatory by the Authority and applicable to the aircraft or of any equipment mentioned before has not been completed to the satisfaction of the Authority; or
- (d) the aircraft or any such equipment as mentioned before sustains damage and the damage is ascertained during inspection which affects the airworthiness of the aircraft.

Aircraft identification

13. An applicant for a certificate of airworthiness or a restricted certificate of airworthiness or special flight permit shall show that the aircraft is properly registered and marked and has identification plates affixed to the aircraft.

Issue of certificate of airworthiness

14. (1) A certificate of airworthiness shall be issued for aircraft in the specific category and model designated by the State of design in the type certificate.

(2) The Authority shall issue a certificate of airworthiness if-

- (a) the applicant presents evidence to the Authority that the aircraft conforms to a type design approved under a type certificate or a supplemental type certificate and to the applicable airworthiness directives of the State of manufacture or design;
- (b) the aircraft has been inspected in accordance with the performance rules of these Regulations for inspections and found airworthy by persons authorised by the Authority to make such a determination within the last thirty days;
- (c) the Authority finds, after an inspection, that the aircraft conforms to type design and is in a condition that is safe for operation;
- (d) the aircraft when operated in accordance with the requirements specified in the flight manual or equivalent document for the aircraft conforms to the approved type specifications specified in the approved type certificate or equivalent document;
- (e) the maintenance determined by the Authority as a prerequisite for the issue of a certificate of airworthiness has been carried out and certified by a person acceptable to the Authority in accordance with these Regulations; and
- (f) the results of flying trials, and such other tests of the aircraft as the Authority may require, are complied with.

(3) The Authority may issue a certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as the Authority considers fit.

(4) A certificate of airworthiness shall specify one of the following categories as are, in the opinion of the Authority, appropriate to the aircraft operation-

- (a) commercial air transport (passenger);
- (b) commercial air transport (cargo);
- (c) general aviation; or
- (d) aerial work.

(5) A certificate of airworthiness shall be issued subject to the condition that the aircraft shall be flown only for the following purposes-

- (a) commercial air transport (passenger) - any purpose;
- (b) commercial air transport (cargo) - any purpose other than the commercial air transport of passengers;
- (c) aerial work- any purpose other than commercial air transport or general aviation;
- (d) general aviation- any purpose other than commercial air transport or aerial work.

(6) The Authority may in the process of issuing a certificate of airworthiness demand that reports be furnished by a person qualified to furnish such reports.

Airworthiness directives and service bulletins

15. (1) No person shall operate an aircraft or aircraft component to which an airworthiness directive applies except in accordance with the requirements of an airworthiness directive.

(2) Upon registration of an aircraft in Swaziland, the Authority shall notify the State of design of the aircraft of the registration of the aircraft in Swaziland and request that the Authority receive all airworthiness directives pertaining to that aircraft, airframe, aircraft engine, propeller, appliance or component.

(3) Where the State of design considers that a condition in an aircraft, airframe, engine, propeller, appliance or component is unsafe as shown by the issue of an airworthiness directive by that State, the directives shall apply to Swaziland registered aircraft of the type identified in that airworthiness directive.

(4) Where a manufacturer identifies a service bulletin as mandatory, such bulletin shall apply to Swaziland registered aircraft of the type identified in that bulletin.

(5) The Authority may identify manufacturer's service bulletins and other sources of data or develop and prescribe inspections, procedures and limitations for mandatory compliance pertaining to affected aircraft in Swaziland.

(6) No person shall operate any Swaziland registered aircraft to which the measures of this regulation apply, except in accordance with the applicable directives and bulletins.

Issue of restricted certificates of airworthiness

16. (1) The Authority may issue a restricted certificate of airworthiness for an aircraft that does not qualify for a certificate of airworthiness including microlite, amateur and kit built aircraft, an aircraft used for air races, aircraft flying for exhibition purposes and a kite.

(2) An aircraft in respect of which a restricted airworthiness certificate is in force shall be subject to operating limitations within Swaziland and shall not make international flights.

(3) The Authority shall issue specific operating limitations for each restricted airworthiness certificate.

Issue of special flight permit

17. The Authority may issue a special flight permit for an aircraft that is capable of safe flight but unable to meet applicable airworthiness requirements for the purpose of-

- (a) flying to a base where weighing, painting, repairs, modifications, maintenance or inspections are to be performed or to a point of storage;
- (b) flying for the purpose of experimenting with or testing the aircraft including its engines and equipment;
- (c) flying for the issue, renewal or validation of certificate of airworthiness or restricted certificate of airworthiness and the approval of a modification of the aircraft;

- (d) delivering or exporting the aircraft;
- (e) evacuating aircraft from areas of impending danger; and
- (f) operating at mass in excess of the aircraft's maximum certified takeoff mass for flight beyond normal range over water or land areas where adequate landing facilities or appropriate fuel are unavailable with the excess mass limited to additional fuel, fuel-carrying facilities and navigation equipment necessary for the flight.

Export certificate of airworthiness

18. (1) An owner of an aircraft registered in Swaziland or an agent of the owner may apply to the Authority for issue of an export certificate of airworthiness for that aircraft.

(2) An application for an export certificate of airworthiness shall be made on a form prescribed by the Authority at least 14 days before the intended date of export of the aircraft out of Swaziland.

(3) The Authority shall issue an export certificate of airworthiness if-

- (a) the applicant submits a Statement of compliance with the full requirements of the approved maintenance programme or schedule;
- (b) the applicant submits a Statement of compliance with the mandatory airworthiness directives and service bulletins applicable to the aircraft and its equipment;
- (c) the aircraft has been inspected in accordance with the performance rules of these Regulations and found airworthy by persons authorised by the Authority to make such determination within the last 14 days;
- (d) the maintenance determined by the Authority as a prerequisite for issue of the export certificate of airworthiness has been carried out and certified by a person acceptable to the Authority in accordance with these Regulations;
- (e) the result of test flight, and such other tests as the Authority may determine are complied with;
- (f) historical records establish the production, modification and maintenance standard of the aircraft; and
- (g) a weight and balance report with a loading schedule, where applicable, for each aircraft in accordance with the applicable regulations is furnished to the Authority.

(4) An export certificate of airworthiness shall not be used for the purpose of flight but for confirmation of recent satisfactory review of the airworthiness status of the aircraft.

(5) Any extension or variation granted to an aircraft in accordance with an approved maintenance programme or schedule shall be automatically revoked before issue of the export certificate of airworthiness.

Conditions on the special flight permit

19. (1) No person shall fly an aircraft on a special flight permit unless that person has complied with conditions of this regulation.

(2) A person who flies an aircraft on a special flight permit referred to under regulation 17 shall ensure that-

- (a) the flight is made under the supervision of a person approved by the Authority for the flight, subject to any additional conditions which may be specified in the permit;
- (b) a copy of the permit is carried on board the aircraft at all times when the aircraft is operating under the conditions of the permit;
- (c) the aircraft registration markings assigned to the aircraft is displayed;
- (d) no persons or property are carried on board for hire or reward;
- (e) only persons essential for the safe operation of the aircraft are carried on the aircraft and the persons shall be advised of the contents of the permit;
- (f) the aircraft is operated only by flight crew holding appropriate type ratings or validations with sufficient experience to appreciate the reasons for the aircraft's non-compliance to the prescribed airworthiness standards;
- (g) the flight is conducted in accordance with applicable flight operating rules and procedures of the States of the intended routing;
- (h) the routing is such that areas of heavy air traffic, areas of heavy human concentration of a city, town or settlement or any other areas where the flight might create hazardous exposure to persons or property are avoided;
- (i) the flight is performed in accordance with the performance limitations prescribed in the aircraft flight manual and any other limitation that the Authority may impose on the flight;
- (j) the flight is conducted prior to the expiry date of the special flight permit or at any other time the Authority declares so in writing; and
- (k) the aircraft shall not depart for the flight on a special flight permit unless the aircraft has on board authorisations from the State or States of intended routing.

(3) The operator shall inform the State or States on the conditions of the aircraft and intended flight and the operator shall obtain their consent.

(4) The Authority shall require a properly executed maintenance endorsement Statement in the aircraft permanent record by an authorised person stating that the aircraft has been inspected and found to be safe for the intended flight.

Certificate of fitness for flight

20. (1) No person shall fly an aircraft for the purpose of flight testing after repair, modification or maintenance unless the aircraft has been issued with a maintenance endorsement Statement.

(2) The maintenance endorsement Statement referred to in sub regulation (1) shall constitute a certificate of fitness for flight.

(3) A certificate of fitness for flight shall be issued by an appropriate qualified person in accordance with these Regulations and the Civil Aviation (Personnel Licensing) Regulations.

(4) A certificate of fitness for flight is the basis under which the Authority may issue a special flight permit under regulation 17 for the purpose of allowing the aircraft to be ferried.

(5) The certificate of fitness for flight may be used as a basis to flight test an aircraft after repair, modification or maintenance as long as the aircraft does not make an international flight.

(6) A certificate of fitness for flight is not, for purposes of these Regulations, an airworthiness certificate.

PART IV **CONTINUING AIRWORTHINESS OF AIRCRAFT AND AIRCRAFT** **COMPONENTS**

Responsibility for maintenance

21. (1) An owner or operator of an aircraft shall be responsible for maintaining the aircraft in an airworthy condition by ensuring that-

- (a) all maintenance which affects airworthiness is performed as prescribed by the State of registry;
- (b) maintenance personnel make appropriate entries in the aircraft maintenance records certifying that the aircraft is airworthy;
- (c) the certificate of release to service is completed to the effect that the maintenance work performed has been completed satisfactorily and in accordance with the prescribed methods including an approved maintenance schedule for air operator certificate holders as approved by the Authority; and
- (d) in the event there are open discrepancies, the certificate of release to service includes a list of the uncorrected maintenance items which are made a part of the aircraft permanent records.

(2) In the event that an aircraft registered in Swaziland is continuously operated outside Swaziland for a period exceeding thirty days, the owner or operator of the aircraft shall be responsible for maintaining the aircraft in an airworthy condition and ensuring that-

- (a) notice in a form prescribed by the Authority, is given to the Authority prior to the aircraft undertaking such operations;
- (b) arrangements acceptable to the Authority for ongoing inspection and oversight of the airworthiness of that aircraft are made.

Continuing airworthiness information

22. An operator of an aircraft shall-

- (a) monitor and assess maintenance and operational experience with respect to continuing airworthiness and provide the information as prescribed by the Authority and report through a specified system;

- (b) obtain and assess continuing airworthiness information and recommendations available from the organisation responsible for the type design and implement resulting actions considered necessary in accordance with a procedure acceptable to the Authority.

Compliance with manufacturer's instructions

23. An operator of an aircraft registered in Swaziland shall not engage in commercial air transport operations, unless-

- (a) the aircraft, including its engines, equipment and radios has been maintained in accordance with the approved maintenance programme and the maintenance procedures recommended by the aircraft manufacturer;
- (b) a certificate of release to service has been completed and signed by a licensed aircraft maintenance engineer to certify that all maintenance work has been completed satisfactorily and in accordance with the approved maintenance programme and procedures; and
- (c) there is an approved flight manual available in the aircraft for the use of the flight crew, containing the limitations within which the aircraft is considered airworthy, together with such additional instructions and information as may be necessary to show compliance with the specified regulations relating to performance and for the safe operation of the aircraft, except that if the aircraft has a maximum take off certificated mass of 5700 kg or less, the limitations may be made available by means of placards or other documents approved by the Authority.

Reporting of failures, malfunctions and defects

24. (1) An owner or operator of an aircraft shall report to the Authority any failures, malfunctions or defects that may result in at least one of the following-

- (a) fires during flight and whether the related fire-warning system properly operated;
- (b) fires during flight not protected by a related fire-warning system;
- (c) false fire warning during flight;
- (d) an engine exhausts system that causes damage during flight to the engine, adjacent structure, equipment or components;
- (e) an aircraft component that causes accumulation or circulation of smoke, vapour or toxic or noxious fumes in the crew compartment or passenger cabin during flight;
- (f) engine shutdown during flight because of flameout;
- (g) engine shutdown during flight when external damage to the engine or aircraft structure occurs;
- (h) engine shutdown during flight due to foreign object ingestion or icing;
- (i) shutdown during flight of more than one engine;

- (j) a propeller feathering malfunction or inability of the system to control over speed during flight;
 - (k) fuel or fuel-dumping system malfunction that affects fuel flow or causes hazardous leakage during flight;
 - (l) an un-commanded landing gear extension or retraction or opening or closing of landing gear doors during flight;
 - (m) brake system components malfunction that result in loss of brake actuating force when the aircraft is in motion on the ground;
 - (n) aircraft structure damage that requires major repair;
 - (o) failure or malfunction of any flight control system, flap, slat or spoiler;
 - (p) any excessive unscheduled removals of essential equipment on account of defects;
 - (q) cracks, permanent deformation, or corrosion of aircraft structure, if more than the maximum acceptable to the manufacturer or the Authority;
 - (r) aircraft components or systems malfunctions that result in taking emergency actions during flight, except action to shut down an engine;
 - (s) emergency evacuation systems or components including all exit doors, passenger emergency evacuating lighting systems or evacuation equipment that are found defective or that fail to perform the intended functions during an actual emergency or during training, testing, maintenance, demonstration or inadvertent deployments;
 - (t) each interruption to a flight, unscheduled change of aircraft en route or unscheduled stop or diversion from a route, caused by known or suspected technical difficulties or malfunctions;
 - (u) any abnormal vibration or buffeting caused by a structural or system malfunction, defect or failure;
 - (v) a failure or malfunction of more than one altitude, airspeed or altitude instrument during a given operation of the aircraft;
 - (w) the number of engines removed prematurely because of malfunction, failure or defect, listed by make and model and the aircraft type in which it was installed; or
 - (x) the number of propeller featherings in flight, listed by type of propeller and engine and aircraft on which it was installed.
- (2) A report required under this regulation shall-
- (a) be made within 3 days after determining that the failure, malfunction or defect required to be reported has occurred; and
 - (b) include as much of the following information as is available and applicable-
 - (i) type and registration mark of the aircraft;

- (ii) name of the operator;
- (iii) aircraft serial number;
- (iv) where the failure, malfunction or defect is associated with an article approved under a technical standard order (TSO) authorisation, the article serial number and model designation, as appropriate;
- (v) where the failure, malfunction or defect is associated with an engine or propeller, the engine or propeller serial number, as appropriate;
- (vi) product model;
- (vii) identification of the part, component, or system involved, including the part number; and
- (viii) the nature of the failure, malfunction or defect.

(3) The Authority, upon receipt of the report specified in sub-regulation (2) for aircraft registered in Swaziland, shall submit the reports to the State of design.

(4) The Authority, upon receipt of the report specified in sub-regulation (2) for foreign registered aircraft operating in Swaziland, shall submit all such reports to the State of registry and the State of design.

PART V AIRCRAFT MAINTENANCE AND INSPECTION

Persons authorized to perform maintenance, preventive maintenance and modification

25. (1) No person shall perform any task defined as maintenance on an aircraft or aircraft component, except as provided in this regulation.

(2) The following persons are authorised to perform maintenance, preventive maintenance or modification-

- (a) a pilot licensed by the Authority;
- (b) a person performing maintenance under the supervision of a licensed aircraft maintenance engineer (LAME);
- (c) a licensed aircraft maintenance engineer (LAME); and
- (d) an approved maintenance organisation.

(3) A pilot licensed by the Authority may perform preventive maintenance on an aircraft of certificated maximum take-off mass of 5,700 kg or less owned or operated by that pilot so long as the aircraft is not listed for use by an air operator certificate holder and the pilot has attended maintenance course on the type of aircraft.

(4) A licensed pilot operating a balloon listed for use by an AOC holder may perform maintenance, preventive maintenance or modification on balloons, provided that pilot has been trained on the appropriate balloon maintenance.

(5) A person working under the supervision of a LAME may perform the maintenance, preventive maintenance or modifications that the LAME is authorised to perform if the supervising LAME-

(a) personally observes the work being done to the extent necessary to ensure that it is being done properly; and

(b) is readily available, in person, for consultation.

(6) A LAME may perform or supervise the maintenance or modification of an aircraft or aircraft component for which the LAME is rated in accordance with the Civil Aviation (Personnel Licensing) Regulations.

(7) An aircraft maintenance organisation may perform aircraft maintenance within the limits specified by the Authority.

(8) A manufacturer holding an aircraft maintenance organisation (AMO) certificate may-

(a) rebuild or alter any aircraft component manufactured by that manufacturer under a type or production certificate;

(b) rebuild or alter any aircraft component manufactured by that manufacturer under a technical standard order (TSO) authorisation, a parts manufacturer approval by the State of design or product and process specification issued by the State of design; and

(c) perform any inspection required by the Civil Aviation (Operation of Aircraft) Regulations on aircraft that the manufacturer manufactures, while currently operating under a production certificate or under a currently approved production inspection system for such aircraft.

Personnel authorized to approve for return of service

26. (1) Except as authorized by the Authority, no person shall approve an aircraft, airframe, engine, propeller, appliance or component for return to service after it has undergone maintenance, preventive maintenance, rebuilding or modification.

(2) The following persons may approve return to service-

(a) a pilot licensed by the Authority who may return their aircraft to service after performing authorised preventive maintenance, provided the pilot has successfully completed an approved maintenance course on the type of aircraft;

(b) a licensed aircraft maintenance engineer (LAME) who may approve aircraft and aircraft components for return to service after the LAME has performed, supervised or inspected its maintenance subject to the limitations specified in the Civil Aviation (Personnel Licensing) Regulations;

(c) an approved maintenance organisation that may approve aircraft and aircraft components for return to service as provided in the specific operating provisions approved by the Authority.

Persons authorized to perform inspections

27. (1) Except as authorized by the Authority, no person shall perform the inspections required by the Civil Aviation (Operation of Aircraft) Regulations for aircraft and aircraft components prior to or after the aircraft has undergone maintenance, preventive maintenance, rebuilding or modification.

(2) The following persons may carry out inspections-

- (a) a LAME who may conduct the required inspection of aircraft and aircraft components for which the LAME is rated and current; or
- (b) an AMO that may perform the required inspection of aircraft and aircraft components as provided in the specific operating provisions approved by the Authority.

Preventive maintenance limitations

28. Preventive maintenance is limited to the following work-

- (a) removal, installation and repair of landing gear tires;
- (b) replacing elastic shock absorber cords on landing gear;
- (c) servicing landing gear shock struts by adding oil, air or both;
- (d) servicing landing gear wheel bearings, such as cleaning and greasing;
- (e) replacing defective safety wiring or cotter keys;
- (f) lubrication not requiring disassembly other than removal of non-structural items such as cover plates, cowlings and fairings;
- (g) making simple fabric patches not requiring rib stitching or the removal of structural parts or control surfaces;
- (h) replenishing hydraulic fluid in the hydraulic reservoir;
- (i) refinishing decorative coating of fuselage, wings, tail group surfaces excluding balanced control surfaces, fairings, cowlings, landing gear, cabin or cockpit interior when removal or disassembly of any primary structure or operating system is not required;
- (j) applying preservative or protective material to components where no disassembly of any primary structure or operating system is involved and where such coating is not prohibited or is not contrary to good practices;
- (k) repairing upholstery and decorative furnishings of the cabin or cockpit when the repairing does not require disassembly of any primary structure or operating system or interfere with an operating system or affect primary structure of the aircraft;
- (l) making small simple repairs to fairings, non-structural cover plates, cowlings and small patches and reinforcements not changing the contour so as to interfere with proper airflow;
- (m) replacing side windows where that work does not interfere with the structure of any operating system such as controls and electrical equipment;
- (n) replacing safety belts;
- (o) replacing seats or seat parts with replacement parts approved for the aircraft, not involving disassembly of any primary structure or operating system;

- (p) troubleshooting and repairing broken circuits in landing light wiring circuits;
- (q) replacing bulbs, reflectors and lenses of position and landing lights;
- (r) replacing wheels and skis where no mass and balance computation is involved;
- (s) replacing any cowling not requiring removal of the propeller or disconnection of flight controls;
- (t) replacing or cleaning spark plugs and setting of spark plug gap clearance;
- (u) replacing any hose connection except hydraulic connections;
- (v) replacing prefabricated fuel lines;
- (w) cleaning fuel and oil strainers;
- (x) replacing and servicing batteries;
- (y) replacement or adjustment of non-structural fasteners incidental to operations; and
- (z) the installation of anti-misfueling devices to reduce the diameter of fuel tank filler openings, provided the specific device has been made a part of the aircraft type certificate data by the aircraft manufacturer, the manufacturer has provided appropriately approved instructions acceptable to the Authority for the installation of the specific device, and installation does not involve the disassembly of the existing filler opening.

Performance rules- maintenance

29. (1) A person performing maintenance, preventive maintenance or modification on an aircraft or aircraft component shall use the methods, techniques and practices prescribed in-

- (a) the current manufacturer's maintenance manual or instructions for continued airworthiness issued by the manufacturer; and
- (a) additional methods, techniques and practices required by the Authority, or methods, techniques and practices approved by the Authority where the manufacturer's documents are not available.

(2) A person shall use the tools, equipment and test apparatus necessary to assure completion of the work in accordance with accepted industry practices.

(3) If the involved manufacturer recommends special equipment or test apparatus, the person performing maintenance shall use that equipment or apparatus, or its equivalent acceptable to the Authority.

(4) A person performing maintenance, preventive maintenance or modification on an aircraft or aircraft component shall do that work in such a manner and use materials of such a quality, that the condition of the aircraft or aircraft component worked on will be at least equal to its original or properly altered condition with regard to aerodynamic function, structural strength, resistance to vibration and deterioration and other qualities affecting airworthiness.

(5) The methods, techniques and practices contained in an air operator certificate holder's maintenance control manual and maintenance programme, as approved by the Authority, will constitute an acceptable means of compliance with the requirements of this regulation.

(6) The methods, techniques and practices contained in an approved maintenance organisation maintenance procedures manual as approved by the Authority, will constitute an acceptable means of compliance with the requirements of this regulation.

Inspection performance rules- inspection

30. (1) A person performing an inspection required by the Authority shall-

- (a) perform the inspection so as to determine whether the aircraft or portion of the aircraft under inspection meets all applicable airworthiness requirements; and
- (b) if there is an inspection programme required or accepted for the specific aircraft being inspected, perform the inspection in accordance with the instructions and procedures specified in the inspection programme.

(2) A person performing an inspection required on a rotorcraft shall inspect, in accordance with the maintenance manual or instructions for continued airworthiness, the systems which shall include, but not limited to-

- (a) the drive shafts or similar systems;
- (b) the main rotor transmission gear box for obvious defects;
- (c) the main rotor and centre section (or the equivalent area); and
- (d) the auxiliary rotor on helicopters.

(3) A person performing an inspection shall use a checklist while performing the inspection, which-

- (a) may be of the person's own design, one provided by the manufacturer of the equipment being inspected or one obtained from another source; and
- (b) shall include the scope and detail of the items prescribed or approved by the Authority.

(4) A person approving a reciprocating-engine-powered aircraft for return to service after an inspection shall, before that approval, run the aircraft engine or engines to determine satisfactory performance in accordance with the current manufacturer's recommendations of-

- (a) power output (static and idle revolutions per minute);
- (b) magnetos;
- (c) fuel and oil pressure; and
- (d) cylinder and oil temperature.

(5) A person approving a turbine-engine-powered aircraft for return to service shall, before that approval, run the aircraft engine or engines to determine satisfactory performance in accordance with the current manufacturer's recommendations.

(6) A person performing an inspection shall, before that inspection, thoroughly clean the aircraft and aircraft engine and remove or open all necessary inspection plates, access doors, fairings, and cowlings.

(7) A person performing an inspection shall inspect, where applicable, the following components-

(a) fuselage and hull group-

- (i) fabric and skin for deterioration, distortion, other evidence of failure, and defective or insecure attachment of fittings;
- (ii) systems and components for improper installation, apparent defects and unsatisfactory operation;

(b) cabin and cockpit group-

- (i) generally for un-cleanliness and loose equipment that might foul the controls;
- (ii) seats and safety belts - for poor condition and apparent defects;
- (iii) leakage;
- (iv) instruments - for poor condition, mounting, marking and where practicable for improper operation;
- (v) flight and engine controls - for improper installation and improper operation;
- (vi) batteries- for improper installation and improper charge;
- (vii) all systems- for improper installation, poor general condition, apparent and obvious defects, and insecurity of attachment.

(c) engine and nacelle group-

- (i) engine section for visual evidence of excessive oil, fuel or hydraulic leaks and sources of such leaks;
- (ii) studs and nuts for improper torquing and obvious defects;
- (iii) internal engine for cylinder compression and for metal particles or foreign matter on screens and sump drain plugs, if there is weak cylinder compression, for improper internal condition and improper internal tolerances;
- (iv) engine mount - for cracks, looseness of mounting, and looseness of engine to mount;
- (v) flexible vibration dampeners - for poor condition and deterioration;
- (vi) engine controls for defects, improper travel, and improper safe tying;
- (vii) lines, hoses, and clamps for leaks, improper condition and looseness;
- (viii) exhaust stacks for cracks, defects and improper attachment;
- (ix) accessories for apparent defects in security of mounting;
- (x) all systems for improper installation, poor general condition, defects and insecure attachment;

- (xi) cowling for cracks and defects;

(d) landing gear group-

- (i) all units for poor condition and insecurity of attachment;
- (ii) shock absorbing devices for improper oleo fluid level;
- (iii) linkages, trusses and members for undue or excessive wear, fatigue, and distortion;
- (iv) retracting and locking mechanism for improper operation;
- (v) hydraulic lines for leakage;
- (vi) electrical system for chafing and improper operation of switches;
- (vii) wheels for cracks, defects and condition of bearings;
- (viii) tyres for wear and cuts;
- (ix) brakes for improper adjustment;
- (x) floats and skis for insecure attachment and obvious or apparent defects;

(e) wing and centre section assembly for-

- (i) poor general condition;
- (ii) fabric or skin deterioration;
- (iii) distortion;
- (iv) evidence of failure; and
- (v) insecurity of attachment;

(f) complete empennage assembly for-

- (i) poor general condition;
- (ii) fabric or skin deterioration;
- (iii) distortion;
- (iv) evidence of failure;
- (v) insecure attachment;
- (vi) improper component installation; and
- (vii) improper component operation;

(g) propeller group-

- (i) propeller assembly - for cracks, nicks, binds and oil leakage;

- (ii) bolts - for improper torquing and lack of safety;
- (iii) anti-icing devices-for improper operations and obvious defects;
- (iv) control mechanisms-for improper operation, insecure mounting; and restricted travel;
- (h) avionics and instrument group-
 - (i) avionics and instrument equipment-for improper installation and insecure mounting;
 - (iii) wiring and conduits - for improper routing, insecure mounting and obvious defects;
 - (iv) bonding and shielding- for improper installation and poor condition;
 - (iv) antenna including trailing antenna-for poor condition, insecure mounting and improper operation;
- (i) electronic or electrical group-
 - (i) wiring and conduits - for improper routing, insecure mounting and obvious defects;
 - (ii) bonding and shielding- for improper installation and poor condition;
- (j) each installed miscellaneous item that is not otherwise covered by this listing or has instructions for continued airworthiness - for improper installation and improper operation.

Airworthiness limitation

31. A person performing an inspection or other maintenance specified in airworthiness limitations section of a current manufacturer's maintenance manual or instructions for continued airworthiness shall perform the inspection or other maintenance in accordance with that section or in accordance with specific operating provisions approved by the Authority.

Aircraft mass schedule

32. (1) An aircraft in respect of which a certificate of airworthiness is issued under these Regulations shall be weighed, and the position of the aircraft's centre of gravity determined, at such times and in such manner as the Authority may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed, the owner or operator of the aircraft shall prepare a mass schedule showing-

- (a) the basic mass of the aircraft, namely the mass of the empty aircraft together with the mass of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the mass schedule, or such other mass as may be approved by the Authority in the case of that aircraft; or
- (b) the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic mass or such other position of the centre of gravity as may be approved by the Authority in the case of that aircraft.

(3) The mass schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purpose of this regulation.

PART VI AIRCRAFT NOISE CERTIFICATION

Requirements of noise certification

33. An aircraft to which this regulation applies shall not land or take off in Swaziland unless there is in force a noise certificate issued or rendered valid by the authority in which the aircraft is registered.

Issue, suspension and revocation of aircraft noise certificate

34. (1) An owner or operator of an aircraft included in the classification defined for noise certification purpose in Part A of the First Schedule to these Regulations shall be issued with a noise certificate or a suitable Statement attesting noise certification contained in another document approved by the State of registry and required by that State to be carried in the aircraft.

(2) The noise certificate referred to in sub-regulation (1) shall be issued or validated by the Authority on the basis of satisfactory evidence that the aircraft complies with the requirements which are at least equal to the applicable standards specified in Annex 16 Volume 1 to the Chicago Convention.

(3) The document attesting noise certification of an aircraft shall provide information in accordance with Part B of the First Schedule to these Regulations.

(4) The Authority shall-

- (a) Suspend or revoke the noise certificate of aircraft on the aircraft register if the aircraft ceases to comply with the applicable noise standards;
- (b) not re-instate or grant a new noise certificate unless the aircraft is found on reassessment to comply with the applicable noise standards.

PART VII MAINTENANCE RECORDS AND ENTRIES

Keeping of certificate of release to service records

35. (1) Pursuant to the terms and conditions set forth in the Civil Aviation (Air Operator Certification and Administration) Regulations, a certificate of release to service shall be maintained by an air operator certificate holder in duplicate

(2) A certificate of release to service issued shall-

- (a) be effective from the date of issue;
- (b) cease to be effective upon expiration of the period in calendar days or flight time, whichever is earlier as specified in the maintenance schedule; and
- (c) be kept on board the aircraft and the original be kept by the operator elsewhere as approved by the Authority.

Technical logbook

36. (1) A technical logbook shall be kept in respect of every aircraft registered in Swaziland in respect of which a certificate in either commercial air transport or aerial work category is in force.

(2) Technical logbook entries on defects which affect the airworthiness and safe operation of the aircraft shall be made as specified in the Civil Aviation (Air Operator Certification and Administration) Regulations.

(3) Upon rectification of any defect which has been entered in the technical logbook in accordance with sub-regulation (2), a person issuing a certificate of release to service under the Civil Aviation (Approved Maintenance Organisation) Regulations in respect of that defect shall enter that certificate in the technical logbook.

Aircraft, engine and propeller log books

37. (1) In addition to any other log books required by or under these Regulations, the following log books shall be kept in respect of aircraft registered in Swaziland-

- (a) an aircraft log book;
- (b) a separate log book in respect of each engine fitted in the aircraft; and
- (c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

(2) The log books shall include the particulars respectively specified in the Second Schedule to these Regulations and in the case of an aircraft having a maximum total weight authorised not exceeding 2730 kg, shall be of a type approved by the Authority.

(3) An entry in a log book other than an entry referred to in sub-paragraphs 2(d) (ii) or 3 (d) (ii) of the Second Schedule shall be made as soon as practicable after the occurrence to which it relates, but not more than 7 days after the expiration of the certificate of release to service in force in respect of the aircraft at the time of the occurrence.

(4) An entry in a log book, referred to in sub-paragraphs 2(d) (ii) or 3(d) (ii) of the Second Schedule shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller as the case may be.

(5) Entries in the log book may refer to other documents which shall be clearly identified, and any other documents referred to shall be deemed, for the purposes of this regulation to be part of the log book.

(6) It shall be the duty of the operator of an aircraft in respect of which log books are required to be kept to keep the log books or cause them to be kept in accordance with this regulation.

(7) Subject to this regulation, every log book shall be preserved by the operator of the aircraft until a date 2 years after the aircraft, the engine or the variable pitch propeller as the case may be, has been destroyed or has been permanently removed from use.

Records of maintenance

38. (1) A person who performs maintenance on an aircraft or aircraft component shall, when the work is performed satisfactorily, make an entry in the maintenance record of that equipment as follows-

- (a) a description or reference to data acceptable to the Authority of work performed;
- (b) completion date of the work performed; and
- (c) name, signature and licence number of the person approving the work.

(2) The signature required by sub-regulation (1) (c) shall constitute the approval for return to service only for the work performed.

(3) A person working under the supervision of a licensed aircraft maintenance engineer (LAME) shall not perform any inspection required in the Civil Aviation (Operation of Aircraft) Regulations or any inspection performed after a major repair or modification.

(4) A person performing the work referred to in sub-regulation (1) shall enter records of major repairs and major modifications in a form set out in the Third Schedule.

(5) A person performing a major repair or major modification shall-

- (a) execute the appropriate form prescribed by the Authority at least in duplicate;
- (b) give a signed copy of that form to the aircraft owner or operator; and
- (c) forward a copy of that form to the Authority, in accordance with Authority instructions, within 48 hours after the aircraft or aircraft component is approved for return to service.

(6) An approved maintenance organization (AMO) which performs a major repair or modification shall-

- (a) use the aircraft owner or operator's work order upon which the repair is recorded;
- (b) give the aircraft owner or operator a signed copy of the work order and retain a duplicate copy for at least one year from the date of approval for return to service of the aircraft or aircraft component;
- (c) give the aircraft owner or operator a certificate of release to service signed by an authorised representative of the AMO and incorporating the following information-
 - (i) identity of the aircraft or aircraft component-
 - (aa) the make, model, serial number, nationality and registration marks and location of the repaired area of an aircraft;
 - (bb) the manufacturer's name, name of the part, model and serial numbers (if any) of an aircraft component; and
 - (ii) a Statement that the aircraft or aircraft component was repaired overhauled and inspected in accordance with these Regulations and is approved for the return to service;
 - (iii) a Statement that pertinent details of repair are on file at the AMO; and
 - (iv) the order number and date of the order number;

- (d) signature of the authorised representative, the name and address of the AMO and AMO certificate number.

Records of overhaul and rebuilding

39. (1) No person shall record in any required maintenance entry or form, an aircraft or aircraft component as being overhauled unless the aircraft or aircraft component has been-

- (a) disassembled, cleaned, inspected as permitted, repaired as necessary and reassembled using methods, techniques and practices acceptable to the Authority; and
- (b) tested in accordance with approved standards and technical data or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the holder of the type certificate, supplemental type certificate or a material, part, process or appliance manufacturing approval.

(2) No person shall record in any required maintenance entry or form an aircraft or aircraft component as being rebuilt unless aircraft or aircraft component has been disassembled, cleaned, inspected as permitted, repaired as necessary, reassembled and tested to the same tolerances and limits as a new item, using either new parts or used parts that conform to new part tolerances and limits.

Approval of return to service

40. No person shall approve, for return to service, an aircraft or aircraft component that has undergone maintenance, preventive maintenance, rebuilding or modification unless-

- (a) the appropriate maintenance record entry has been made in accordance with these Regulations;
- (b) the major repair or major modification form specified in the Third Schedule has been executed in the manner prescribed by the Authority;
- (c) if a major repair or major modification results in any change in the aircraft operating limitations or flight data contained in the approved aircraft flight manual, those operating limitations or flight data are appropriately revised and set out as prescribed.

Content, form and disposition of records for inspections

41. (1) A person approving the return to service of an aircraft or aircraft component after any inspection performed in accordance with the Civil Aviation (Operation of Aircraft) Regulations, shall make an entry in the maintenance record of that equipment containing the following information-

- (a) type of inspection and a brief description of the extent of the inspection;
- (b) date of inspection;
- (c) aircraft total time and cycles in service;
- (d) signature, the license number held by the person approving return to service the aircraft or aircraft component;

- (e) if the aircraft is found to be airworthy and approved for return to service, the person shall include a Statement certifying that the aircraft has been inspected in accordance with the type of work and was determined to be in an airworthy condition;
- (f) if the aircraft is not approved for return to service because the aircraft needs maintenance, non-compliance with the applicable specifications, airworthiness directives or other approved data, a Statement that the aircraft has been inspected in accordance with inspection and a dated list of discrepancies and un-airworthy items has been provided to the aircraft owner or operator; and
- (g) if an inspection is conducted under an inspection programme provided for in the Civil Aviation (Operation of Aircraft) Regulations, the person performing the inspection shall make an entry identifying the inspection programme accomplished, and containing a Statement that the inspection was performed in accordance with the type of inspections and procedures for that particular programme.

(2) A person performing any inspection required in the Civil Aviation (Operation of Aircraft) Regulations who finds that the aircraft is not airworthy or does not meet the applicable type certificate data sheet, airworthiness directives or other approved data upon which the aircraft's airworthiness depends, shall give the owner or operator a signed and dated list of those discrepancies.

PART VIII GENERAL

Possession of licence, certificate or authorization

42. (1) A holder of a licence, certificate or authorization issued by the Authority shall have in their physical possession or at the work site the licence, certificate or authorisation when exercising the privileges of that licence, certificate or authorisation.

(2) A crew member of a foreign registered aircraft shall hold a valid licence, certificate or authorisation and have, in physical possession or at the work site the licence, certificate or authorisation when exercising the privileges of that licence, certificate or authorisation.

Inspection of licences, certificates and authorization

43. A person who holds a licence, certificate or authorisation required by these Regulations shall present it for inspection upon request from the Authority or any other person authorised by the Authority.

Change of address

44. (1) A holder of a certificate or any other document issued under these Regulations shall notify the Authority of the change in the physical and mailing address and shall do so, in the case of-

- (a) physical address, at least fourteen days before the change; and
- (b) mailing address, upon the change.

(2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorisation.

Replacement of documents

45. A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if the documents are lost or destroyed.

Suspension and revocation of certificates

46. (1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any certificate or any other document issued under these Regulations.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to the Authority's satisfaction and where it considers it to be in the public interest, revoke, suspend or vary any certificate or any other document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person or aircraft from flying.

(4) A holder or any person having the possession or custody of any certificate or any other document which has been revoked, suspended or varied under these Regulations shall surrender the certificate, approval or other documents to the Authority within 14 days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any certificate or any other document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

Use and retention of certificates and records

47. (1) No person shall-

- (a) use any certificate, approval or other document issued or required under these Regulations which has been forged, altered, revoked or suspended or to which that person is not entitled;
- (b) forge or alter any certificate or any other document issued or required by or under these Regulations;
- (c) lend any certificate or any other document issued or required under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring any for that person or for any other person the issue, renewal or variation of the certificate or any other document.

(2) During the period for which a record is required under these Regulations to be preserved, no person shall mutilate, alter, render illegible or destroy any records or any entry made on the record, required by or under these Regulations to be maintained or knowingly make or procure or assist in the making of any false entry in any such record or wilfully omit to make a material entry in that record.

(3) A record required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) No person shall purport to issue any certificate or any other document for the purpose of these Regulations unless that person is authorized to do so under these Regulations.

(5) No person shall issue any certificate of the kind referred to in sub-regulation (4) unless that person is satisfied that all Statements in the certificate are correct and that the applicant is qualified to hold that certificate.

Reports of violation

48. (1) A person who knows of a violation of the Civil Aviation Authority Act or any regulation or order made under the Act shall report it to the Authority.

(2) The Authority will determine the nature and type of any additional investigation or enforcement action that need be taken.

Enforcement of directions

49. A person who fails to comply with any direction given by the Authority or by any authorized person under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

Aeronautical user fees

50. (1) The Authority shall notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by or for the purpose of these Regulations or any orders, notices or proclamations made under these Regulations.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the sub-regulation (1), the applicant shall be required, before the application is entertained, to pay the fee so chargeable.

(3) If payment of a fee has been made and the application is withdrawn by the applicant or otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

Application of regulations to Government and visiting forces

51. (1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government and for the purposes of such application, the Department or other authority responsible for management of the aircraft shall be deemed to be the operator of the aircraft and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempt from the provisions of these Regulations to the same extent as if the visiting force formed part of the military force of Swaziland.

Extra-territorial application of regulations

52. Except where the context otherwise requires, these Regulations-

- (a) in so far as they apply, whether by express reference or otherwise, to aircraft registered in Swaziland, shall apply to such aircraft wherever they may be;

- (b) in so far as they apply, whether by express reference or otherwise, to other aircraft, shall apply to such aircraft when they are within Swaziland;
- (c) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything by any person in or by any of the crew of, any aircraft registered in Swaziland, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything in relation to any aircraft registered in Swaziland by other persons shall, where such persons are citizens of Swaziland, apply to them wherever they may be.

PART IX

OFFENCES AND PENALTIES

Contravention of regulations

53. A person who contravenes a provision of these Regulations may have a licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

Penalties

54. (1) If any provision of these Regulations, orders, notices or proclamations made under the Regulations is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or the pilot in command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed to have contravened that provision unless the operator or pilot in command proves that the contravention occurred without consent or connivance and that the operator or pilot in command exercised all due diligence to prevent the contravention.

(2) A person who contravenes any provision specified as an "A" provision in the Fourth Schedule commits an offence and is liable on conviction to a fine not exceeding fifty thousand Emalangeni for each offence and or to imprisonment for a term not exceeding one year or to both.

(3) A person who contravenes any provision specified as a "B" provision in the Fourth Schedule commits an offence and is liable on conviction to a fine not exceeding one hundred thousand Emalangeni for each offence and or to imprisonment for a term not exceeding three years or to both.

(4) A person who contravenes any provision of these Regulations not being a provision referred to in the Fourth Schedule commits an offence and is liable on conviction to a fine not exceeding one hundred thousand Emalangeni, and in the case of a second or subsequent conviction for the like offence to a fine not exceeding two hundred thousand Emalangeni.

PART X

TRANSITION AND SAVINGS

55. A valid licence, certificate, permit or authorization issued or granted by the Authority before the commencement of these Regulations shall remain operational until it expires or is revoked, annulled or replaced.

FIRST SCHEDULE**PART A**

Regulation 34 (1) and (3)

AIRCRAFT NOISE CERTIFICATION CLASSIFICATIONS

Classifications as per ICAO Annex 16 Volume 1 to the Chicago Convention

ANNEX CHAPTER	DETAILS
2	Subsonic jet Aeroplanes-Application for Certification of Airworthiness for the prototype accepted before 6 th October 1977
3	(a) Subsonic Jet Aeroplanes-Application for Certificate of Airworthiness for the prototype accepted on or after 6 th October 1977 and before 1 st January 2006 (b) Propeller-Driven Aeroplanes over 5700kg-application for Certificate of Airworthiness for the Prototype accepted on or after 1 st January 1985 and before November 1988. (c) Propeller-Driven Aeroplanes over 8 618kg-application for Certificate of Airworthiness for the Prototype accepted on or after 17 th November 1988 and before 1 st January 2006.
4	1. Supersonic Aeroplanes-Application for Certificate of Airworthiness for the Prototype accepted on or after 1 st January 2006.
	2. Propeller driven aeroplanes over 8 186kg-Application for Certificate of Airworthiness for the Prototype accepted on or after 1 st January 2006.
5	Propeller driven aeroplanes over 5 700kg-Application for Certificate of Airworthiness for the Prototype accepted on or after 1 st January 1985.
6	Propeller driven aeroplanes not exceeding 8 186kg-Application for Certificate of Airworthiness for the Prototype accepted on or after 17 th November 1988.
7	Propeller driven STOL Aeroplanes
8	Helicopters
9	Installed auxiliary power unit (APU) and associated power systems during ground operations.
10	Propeller driven aeroplanes not exceeding 8 186kg-Application for Certificate of Airworthiness for the Prototype or derived version accepted on or after 17 th November 1988.
11	Helicopters not exceeding 3 175kg Maximum Certificated Take-off Mass
12	Supersonic aeroplanes
13	Tilt-rotor aircraft

PART B
INFORMATION TO BE INCLUDED IN THE DOCUMENT
ATTESTING NOISE CERTIFICATION

1. The following information shall be included on the document attesting noise certification-
 - (a) State of Registry; nationality and registration marks.
 - (b) Manufacturer's serial number.
 - (c) Manufacturer's type and model designation; engine type/model; propeller type and model (if applicable).
 - (d) Statement of any additional modifications incorporated for the purposes of compliance with the applicable noise certification standards;
 - (e) The maximum mass at which compliance with the applicable noise certification standards has been demonstrated only one maximum take-off and landing pair shall be certificated for each individual aircraft;
 - (f) For aeroplanes for which application for certification of the prototype was submitted on or after 6th October 1977 and for helicopters for which application for certification of the prototype was submitted on or after 1st January 1985: the average noise level at the applicable standards has been demonstrated to the satisfaction of the certification authority;
 - (g) The Chapter of Annex 16 Volume 1, according to which the aircraft was certificated.
 - (h) The height above the runway at which thrust/power is reduced following full thrust/power take-off.
- (2) The information stated under subparagraphs (a)-(h) shall also be included in the aircraft flight manual. Concerning 1(h) a note shall be added stating the thrust/power cut back relates to the noise certification demonstration procedure and is not intended for use in normal operations.

SECOND SCHEDULE

Regulation 37(2), (3) and (4)

AIRCRAFT, ENGINE AND PROPELLER LOG BOOKS

- (1) The following entries shall be included in the aircraft log book-
 - (a) The name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of construction of the aircraft;
 - (b) The nationality and registration marks of the aircraft;
 - (c) The name and address of the operator of the aircraft;
 - (d) The date of each flight and the duration of the period between take-off and landing or if more than one flight was made on that day, the number of flights and the total duration of the periods between take-off and landings on that day;

- (e) Particulars of all maintenance work carried out on the aircraft or its equipment;
- (f) Particulars of any defects occurring in the aircraft or in any equipment required to be carried in it by or under these Regulations and of the action taken to rectify such defects including a reference to the relevant entries in the technical log required by Regulations 10 (2) and (3) of these Regulations.
- (g) Particulars of any overhauls, repairs, replacements and modifications relating to the aircraft or any such equipment aforesaid,

Provided that entries shall not require to be made under sub-paragraphs (e), (f) and (g) in respect of any engine or variable pitch propeller.

(2) The following entries shall be included in the engine log-book-

- (a) The name of the constructor, type of engine, the number assigned to it by the constructor and the date of the construction of the engine.
- (b) The nationality and registration marks of each aircraft in which the engine is fitted;
- (c) The name and address of the operator of each such aircraft.
- (d) Either-
 - (i) The date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-off and landings on that day; or
 - (ii) The aggregate duration of periods between take-off and landing for all flights made by that aircraft since, the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the engine
- (e) Particulars of all maintenance work done on the engine;
- (f) Particulars of any defects occurring in the engine and of the rectification of such defects, including reference to the relevant entries in the technical log required by Regulation 36(2) and (3) of these regulations;
- (g) Particulars of all overhauls, repairs, replacement and modifications relating to the engine or any of accessories.

(3) The following entries shall be included in the variable pitch propeller log book-

- (a) The name of the constructor, type of the propeller, the number assigned to it by the constructor and the date of the construction of the propeller;
- (b) The nationality and registration marks of each aircraft and the type and number of each engine, to which the propeller is fitted;
- (c) The name and address of the operator of each such aircraft;
- (d) Either-

- (i) The date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-off and landings on that day; or
 - (ii) The aggregate duration of periods between take-off and landing for all flights made by that aircraft since, the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the propeller.
- (e) Particulars of all maintenance work done on the propeller;
 - (f) Particulars of any defects occurring in the propeller and of the rectification of such defects, including a reference to the relevant entries in the technical log required by Regulation 36 (2) and (3) of these Regulations;
 - (g) Particulars of any overhauls, repairs, replacements and modifications to the propeller.

THIRD SCHEDULE

Regulation 38 (4) and 40 (b)

MAJOR REPAIR AND MODIFICATION (Airframe, engine, propeller or appliance)					
				Once identification	
1. Aircraft		Print or type all entries			
		Make		Model	
		Serial number		Nationality and registration mark	
2. Owner		Name (as shown on registration certificate)		Address (as shown on registration certificate)	
3. For Authority use only					
4. Unit identification					
				5. Type	
Unit	Make	Model	Serial number	Repair	Modification
Airframe					
Engine					
Propeller					

Appliance	Type				
	Manufacturer				
6. Conformity Statement					
A. Organisation name and address		B. Kind of licence/ Organisation		C. Certificate/Licence Number	
		Licensed (LAME)		(For an AMO include the appropriate ratings issued for the major repair modification)	
		Approved Maintenance Organisation			
		Manufacturer			
D. I certify that the repair and/or modification made to the unit(s) identified in Item 4 above and described on the reverse or attachments hereto have been made in accordance with the requirements of the Civil Aviation (Airworthiness) Regulations and that the information furnished herein is true and correct to the best of my knowledge.					
Date		Signature of authorised individual			
7. Approval to return to service					
Pursuant to the authority given persons specified below, the unit(s) identified in item 4 was inspected in the manner prescribed by the Swaziland Civil Aviation Authority and is					
APPROVED			REJECTED		
BY	SWACAA Inspector		Inspector Authorisation	Other (Specify)	
	Maintenance Organisation		Other		
Date of Approval or rejection			Certificate or designation number	Signature of authorised individual	

~~N. BLAMINI~~
 MINISTER OF PUBLIC WORKS AND TRANSPORT

~~CORRIGENDUM~~~~CIVIL AVIATION (AIRWORTHINESS) REGULATIONS, 2011~~
(Under Regulation 54)

~~Legal Notice No. 107 of 2011 is corrected by adding a FOURTH SCHEDULE after the THIRD SCHEDULE as follows -~~

FOURTH SCHEDULE**OFFENCES AND PENALTIES**

REG. NO.	TITLE	PART
6	Issue of supplemental type certificate	A
8	Certificate of airworthiness to be in force	A
15	Conditions on the special flight permit	A
19	Certificate of fitness for flight	B
20 (1)	Responsibility for maintenance	A
21	Responsibility for maintenance	B
22	Continued airworthiness information	B
23	Compliance with manufacturer's instructions and airworthiness directives	A
24	Reporting of failures, malfunctions and defects	A
25	Persons authorized to perform maintenance, preventive maintenance and modification.	A
26	Personnel authorized to approve for return to service	B
27	Persons authorized to perform inspections	B
29	Performance rules: maintenance	A
30	Performance rules: inspection	A
31	Airworthiness limitation performance rules	A
32	Aircraft mass schedule	B
33	Requirement of noise certification	A
35	Keeping of maintenance release records	A
36	Technical log entries	A