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PUBLISHED BY AUTHORITY

PART C

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LEGAL NOTICE NO. 112 OF 2011

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

CIVIL AVIATION AUTHORITY (COMMERCIAL AIR TRANSPORT
OPERATIONS BY FOREIGN AIR OPERATOR) 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 (Commercial Air Transport Operations By Foreign Air Operator) 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-

“aerodrome” means a defined area on land or water, including any buildings, installations and equipment, used or intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“aeroplane” means a 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;

“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 surface of the earth;

“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;

“authorized person” means a person authorized by the Authority either generally or in relation to a particular case or class of cases and includes references to the holder of any office designated by the Authority;

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

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

“commercial air transport operation” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

“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;

“crew member” is a person assigned by the operator to duty on an aircraft during a flight duty period;

“flight crew member” means a licensed crewmember charged with duties essential to the operation of an aircraft during flight time;

“flight plan” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

“flight time” means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;

“foreign air operator” means an operator, not being a Swazi air operator, who undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations in and out of Swaziland, whether on a scheduled or charter basis;

“foreign authority” means the civil aviation authority that issues and oversees the air operator certificate (AOC) of the foreign operator;

“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 combination of overhaul, repair, inspection, replacement, modification and defect rectification;

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

“night” means the time between 15 minutes after sunset and 15 minutes before sunrise, sunrise and sunset being determined at surface level, and includes anytime between sunset and sunrise when unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

“NOTAM” means Notice to Airmen;

“operational flight plan” means the plan of the operator for the safe conduct of the flight based on considerations of aeroplane performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned;

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

“operations specifications” means a document containing authorizations, conditions, limitations and other provisions with which an air operator shall comply;

“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 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 State of Design, holder of the type certificate, supplemental type certificate or a material, part, process or appliance approval under parts manufacturing authorization (PMA) or technical standard order (TSO);

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for transport;

“packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function;

“pre-flight information bulletin (PIB)” means a presentation of current NOTAM information of operational significance, prepared prior to flight;

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

“repair” means the restoration of an aircraft or aircraft component to a serviceable condition in conformity with an approved standard;

“standard” means an object, artifact, 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 and it includes a document describing the operations and process that shall be performed in order for a particular end to be achieved;

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

“state of registry” means the Contracting State on whose registry an aircraft is entered;

“technical instructions” means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc. 9284-AN/905), including the supplement and any addendum, approved and published by decision of the Council of the ICAO;

“technical logbook” means a document carried on an aircraft that contains information to meet ICAO requirements; a technical logbook contains 2 independent sections: a journey record section and an aircraft maintenance record section;

“training programme” means a programme that consists of courses, courseware, facilities, flight training equipment and personnel necessary to accomplish a specific training objective; it may include a core curriculum and a specialty curriculum.

Application

3. These Regulations prescribe the requirements applicable to the operation of any civil aircraft in and out of Swaziland for the purpose of commercial air transportation operations by any foreign air operator whose air operator certificate is issued and controlled by a civil aviation authority other than the Authority.

PART II

GENERAL REQUIREMENTS

Compliance requirements

4. A foreign air operator shall not operate an aircraft in and out of Swaziland in commercial air transport operations contrary to the requirements of-

- (a) these Regulations;
- (b) the Civil Aviation (Instruments and Equipment) Regulations, the Civil Aviation (Operation of Aircraft) Regulations and the Civil Aviation (Airworthiness) Regulations, as applicable;
- (c) standards contained in Parts I or III of ICAO Annex 6, as applicable; and
- (d) any other requirements the Authority may specify.

Authority to inspect

5. No foreign air operator shall, while in Swaziland, hinder or obstruct any person authorized by the Authority from boarding a foreign registered aircraft operated for commercial air transport at any time without prior notice to inspect the documents and manuals required by these Regulations.

Operations specifications

6. A foreign air operator shall conduct its operations in accordance with operations specifications or equivalent document issued by the state of operator and acceptable to the Authority.

Certificate of airworthiness and certificate of registration

7. A foreign air operator may operate an aircraft in and out of Swaziland-

- (a) if that aircraft has a valid certificate of airworthiness and certificate of registration issued or validated by the state of registry and displays the nationality and registration markings of that State; and
- (b) in accordance with the limitations on maximum certificated mass prescribed for that aircraft and that operation by the state of design.

Air traffic rules and procedures

8. (1) A pilot in command of a foreign registered aircraft shall comply with the rules of the air and air traffic control specified in the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations.

(2) A foreign air operator shall establish procedures to ensure that each of its pilots complies with the requirements of sub-regulation (1), and shall check the ability of each of the pilots to operate safely according to applicable rules and procedures.

PART III
DOCUMENTS

Foreign air operator aircraft technical logbook

9. A foreign air operator shall use an aircraft technical logbook containing the following information for each aircraft-

- (a) information about each flight necessary to ensure continued flight safety;
- (b) the current certificate of release to service or an equivalent document;
- (c) the current maintenance statement giving the aircraft maintenance status of what next scheduled and out of phase maintenance is due, unless the Authority agrees to the maintenance statement being kept elsewhere;
- (d) all outstanding deferred defects that affect the operation of the aircraft; and
- (e) any necessary guidance instructions on maintenance support arrangement.

Foreign air operator aircraft journey logbook

10. (1) A foreign air operator shall maintain journey logbook containing information on each flight, which may include-

- (a) aircraft nationality and registration marks;
- (b) date of the flight;
- (c) names of crew members;
- (d) duty assignments of crew members;
- (e) place of departure;
- (f) place of arrival;
- (g) time of departure;
- (h) time of arrival;
- (i) duration of flight;
- (j) purpose of flight;
- (k) incidents, and observations, if any; and
- (l) signature of the pilot in command.

(2) The Authority may waive the requirement of sub-regulation (1) if the relevant information is available in the aircraft technical log referred to in regulation 9.

(3) A foreign air operator shall ensure that all entries in the journey log are made concurrently and are permanent in nature.

Operations manual to be carried

11. A foreign air operator shall ensure that the following manuals are on board the aircraft on each flight, current-

- (a) parts of the operations manual relevant to the duties of the crew;
- (b) parts of the operations manual which are required for the conduct of a flight which shall be easily accessible to the crew; and
- (c) approved aircraft flight manual, rotorcraft flight manual or an aircraft operating manual.

Documents and additional information to be carried on board the aircraft

12. (1) A foreign air operator shall ensure that the following documents are carried on each flight-

- (a) the aircraft certificate of registration;
- (b) the aircraft certificate of airworthiness;
- (c) the appropriate licences for each member of the crew;
- (d) the aircraft journey or technical logbook;
- (e) the aircraft radio station licence;
- (f) in the case of a passenger carrying aircraft, a list of the names of the passengers and places of embarkation and destination;
- (g) in the case of a cargo aircraft, a manifest and detailed declaration of the cargo;
- (h) load sheet;
- (i) copy of air operator certificate and attachments;
- (j) insurance certificate;
- (k) certificate of release to service or equivalent document;
- (l) operational flight plan;
- (m) pre-flight information bulletin;
- (n) current maps and charts for the area of operation;
- (o) copy of applicable operations specifications; and
- (p) notification of special loads including dangerous goods.

(2) The Authority may specify other documents and information to be carried on board in addition to those referred to in sub-regulation (1).

Access to and production of documentation, manuals and records

13. (1) A foreign air operator shall-

- (a) give an authorized person access to any documents, manuals and records which are related to flight operations and maintenance; and
- (b) produce all such documents, manuals and records, when requested to do so by the Authority, within 14 days.

(2) A pilot in command of an aircraft operated by a foreign air operator shall, when requested to do so by an authorized person, produce to that person the documentation, manuals and records required to be carried on board an aircraft.

Preservation and production of flight recorded data

14. (1) Following an aircraft accident or incident, or when the Authority so directs, a foreign air operator shall preserve the original recorded data for a period of 60 days unless otherwise directed by the investigating authority.

(2) The recorded data under sub-regulation (1) shall be produced when the Authority or investigating authority so requires.

PART IV PERFORMANCE

Computation of passenger and baggage mass

15. (1) A foreign air operator shall compute the mass of passengers and checked baggage using the-

- (a) actual weighed mass of each person and the actual weighed mass of baggage; or
- (b) standard mass values specified by the appropriate authority of the State of Registry.

(2) The Authority may require a foreign registered air operator to produce evidence validating any standard mass values used.

Approach and landing conditions

16. Before initiating an approach to land, the pilot in command of an aircraft operated by a foreign air operator shall determine that, according to the information available-

- (a) weather at the aerodrome and the conditions of the runway are safe for the approach and landing; and
- (b) in the case of a missed approach, the aircraft is able to meet the performance requirements contained in the operations manual.

Aircraft security

17. A foreign air operator shall-

- (a) ensure that all appropriate personnel are familiar and comply with the relevant requirements of the national security programmes of the State of the operator and those of Swaziland;

- (b) establish and use a security programme approved by the appropriate authority of the State of the operator and accepted by the Authority;
- (c) ensure that all aircraft carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives or other dangerous devices;
- (d) ensure that the flight crew compartment door, if installed, on all aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access, and is closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation, except when necessary to permit access and egress by authorized persons;
- (e) establish, maintain and conduct approved training programmes which enable the personnel of the operator to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimize the consequences of such events should they occur; and
- (f) following an act of unlawful interference on board an aircraft, the pilot in command or in their absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the appropriate authority in the State of the operator.

Unauthorized carriage

18. A foreign air operator shall take measures to ensure that a person or cargo is not concealed on board the aircraft.

Reporting of incidents and accidents

19. A foreign air operator or the pilot in command shall report to the Authority incidents and accidents occurring while operating in the Swaziland airspace within 72 hours of the incident, accident or discovery unless exceptional circumstances prevent such reporting within the time stipulated.

PART V CARRIAGE OF DANGEROUS GOODS, WEAPONS AND MUNITIONS OF WAR

Carriage of dangerous goods by air

20. A foreign air operator shall-

- (a) not offer or accept for transportation dangerous goods as defined by the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by air in and out of Swaziland unless the operator has-
 - (i) been authorized to do so by the State of the operator and approved by the Authority; and
 - (ii) conducted the required personnel training;
- (b) properly classify, document, certify, describe, package, mark, label and put in a fit condition for transport, dangerous goods as required by the dangerous goods programme of the operator as approved by the state of the operator;

- (c) state in the operations specifications required in regulation 6 whether or not that operator has been authorized to accept dangerous goods by the state of operator; and
- (d) provide a copy of its dangerous goods programme to the Authority where the foreign air operator has been granted authority to accept dangerous goods and has an approved dangerous goods programme by the state of the operator.

Carriage of weapons of war and munitions of war

21. A foreign air operator conducting commercial air transport operations in and out of Swaziland shall-

- (a) not transport weapons and munitions of war by air unless an approval to do so has been granted by the state of operator, state of origin, states over which the aircraft overflies and at state of destination;
- (b) ensure that weapons and munitions of war are-
 - (i) stowed in the aircraft in a place which is inaccessible to the passengers during flight; and
 - (ii) unloaded in case of firearms, unless, before the commencement of the flight, an approval has been granted by all States which the aircraft originate, overfly and land that such weapons and munitions of war may be carried in circumstances that differ in part or in total from those specified in this sub-paragraph; and
- (c) ensure that the pilot in command is notified before the flight begins of the details and location on board the aircraft of any weapons and munitions of war that are intended to be carried.

Carriage of sporting Weapons and ammunition

22. (1) A foreign air operator conducting commercial air transport operations to Swaziland shall take all necessary measures to ensure that any sporting weapons intended to be carried by air are reported to the Authority.

- (2) A foreign air operator accepting the carriage of sporting weapons shall ensure that they are-
 - (a) stowed in the aircraft in a place which is inaccessible to passengers during flight unless the Authority has determined that compliance is impractical and has approved other procedures; and
 - (b) unloaded in the case of firearms or other weapons that contains ammunitions.
- (3) A foreign air operator may allow a passenger to carry ammunition for sporting weapons in the checked baggage of the passenger, but such carriage shall be approved by the Authority.

PART VI
GENERAL

Possession of the licence

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

(2) A flight crew member of a foreign registered aircraft shall hold a valid licence, certificate or authorizations, including an appropriate and current medical certificate, issued by the State of Registry and have it in their physical possession or at the work site when exercising the privileges of that licence, certificate or authorization.

Drug and alcohol testing and reporting

24. (1) A crew member of a foreign air operator shall not perform or attempt to perform, a crew member function while under the influence of drugs or alcohol.

(2) A crew member of a foreign air operator may be tested for drug or alcohol usage.

(3) A crew member of a foreign air operator who tests positive for drug or alcohol usage or who refuses to submit to a test, shall be prohibited from boarding a flight to perform any crew member function.

(4) The Authority shall report the positive test result or the refusal to submit to a test, by a crew member of a foreign air operator to the State of the operator.

Inspection of licences and certificates

25. A person who holds a licence, certificate or authorization required by these Regulations shall present it for inspection upon a request from the Authority or any person authorized by the Authority.

Use and retention of certificates and records

26. (1) 'No person shall-

- (a) use any certificate, approval, permission, exemption or other document issued or required by or 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, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for that person or any other person the issue renewal or variation of any such certificate, approval, permission or exemption or 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 in 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 such 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 issue any certificate, document or exemption under these Regulations unless that person is authorized to do so by the Authority.

(5) No person shall issue any certificate 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

27. (1) A person who knows of a violation of the Civil Aviation Authority Act or any regulation or order issued 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

28. A person who fails to comply with any directive 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

29. (1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any document including the issue of a copy of the document 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 fee is chargeable in accordance with sub-regulation (1), the applicant shall be required, before the application is entertained, to pay the fee so chargeable.

(3) If, after that payment has been made, 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

30. (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 that application, the Department or other authority for the time being 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 that 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.

PART VII OFFENCES AND PENALTIES

Contravention of Regulations

31. A person who contravenes any provision of these Regulations may have their licence, certificate, approval, authorization, exemption or other document revoked or suspended.

Offences and penalties

32. (1) If any provision of these Regulations, orders, notices or proclamations made under these 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 proves that the contravention occurred without their consent or connivance and that all due diligence was exercised to prevent the contravention.

(2) A person who contravenes any provision specified as an “A” provision in the Schedule Regulations commits an offence and is liable, on conviction to a fine not exceeding fifty thousand Emalangeni for each offence 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 Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding one hundred thousand Emalangeni for each offence 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 Schedule, commits an offence and is liable to a fine not one hundred thousand Emalangeni and in the case of a second or subsequent conviction for a similar offence to a fine not exceeding two hundred thousand Emalangeni.

PART VIII EXEMPTIONS

Exemptions

33. (1) The Authority may exempt any aircraft or persons or classes of aircraft or persons from any of the provisions of these Regulations, either absolutely or subject to certain conditions as the Authority may determine.

(2) Any interested person may apply to the Authority for an exemption from these Regulations and only the Authority may issue the exemption.

(3) No person may take or cause to be taken any action not in compliance with these Regulations unless the Authority has issued an exemption to that person.

(4) An exemption shall only be granted in accordance with this regulation.

Application for exemption

34. (1) An application for an exemption shall be submitted at least 60 days in advance of the proposed effective date, to obtain timely review.

(2) The application shall contain the following-

- (a) name of applicant;
- (b) street address and mailing address, if different;
- (c) telephone number;
- (d) fax number if available;
- (e) email address if available;
- (f) the agent for all purposes related to the application;
- (g) a citation of the specific requirement from which the applicant seeks relief;
- (h) an explanation of why the exemption is needed;
- (i) a description of the type of operations to be conducted under the proposed exemption;
- (j) the proposed duration of the exemption;
- (k) an explanation of how the exemption would be in the public interest, that is, benefits the public as a whole;
- (l) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question; and
- (m) discussion of any known safety concerns with the requirement, including a review of information about any relevant accidents or incidents of which the applicant is aware.

(3) If the applicant seeks emergency processing, the application shall contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency.

(4) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply in a timely manner.

(5) If the applicant is not a citizen or legal resident of Swaziland, the application shall specify a Swaziland agent for service.

Decision of Authority

35. (1) The Authority shall notify the applicant in writing of its decision to grant or refuse the application for exemption.

(2) An exemption granted under these Regulations shall-

- (a) specify the duration of the exemption and any conditions or limitations of the exemption;
- (b) be published in the Gazette.

PART IX
TRANSITION AND SAVINGS

Transition and savings

36. 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.

SCHEDULE
OFFENCES AND PENALTIES

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N. DLAMINI
MINISTER OF PUBLIC WORKS AND TRANSPORT

LEGAL NOTICE NO. 113 OF 2011

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

CIVIL AVIATION (PARACHUTE OPERATIONS) 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 (Parachute Operations) 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-

“approved parachute” means a parachute manufactured under a type certificate or a technical standard order (C-23 series);

“altimeter” means a visually read instrument for measuring height throughout descent;

“automatic activation device” means a self-contained mechanical or electro-mechanical device that is attached to the interior of the reserve parachute container, which automatically initiates parachute deployment of the reserve parachute at a pre-set altitude, time, percentage of terminal velocity or a combination;

“drop zone” means any pre-determined area upon which parachutists or objects land after making an intentional parachute jump or drop;

“freefall” means the portion of a parachute jump or drop between aircraft exit and parachute deployment in which the parachute is activated manually by the parachutist at the parachutist’s discretion or automatically, or in the case of an object, is activated automatically;

“jumper” means an experienced parachute jumper who may make descents without the supervision of an instructor;

“jump master” means an experienced jumper certified as capable of supervising students in aircraft and on static line and free fall jumps;

“main parachute” means a parachute worn as the primary parachute used or intended to be used in conjunction with a reserve parachute;

“object” means any item other than a person that descends to the surface from an aircraft in flight when a parachute is used or is intended to be used during all or part of the descent;

“parachute drop” means the descent of an object to the surface from an aircraft in flight when a parachute is used or intended to be used during all or part of that descent;

“parachute jump” means a parachute operation that involves the descent of one or more persons to the surface from an aircraft in flight when an aircraft is used or intended to be used during all or part of that descent;

“parachute operation” means the performance of all activity for the purpose of or in support of a parachute jump or a parachute drop; this parachute operation can involve, but is not limited to, the following persons: parachutist,

parachutist in command and passenger in tandem parachute operations, drop zone or owner or operator, jump master, certificated parachute rigger or pilot;

“parachute rigger” means a person who is authorized to pack, maintain or alter any parachute in conformity with manufacturer’s instructions;

“parachutist” means a person who intends to exit an aircraft while in flight using a single-harness, dual parachute system to descend to the surface;

“passenger parachutist” means a person who boards an aircraft, acting as other than the parachutist in command of a tandem parachute operation, with the intent of exiting the aircraft while in-flight using the forward harness of a dual harness tandem parachute system to descend to the surface;

“tandem master” means experienced jump master trained in tandem operation who is in control of the passenger and tandem parachute equipment;

“pilot chute” means a small parachute used to initiate or accelerate deployment of a main or reserve parachute;

“ram-air parachute” means a parachute with a canopy consisting of an upper and lower surface that is inflated by ram air entering through specially designed openings in the front of the canopy to form a gliding airfoil;

“reserve parachute” means an approved parachute worn for emergency use to be activated only upon failure of the main parachute or in any other emergency where use of the main parachute is impractical or use of the main parachute would increase risk;

“single-harness, dual parachute system” means the combination of a main parachute, approved reserve parachute, and approved single person harness and dual-parachute container; this parachute system may have an operational automatic activation device installed;

“static line jump” means a parachute jump where there is static line attached to the aircraft and which the jumpmaster activates manually to deploy the student’s parachute after exit from the aircraft;

“student jumper” means a parachute jumper who is only allowed to make descents under the supervision of an instructor;

“tandem parachute operation” means a parachute operation in which more than one person simultaneously uses the same tandem parachute system while descending to the surface from an aircraft in flight;

“tandem parachute system” means the combination of a main parachute, approved reserve parachute and approved harness and dual parachute container and a separate approved forward harness for a passenger parachutist; this parachute system must have an operational automatic activation device installed.

Application

3. These Regulations shall apply to-

- (a) parachute operations other than-
 - (i) emergency parachute descents; and
 - (ii) parachute descents which are not from aircraft;
- (b) parachute equipment; and
- (c) parachute maintenance.

PART III PARACHUTE PERSONNEL

Eligibility requirements

4. (1) An applicant for a parachute jumping authorization shall-

- (a) be at least 18 years of age;
- (b) be able to read, speak and understand the English language;
- (c) demonstrate a level of knowledge appropriate to the privileges granted to a holder of a parachute jumping authorization; and
- (d) comply with the provisions of these Regulations that apply to the parachute jumping authorization sought.

(2) In addition to the requirements of sub-regulation (1), an applicant for a tandem master authorization shall hold a class 2 medical certificate.

Authorization types

5. The Authority may issue the following types of parachute jumping authorizations-

- (a) student jumper;
- (b) jumper;
- (c) jump master; or
- (d) tandem master.

Skill requirements

6. An applicant for-

- (a) a jumper authorization shall have logged not less than 25 jumps and have demonstrated to the Authority competence in the following areas-
 - (i) parachute packing;
 - (ii) obtaining meteorological information;
 - (iii) spotting the drop location from the aircraft;
 - (iv) hand signal communication techniques and procedures; and
 - (v) pre-flight briefing and "dirt diving".
- (b) a jump master authorization shall have-
 - (i) successfully completed a course of a jump master;
 - (ii) made 500 freefall jumps; and
 - (iii) satisfactorily completed a post course of jump mastering 10 students under supervision of an authorized instructor.
- (c) a tandem master authorization shall be an experienced jumper master, trained in tandem operation and is in control of the passenger and tandem parachute equipment.

GENERAL REQUIREMENTS

Conditions of authorization

7. (1) A holder of a parachute jumping authorization shall maintain a parachuting logbook of jumps.

(2) Parachute jumping shall be made only at locations approved by the Authority.

(3) Prior to each descent, the jumper or event organizer shall obtain permission from the air traffic control unit responsible for the area of the operation.

(4) In locations with no air traffic control unit, the jumper or event organizer shall obtain permission from the area control centre responsible for the area of the operation.

Descent requirements

8. (1) A parachute jumper shall not make or attempt to make a parachute descent unless wearing two airworthy parachutes from exit to activation.

(2) A reserve parachute shall be inspected and packed by an authorized parachute rigger not more than 4 months preceding each jump.

(3) The main parachute may be packed by either the jumper or a parachute rigger.

(4) The minimum altitude from which descents are to be made shall be such that the main canopy is duly opened at an altitude of not less than 2000 feet above ground level.

Aircraft used for parachute jumping

9. A parachute descent shall be made only from an aircraft type that has been authorized by the Authority.

Pilot experience and training requirements

10. (1) A pilot for the aircraft to be used for parachute jumping shall-

(a) be a qualified pilot and have a minimum of 200 hours of pilot-in-command time; a
and

(b) demonstrate competence to the Authority by performing at least one drop of
parachute jumpers.

(2) The demonstration referred to in sub-regulation (1) (b) shall be conducted under supervision of an experienced parachuting pilot who is present in the aircraft during the check flight to ascertain the competence in the dropping operation.

Validity and renewal requirements

11. (1) A parachute jump master and tandem master authorization shall be valid for a period of 12 months from the date of issue or renewal.

(2) A holder of a parachute jump master and tandem master authorization may apply for renewal of the authorization if the holder has jump mastered 10 static line students and 5 free fall students within the 6 months preceding the date of application for renewal.

(3) A holder of a student and jumper authorization shall not require renewal.

Visiting foreign parachuting jumpers

12. (1) A person who holds a parachute jumping authorization issued by another Contracting State and who wishes to engage in parachute jumping in Swaziland may apply to the Authority for recognition and acceptance of their qualification.

(2) Where the Authority recognizes an authorization tendered under sub-regulation (1), the holder shall be exempted from regulations 8 to 17.

(3) A holder of an authorization under this regulation shall not be engaged in instructing students in parachute jumping or tandem operations.

PARACHUTE RIGGER

Parachute rigger authorization requirements

13. An applicant for a parachute rigger authorization shall-

- (a) apply to the Authority on the prescribed form;
- (b) be at least 18 years of age; and
- (c) be able to read, speak, write and understand the English language.

Issue of parachute rigger authorization

14. Where the Authority is satisfied that an applicant for a parachute rigger authorization under regulation 13 meets the requirements for issue of that authorization, the Authority may issue the authorization.

Restrictions and limitations of Parachute Rigger Authorization

15. (1) No person shall pack, maintain or modify any personnel-carrying parachute intended for emergency use in connection with an aircraft registered in Swaziland unless that person holds an appropriate authorization of the type issued under these Regulations.

(2) Except as provided for by sub-regulation (3), a person shall not pack, maintain or modify any main parachute of a dual parachute pack to be used for intentional jumping from an aircraft registered in Swaziland unless that person has an appropriate parachute rigger authorization issued under these Regulations.

(3) A person who does not hold an appropriate parachute rigger authorization may pack the main parachute of a dual parachute pack that is to be used by that person for intentional jumping.

Experience, knowledge and skill requirements

16. Except as provided in regulation 18, an applicant for a parachute rigger authorization shall-

- (a) present evidence satisfactory to the Authority of having packed at least 20 parachutes of each type for which the applicant seeks authorization in accordance with the instructions of the manufacturer and under the supervision of an authorized parachute rigger holding an authorization for that type or a person holding an appropriate military rating;
- (b) provide the Authority with evidence of having passed a knowledge and practical test, to the satisfaction of the Authority by demonstrating the ability to pack and maintain one type of parachute for which the applicant seeks authorization.

Authorization requirements for current or former military parachute rigger

17. Notwithstanding regulation 13, the Authority may issue to an applicant for a parachute rigger authorization if the applicant passes a knowledge test on the Regulations pertaining to parachute and parachute rigging and presents satisfactory documentary evidence that the applicant-

- (a) is an employee or former employee of military and within the 12 months preceding the date of application for an authorization has performed as a parachute rigger; and
- (b) has the experience required by regulation 14.

Performance standards

18. A holder of a parachute rigger authorization shall not-

- (a) pack, maintain or modify any parachute unless the holder is authorized for that type;
- (b) pack a parachute that is not safe for emergency use;
- (c) pack a parachute that has not been thoroughly dried and aired;
- (d) alter a parachute in a manner that is not specifically authorized by the Authority or the manufacturer;
- (e) pack, maintain or modify a parachute in any manner that deviates from procedures approved by the Authority or the manufacturer of the parachute; or
- (f) exercise the privileges of the authorization unless the holder understands the instructions of the current manufacturer for the operation involved and has performed duties under the authorization for at least 90 days within the preceding 12 months or demonstrated to the Authority the ability to perform those duties.

Records to be kept by parachute rigger

19. (1) A holder of parachute rigger authorization shall keep a record of the packing, maintenance and modifications of parachutes performed or supervised.

(2) An authorized parachute rigger who packs a parachute shall enter on the parachute packing record attached to the parachute, the date and place of the packing, a notation of any defects found during any inspection, and shall sign that record with the name and authorization number.

(3) The record required by sub-regulation (1) shall contain, with respect to each parachute worked on, a statement of-

- (a) type and make;
- (b) serial number;
- (c) the name and address of the owner or user of the parachute;
- (d) the kind and extent of the work performed;
- (e) date when, and the place where the work was performed; and
- (f) the results of any drop tests made with it.

(4) A person who makes a record under sub-regulation (1) shall keep that record for at least 2 years after the date the record is made.

Privileges

20. A holder of a parachute rigger authorization may-

- (a) pack, maintain or modify any type of parachute for which he or she is authorized; and
- (b) supervise other persons in packing, maintaining or modifying any type of parachute for which the holder of authorization is authorized.

Validity and renewal requirements

21. (1) A parachute rigger authorization shall be valid for a period of 24 months from the date of issue or renewal.

(2) A holder of a parachute rigger authorization may apply for renewal of the authorization if the holder has packed at least 36 reserves parachutes within the 12 months preceding the date of application for renewal.

PART III
PARACHUTE OPERATIONS CERTIFICATE
GENERAL

Certificate requirements

22. (1) No person shall conduct parachute operations unless that person-

- (a) holds a parachute operations certificate;
- (b) complies with the privileges and limitations of the authorization;
- (c) complies with operational standards and procedures contained in the parachute operations manual approved by the Authority; and
- (d) complies with the currency requirements determined by the Authority.

(2) No person shall conduct parachute operations unless there is available for use a parachute operations manual approved by the Authority.

(3) In this Part, "person" includes an association, organization or club.

Application for Parachute operations certificate

23. (1) An applicant for a parachute operations certificate shall complete and submit an application form prescribed by the Authority which shall include the following information-

- (a) the radius of the drop zone around the target expressed in nautical miles;
- (b) the location of the centre of the drop zone in relation to the nearest airport, town or city;
- (c) each altitude above mean sea level at which the aircraft will be operated when parachutists or objects exit the aircraft;

- (d) the name, address, and telephone number of the person who requests the authorization or gives notice of the parachute operation; and
- (e) the name of the air traffic control facility with jurisdiction of the airspace at the first intended exit altitude to be used for the parachute operation.

(2) The Authority may issue a parachute operations certificate if an applicant meets the requirements of these Regulations

Amendment of a parachute operations certificate

24. (1) A parachute operations certificate may be amended-

- (a) on the initiative of the Authority, under applicable laws and regulations; or
- (b) upon application by the holder of that authorization.

(2) A holder of an authorization shall submit an application to amend an authorization by completing a form prescribed by the Authority.

(3) An applicant for an amendment under this regulation shall file the application to amend an authorization before the date of the proposed commencement of that operation.

(4) The Authority shall grant a request to amend an authorization if it determines that it is in interest of flight safety or in public interest.

Validity of a parachute operations certificate

25. (1) A parachute operations certificate shall be valid for a period specified in the certificate from the date of issue but in any case not more than 12 months unless-

- (a) a shorter period is specified by the Authority;
- (b) the Authority amends, suspends, revokes or otherwise terminates the certificate;
- (c) the certificate holder surrenders it to the Authority; or
- (d) the certificate holder suspends operations.

(2) The holder of a certificate that is suspended or revoked shall return it to the Authority.

Parachute operations manual

26. (1) A parachute operations certificate holder shall issue to the parachute members and persons assigned parachute operational functions, an operations manual which shall contain at least the following-

- (a) introduction and common abbreviations;
- (b) basic safety requirements;
- (c) student training syllabus;
- (d) skills programme;

- (e) formation parachuting rules;
- (f) artistic events;
- (g) canopy formation;
- (h) camera persons;
- (i) tandem operations;
- (j) extra ordinary activities;
- (k) wing suits;
- (l) jump master certification course syllabus;
- (m) rigging rules;
- (n) drop zone and landing area operating procedures;
- (o) briefings for new jumpers; and
- (p) miscellaneous forms.

(2) The operations manual referred to in sub-regulation (1) shall be amended or revised as is necessary to ensure that the information contained in the manual is kept up to date, and all amendments or revisions shall be issued to all personnel that are required to use the operations manual.

(3) A parachute operations certificate holder shall submit to the Authority a copy of the entire operations manual of the authorization holder for the time being in force or of parts of the manual as the Authority may specify.

(4) A parachute operations certificate holder shall make such amendments or additions to the operations manual as the Authority may require for the purpose of ensuring the safety of parachute jumpers and parachute passengers carried, efficiency or regularity of air navigation.

Designation of a safety and training personnel

27. A parachute operations certificate holder shall, designate for each drop zone operation, in writing, a safety and training personnel who shall be in-charge of all operations with the following minimum qualifications-

- (a) a qualified experienced jump master with a minimum of 1000 free fall jumps and at least 2 years experience in parachute operations; and
- (b) shall have successfully completed training in safety and parachute operating procedures recognized by the Authority.

PART IV OPERATING RULES

Use of drugs or alcohol

28. No person shall engage in parachute jumping, and no pilot in command of an aircraft may

allow a person to engage in parachute jumping from that aircraft if that person is or appears to be under the influence of alcohol or any drug that affects the faculties of that person in any way contrary to safety.

Hazard

29. No person shall make a parachute descent if that descent constitutes or is likely to constitute, a safety hazard to air traffic, persons or property in the air or on the ground, the aircraft concerned or its occupants.

Exit from an aircraft

30. No person shall exit from an aircraft to make a parachute descent unless authorized to do so by the pilot in command or a person nominated by a pilot in command for that purpose.

Minimum parachute activation altitude

31. A person making a parachute descent shall activate the main parachute at a height not less than 2,500 feet above ground level, except for-

- (a) a student parachutist, who shall activate the main parachute at not less than 3,000 feet above ground level; or
- (b) a tandem jump master carrying out a tandem parachute descent, which shall activate the main parachute at not less than 5,000 feet above ground level.

Parachute drop zone

32. A parachute descent, except emergency and display parachute descents shall be made within a parachute drop zone designated by the parachute operations certificate holder and approved by the Authority.

Parachute landing area

33. (1) A person making a parachute descent shall land on a parachute landing area designated by the parachute operations certificate holder and approved by the Authority

(2) Simultaneous parachute and aircraft movements may be conducted at aerodromes if the parachute landing area is located clear of-

- (a) any movement area in use;
- (b) the strip area of any runway in use;
- (c) a taxiway which is in use; and
- (d) the approach and take-off areas of any runway or heliport in use.

(3) No person shall make a parachute descent into water unless the parachute landing area has a clearly defined perimeter and adequate arrangements have been made to retrieve all parachutists.

Ground signal

34. No person shall make a parachute descent unless a ground signal, consisting of a white circle with an attached cone pointing into the wind is displayed or a sensitive and conspicuous calibrated windsock shall be used.

Controlled airspace

35. No person shall make a parachute descent in a controlled airspace unless that person obtains an air traffic control clearance and descends in accordance with that clearance.

Descents onto manned aerodromes

36. No person shall make a parachute descent onto an aerodrome unless that person-

- (a) has prior approval from the owner or operator of the aerodrome;
- (b) obtains clearance from the air traffic control unit at the aerodrome; and
- (c) lands within the parachute landing area.

Descents onto unmanned aerodromes

37. (1) No person shall make a parachute descent onto an unmanned aerodrome unless that person-

- (a) has prior approval from the owner or operator of the aerodrome;
- (b) observes other aerodrome traffic operating within the parachute descent zone for the purpose of avoiding collision;
- (c) conforms with or avoids the pattern of traffic formed by other aircraft operating within the parachute descent zone at the aerodrome; and
- (d) lands within the parachute landing area.

Descents within restricted areas

38. No person shall make a parachute descent within a restricted area unless that person has prior approval of the controlling authority specified for that area.

Visibility and clearance from cloud

39. (1) Except as provided in sub-regulation (2) no person shall make a parachute descent unless that person remains clear of cloud.

(2) No person shall make a parachute descent through cloud in a controlled airspace unless that person has obtained an air traffic control clearance to do so.

Descents from higher altitudes

40. (1) No person shall make a parachute descent from an un-pressurized aircraft unless-

- (a) when between altitudes of 10,000 feet above mean sea level and 13,000 feet above mean sea level for longer than 30 minutes, use supplementary oxygen until immediately prior to exiting the aircraft; and

- (b) when between altitudes of 13,000 feet above mean sea level and 20,000 feet above mean sea level, use supplementary oxygen until immediately prior to exiting the aircraft.

(2) No person shall make a parachute descent from a pressurized aircraft when between altitudes of 13,000 feet above mean sea level and 20,000 feet above mean sea level unless that person uses supplementary oxygen during the period from immediately prior to depressurization to immediately prior to exiting the aircraft.

(3) No person shall make a parachute descent from altitudes above 13,000 feet above mean sea level unless that person has satisfactorily completed a training course for high altitude descents.

(4) No person shall make a parachute descent from altitudes above 20,000 feet above mean sea level unless that person uses supplementary oxygen from immediately prior to depressurization, or from immediately after disconnection from any aircraft mounted supplementary oxygen system, until descent below an altitude of 13,000 feet above mean sea level.

Parachute operations over or into a congested area or an open-air assembly of persons

41. No person shall conduct a parachute jumping operation, and no pilot in command of an aircraft shall allow a parachute operation to be conducted from that aircraft, over or into a congested area of a city, town or settlement or an open-air assembly of persons unless an approval for that parachute jumping operation has been issued under these Regulations.

PART V
PARACHUTE EQUIPMENT AND FACILITIES

Parachutes

42. (1) No person or tandem pair shall make a parachute descent unless equipped with a main parachute that complies with the technical standards order of the parachute manufacturer.

(2) No person or tandem pair shall make a parachute descent unless equipped with a reserve parachute assembly which-

- (a) complies with the technical standards of a parachute organization; and
- (b) has been inspected, re-packed and certified as airworthy within the previous 6 months by a parachute rigger in accordance with the technical standards of a parachute organization.

(3) No tandem rider shall make a parachute descent unless that tandem rider wears a harness which-

- (a) complies with the technical standards of a parachute organization; and
- (b) is properly secured to a marching tandem master harness.

Altimeter

43. No person or tandem pair shall make a free-fall descent of more than 10 seconds unless-

- (a) the person or tandem pair is equipped with, and use, a serviceable altimeter of a type suitable for parachuting; and

- (b) prior to take-off; zero the altimeter to the parachute landing area height.

Automatic activation devices

44. No person or tandem pair shall make a parachute descent unless equipped with an automatic activation device on the reserve parachute, that has been-

- (a) certified as compatible with the reserve parachute assembly on the parachute assembly packing-record by a parachute rigger authorized by the parachute organization or institution designated by the Authority;
- (b) calibrated in accordance with the operating instructions of the manufacturer;
- (c) set to operate the reserve parachute at a minimum height above the parachute landing area (PLA)-
 - (i) for an individual parachute descent, 1,000feet above ground level or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for the category of use; and
 - (ii) for a tandem parachute descent, 2 000 feet above ground level or such lower altitude as predetermined and set within the automatic activation device by the manufacturer of such device for use on tandem descents;
- (d) inspected by the parachute rigger in accordance with the instructions of the manufacturer; and
- (e) check-calibrated within the previous 6 months.

Safety equipment

45. (1) No person shall make a parachute descent into water unless he or she wears suitable floatation equipment capable of supporting the head of that person clear of the water.

(2) No student parachutist shall make a parachute descent within 1 nautical mile of a water hazard unless the student wears suitable floatation equipment capable of supporting that person's head clear of the water.

(3) No student parachutist shall make a parachute descent unless the student wears a serviceable, rigid, protective helmet of a type approved by the parachute organization.

(4) No tandem pair shall make a parachute descent unless equipped with protective head gear approved by the parachute organization.

PART VI PARACHUTE MAINTENANCE

Facilities and equipment requirements

46. A holder of a parachute rigger authorization shall not exercise the privileges of the authorization unless the holder has at least the following facilities and equipment available-

- (a) a smooth surface;

- (b) suitable housing that is adequately lighted and ventilated for drying and airing parachutes;
- (c) enough packing tools and other equipment to pack and maintain the types of parachutes serviced; and
- (d) adequate housing facilities to perform applicable duties and to protect tools and equipment.

Air-worthiness and safety directives

47. A person who intends to use a parachute for jumping shall ensure that the parachute complies with-

- (a) applicable airworthiness directives issued by the Authority;
- (b) applicable safety directives issued by the parachute operations certificate holder; and
- (c) mandatory modifications or instructions issued by the manufacturer.

Parachute serviceability

48. (1) A person who finds a parachute assembly to be unserviceable or not airworthy shall have the assembly-

- (a) re-inspected and returned to a serviceable and airworthy condition; or
- (b) withdrawn from service.

(2) No person shall return to service a parachute assembly that has been marked as unserviceable until it has been re-inspected and returned to serviceable and airworthy condition before use.

Modification and repair

49. No person shall use a parachute or harness and container system that has been modified or repaired, in a manner that may affect the airworthiness of the parachute assembly, unless it is re-inspected and re-assessed by a parachute rigger in accordance with the technical standards order of the manufacturer.

Parachute assembly check

50. (1) Except as provided by provisions of sub-regulations (2) and (3), no person shall make a parachute descent unless that person has checked the state of serviceability of the parachute assembly by-

- (a) reference to the assembly packing record for the parachute assembly;
- (b) a comprehensive external check;
- (c) checking that all the equipment is properly set to operate;
- (d) ensuring that no item being carried will interfere with the proper functioning of the parachute assembly; and

(e) ensuring that the seal is not broken or interfered with.

(2) For student parachutists, the person authorized by the parachute organization to directly supervise the descent of the student shall inspect the equipment being worn by the student in accordance with sub-regulation (1).

(3) For tandem riders, the tandem master shall inspect the equipment being worn by the tandem passenger in accordance with sub-regulation (1).

Seal

51. (1) An authorized parachute rigger shall have a seal with an identifying mark and a seal press prescribed by the Authority.

(2) After packing a parachute, the parachute rigger shall seal the pack with a seal referred to in sub-regulation (1) in accordance with the recommendation of the manufacturer for that type of parachute

Parachute records

52. (1) An owner of a parachute assembly shall maintain a permanent record of which shall be kept in the assembly at all times, in-

(a) a logbook; or

(b) a separable log page, approved by the parachute operations certificate holder.

(2) The owner referred to in sub-regulation (1) shall make the record available for inspection when required by an authorized officer, inspector or authorized person.

Access for inspection

53. A holder of a parachute operations certificate shall for the purpose of inspection to determine compliance with applicable regulations and requirements-

(a) grant the Authority unrestricted access to any of its organizations, facilities and aircraft; and

(b) ensure that the Authority is granted unrestricted access to any organization or facilities that it has contracted for services associated with parachute operations and maintenance.

PART VII GENERAL.

Possession of the certificate, authorization etc.

54. A holder of a certificate or authorization or other document issued by the Authority under these Regulations shall have it in his or her physical possession or at the work site when exercising the privileges of that certificate, authorization or such other document.

Drug and alcohol testing and reporting

55. (1) A person who performs any function requiring an authorization prescribed by these Regulations may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorized by the Authority wishes to test a person referred to in sub regulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person-

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorize the release of the test results, the Authority may suspend or revoke the certificate or authorization issued by the Authority.

(3) In determining whether to suspend or revoke the authorization of the holder, the Authority shall consider all relevant factors, including-

- (a) whether the authorization holder had knowledge of the drug or alcohol use;
- (b) whether the authorization holder encouraged the person to refuse the drug or alcohol test;
- (c) whether the authorization holder dismissed the person who failed or refused the drug tests; or
- (d) the position that person held with the authorization holder.

(4) The Authority shall require the certificate or authorization holder to show cause why that person should not be dismissed from the employment of the certificate or authorization holder.

(5) A person who is convicted, whether in or outside Swaziland, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana or depressant or stimulant drugs or substances, shall be dismissed from the employment of the certificate or authorization holder.

(6) The Authority may suspend or revoke the certificate or authorization of a holder that refuses to dismiss from its employment a person convicted under sub regulation (5).

Inspection of licences and certificates

56. A person who holds a licence, certificate, authorization or other document required by these Regulations shall present it for inspection upon a request from the Authority or any person authorized by the Authority.

Change of name

57. (1) A holder of a certificate, authorization or other document issued under these Regulations may apply to change the name on the certificate, authorization or other document.

(2) The holder shall include with any such request-

- (a) the certificate, authorization or other document sought to be amended; and
- (b) a court order or other legal document verifying the name change;

(3) The Authority may change the certificate, authorization or other document and issue a replacement.

(4) The Authority shall return to the holder the original documents specified in sub-regulation 2(b) and retain copies and return the replaced certificate or authorization with the appropriate endorsement.

(5) A certificate, authorization or other document issued to a person under these Regulations is not transferable.

Change of address

58. (1) A holder of a certificate or authorization 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 14 days in advance; and
- (b) mailing address, upon the change;

(2) A person who fails to 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 authorization.

Replacement of documents

59. 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

Certificate suspension and revocation

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

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any certificate, authorization or such 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 from parachuting.

(4) A holder or any person having the possession or custody of any certificate, authorization or other documents which has been revoked, suspended or varied under these Regulations shall surrender it 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, authorization or such 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

61. (1) No person shall-

- (a) use any certificate, authorization or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended or to which the person is not entitled;

- (b) forge or alter any certificate, authorization or other document issued or required by or under these Regulations;
- (c) lend any certificate, authorization or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for that person or any other person the issue renewal or variation of any certificate, authorization or such 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 in the records required by or under these Regulations to be maintained or knowingly make or procure or assist in the making of, any false entry in that record or willfully omit to make a material entry in such 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 authorization under these Regulations unless he or she is authorized to do so by the Authority.

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

Reports of violation

62. (1) A person who knows of a violation of the Civil Aviation Authority Act, or any regulation or order issued 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

63. A person who fails to comply with any direction given to that person 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

64. (1) The Authority may notify the fees to be charged in connection with the issue, renewal, extension or variation of any certificate or authorization or other document, including the issue of a copy or the undergoing of any examination, test, inspection or investigation required by or for the purpose of these Regulations 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 provisions of sub-regulation (1), the applicant shall be required, before the application is entertained, to pay the fee so chargeable.

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

PART VIII
OFFENCES AND PENALTIES

Contravention of Regulations

65. A person who contravenes any provision of these Regulations may have his or her certificate, authorization or such other document revoked or suspended.

Offences and penalties

66. (1) If any provision of these Regulations, orders, notices or proclamations made under these 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 their consent or connivance and that all due diligence was exercised to prevent the contravention.

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

PART IX
EXEMPTIONS

Requirements for application.

67. (1) A person may apply to the Authority for an exemption from any of these Regulations.

(2) An application for an exemption shall be submitted at least 60 days in advance of the proposed effective date, to obtain timely review.

(3) A request for an exemption shall contain the applicant's-

- (a) name;
- (b) physical address and mailing address;
- (c) telephone number;
- (d) fax number, if available; and
- (e) email address, if available.

(4) The application shall be accompanied by a fee specified by the Authority.

Substance of the request for exemption.

68. (1) An application for an exemption shall contain the following-

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefits the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question; and
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware.

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons why the application was not timely filed, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption on time.

REVIEW, PUBLICATION AND ISSUE OR DENIAL OF THE EXEMPTION***Initial review by the Authority***

69. (1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 67 and 68.

(2) If the application appears on its face to satisfy the provisions of this regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application either in the Gazette, aeronautical information circular or one local daily newspaper for comment and specify the date by which comments shall be received by the Authority for consideration.

(3) Where the filing requirements of regulations 67 and 68 have not been met, the Authority will notify the applicant and take no further action until the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the decision of the Authority as soon as possible after processing the application.

Evaluation of the request

70. (1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine-

- (a) whether an exemption would be in the public interest;
 - (b) whether the proposal of the applicant would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the technical resources of the Authority, the Authority may deny the exemption on that basis;
 - (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organization Standards and Recommended Practices; and
 - (d) whether the request should be granted or denied and of any conditions or limitations that should be part of the exemption.
- (2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request
- (3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.
- (4) If the exemption affects a significant population of the aviation community of Swaziland the Authority shall publish the summary in aeronautical information circular.

PART X

TRANSITION AND SAVINGS

Transition and savings

71. 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.

SCHEDULE

(Regulation 70)

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8	Descent requirements	A
9	Aircraft used for parachute jumping	A
10	Pilot experience and training requirements	A
12	Visiting foreign parachute jumpers	A
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24	Amendment of a parachute operations certificate	A
25	Validity of a parachute operations certificate	A
26	Parachute operations manual	A
27	Designation of safety and training personnel	A
28	Use of drugs or alcohol	B
29	Hazard	A
30	Exit from an aircraft	A
31	Minimum parachute activation altitude	A
32	Parachute drop zone	A
33	Parachute landing area	A
34	Ground signal	A
35	Controlled airspace	A
36	Descents onto manned aerodromes	A
37	Descents onto unmanned aerodromes	A
38	Descents within restricted areas	B
39	Visibility and clearance from cloud	A
40	Descents from higher altitudes	A
41	Parachute operations over or into a congested area or an open air assembly of persons	A
42	Parachutes	A
43	Altimeter	A
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47	Airworthiness and safety directions	B
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49	Modification and repair	A

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52	Parachute records	A
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N. DLAMINI
MINISTER OF PUBLIC WORKS AND TRANSPORT

LEGAL NOTICE NO. 114 OF 2011

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

CIVIL AVIATION AUTHORITY (AERIAL WORK) 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 (Aerial Work) 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-

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

“acrobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude or an abnormal variation in speed;

“aerial work” means an aircraft operation in which an aircraft is used for specialized services including, but not limited to, agriculture, construction, photography, surveying, observation and patrol, search and rescue and aerial advertisement;

“aerodrome” means a defined area on land or water (including any buildings, installations and equipment) used or intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“aeroplane” means a 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;

“agricultural air operator certificate” means a certificate authorizing an agricultural operator to carry out specified agricultural operations;

“agricultural aircraft operation” means the operation of an aircraft for the purpose of-

- (a) dispensing any economic poison; or
- (b) dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life or pest control or engaging in dispensing activities directly affecting agriculture, horticulture or forest preservation, but not including the dispensing of live insects;

“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;

“air traffic control (ATC)” means a service that promotes the safe, orderly and expeditious flow of air traffic at aerodromes and during the approach, departure and en route environments;

“appliance” means any 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, powerplant or propeller;

“approved by the Authority” means approved by the Authority directly or in accordance with a procedure approved 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;

“ATC facility” means a building holding the persons and equipment responsible for providing ATC services for example, airport tower, approach control, area control;

“Authority” means the Civil Aviation Authority established under section 3 of the Civil Aviation Authority Act;

“banner” means an advertising medium supported by a temporary framework attached externally to the aeroplane and towed behind the aeroplane;

“certificate of airworthiness” means a certificate issued by the Authority on the basis of satisfactory evidence that the aircraft complies with the design aspects of the appropriate airworthiness requirements;

“commercial agricultural air operator certificate” means a certificate authorising a person to carry out specified agricultural operations for compensation and hire;

“critical engine” means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft;

“drug trafficking” means carriage by aircraft of narcotic drugs, marijuana and depressant or stimulant drugs or substances;

“economic poison” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects, rodents, nematodes, fungi, weeds and other forms of plant or animal life or viruses, except viruses on or in living human beings or other animals, which Swaziland shall declare to be a pest and use as a plant regulator, defoliant or desiccant;

“exhibition of flying” means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertisement open to the public;

“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 crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during flight time;

“flight time” means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;

“flight training” means training, other than ground training, received from an authorized instructor in flight in an aircraft;

“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;

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

“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;

“night” means the time between 15 minutes after sunset and 15 minutes before sunrise, sunrise and sunset being determined at surface level and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

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

“pilot-in-command (PIC)” means the pilot responsible for the operation and safety of the aircraft during flight time;

“powerplant” means an engine that is used or intended to be used for propelling aircraft including turbo superchargers, appurtenances and accessories necessary for its functioning, but does not include propellers;

“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”;

“private agricultural air operator certificate” means a certificate authorizing a person to carry out specified private agricultural operations;

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

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

“rotorcraft load combinations” means configurations for external loads carried by rotorcraft-

- (a) class A-external-load fixed to the rotorcraft, cannot be jettisoned and does not extend below the landing gear, used to transport cargo;
- (b) class B-external-load suspended from the rotorcraft, which can be jettisoned and is transported free of land or water during rotorcraft operations;
- (c) class C-external-load suspended from the rotorcraft, which can be jettisoned, but remains in contact with land or water during rotorcraft operation;
- (d) class D-external-load suspended from the rotorcraft for the carriage of persons;

“restricted certificate of airworthiness” means a certificate issued to an aircraft which does not qualify for an issue of a certificate of airworthiness;

“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 and includes a document describing the operations and processes that shall be performed in order for a particular end to be achieved;

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

“substance” means alcohol, sedatives, hypnotics, anxiolytics, hallucinogens, opioids, cannabis, inhalants, central nervous system stimulants such as cocaine, amphetamines and similarly acting sympathomimetics, phencyclidine or similarly acting arylcyclohexylamines and other psychoactive drugs and chemicals; and

“training programme” means a programme that consists of courses, courseware, facilities, flight training equipment and personnel necessary to accomplish a specific training objective; and includes a core curriculum and a specialty curriculum.

Application

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

- (a) agricultural operations and the issue of commercial and private agricultural air operator certificate for those operations;
- (b) rotorcraft external load operations;
- (c) glider and banner towing; and
- (d) aircraft operations and authorizations for game viewing, vehicle traffic and sports, sight-seeing, television and movie, aerial photography and aerial survey operations.

PART II

AGRICULTURAL AIR OPERATIONS

Certificate required

4. (1) Except as provided in sub-regulations (2) and (3), no person shall conduct agricultural air operations without or in violation of an agricultural air operator certificate issued under these Regulations.

(2) An operator that complies with this Part when conducting agricultural air operations using a rotorcraft with external dispensing equipment shall not require a rotorcraft external-load operator certificate issued under Part IV of these Regulations, except when dispensing water on forest fires.

(3) Operations to dispense water on forest fires by rotorcraft external-load means shall be conducted only under Part IV of these Regulations.

Application for Agricultural Air Operator Certificate

5. An applicant for an agricultural air operator certificate shall complete and submit an application form prescribed by the Authority.

Amendment of certificate

6. (1) An agricultural air operator certificate (AAOC) may be amended-

- (a) on the initiative of the Authority, under applicable laws and regulations; or
- (b) upon application by the holder of the certificate.

(2) A holder of a certificate shall submit an application to amend the certificate by completing a form prescribed by the Authority.

(3) An applicant for an amendment under this regulation shall file an application to amend a certificate at least 30 days before the date that it proposes the amendment to become effective, unless the Authority approves a shorter filing period.

(4) The Authority shall grant a request to amend a certificate if it determines that it is in interest of flight safety or in public interest.

Certification requirement

7. (1) Except as provided by sub-regulation (2)-

(a) the Authority may issue a private agricultural air operator certificate (AAOC) if an applicant meets the requirements of this Part for that certificate;

(b) the Authority may issue a commercial AAOC to an applicant if the applicant meets the requirements of this Part for that certificate.

(2) An applicant for an AAOC with a prohibition against the dispensing of economic poisons is not required to demonstrate knowledge specific to economic poisons.

(3) A private AAOC applicant shall-

- (a) hold a current Swaziland private pilot licence (PPL), commercial pilot licence (CPL) or airline transport pilot licence (ATPL);
- (b) be properly rated for the aircraft to be used;
- (c) not conduct operations for hire or reward.

(4) A commercial AAOC applicant shall-

- (a) have available the services of at least one pilot who holds a current CPL or ATPL issued by the Authority and who is properly rated for the aircraft to be used;
- (b) possess an air service licence issued under the Civil Aviation Authority (Licensing of Air Services) Regulations.

(5) The applicant for a private or commercial agricultural air operator certificate shall have one or more certified and airworthy aircraft, equipped for agricultural operation.

(6) The applicant for AAOC shall show that the applicant has satisfactory knowledge and skill of the following agricultural aircraft operations-

- (a) knowledge-
 - (i) steps to be taken before starting operations, including a survey of the area to be worked;
 - (ii) safe handling of economic poisons and the proper disposal of used containers for those poisons;
 - (iii) the general effects of economic poisons and agricultural chemicals on plants, animals and persons and the precautions to be observed in using poisons and chemicals;
 - (iv) primary symptoms of poisoning of persons from economic poisons, the appropriate emergency measures to be taken and the location of poison control centres;
 - (v) performance capabilities and operating limitations of the aircraft to be used; and
 - (vi) safe flight and application procedures;
- (b) skill in the following manoeuvres, demonstrated at the aircraft's maximum certified take-off mass or the maximum mass established for the special purpose load, whichever is greater -
 - (i) short-field and soft-field takeoffs (aeroplanes and gyroplanes only);
 - (ii) approaches to the working area;
 - (iii) flare-outs;
 - (iv) swath runs;
 - (v) pull-ups and turnarounds;
 - (vi) rapid deceleration (quick stops) in helicopters only.

Duration of agricultural air certificate

8. (1) An agricultural air operator certificate (AAOC) shall be valid for 12 months from the date of issue or renewal, unless-

- (a) a shorter period is specified by the Authority;
 - (b) the Authority amends, suspends, revokes or otherwise terminates the certificate;
 - (c) the AAOC holder surrenders it to the Authority; or
 - (d) the AAOC holder suspends operations for more than one hundred eighty continuous days.
- (2) The holder of an AAOC that is suspended or revoked shall return it to the Authority.

(3) An application for renewal of an AAOC shall be made on a form prescribed by the Authority at least sixty days before the certificate expires.

(4) Where the request for renewal is made after the expiry of an AAOC, the applicant shall make an initial application.

Drug trafficking

9. Where the holder of a certificate issued under these Regulations permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of any laws of Swaziland pertaining to drug trafficking, the Authority shall suspend or revoke the certificate.

OPERATING RULES

General

10. (1) Except as provided in sub-regulation (3), this sub-part prescribes rules that apply to persons and aircraft used in agricultural aircraft operations conducted under these Regulations.

(2) A holder of an agricultural air operator certificate may deviate from the provisions of the Civil Aviation Authority (Air Operator Certification and Administration) and the Civil Aviation Authority (Rules of the Air and Air Traffic Control) Regulations without obtaining an exemption when conducting aerial work operations related to agriculture, horticulture or forest preservation in accordance with the operating provisions of this sub-part.

(3) A holder of a licence for a commercial pilot engaged by an agricultural air operator certificate holder need not hold a valid instrument rating whilst conducting aerial work operations related to agriculture, horticulture or forest preservation.

Carrying and display of Certificates

11. (1) No person shall operate an agricultural aircraft unless each of the following documents is carried on that aircraft-

- (a) a copy of agricultural air operator certificate (AAOC) certified by the Authority;
- (b) certificate of registration; and
- (c) certificate of airworthiness.

(2) A holder of an AAOC shall display the certificate at the home base of operations, to the public at all times and shall present it for inspection on the request of the Authority or any person authorized by the Authority.

(3) Where the documents specified in sub-regulation (1) are not carried in the aircraft, they shall be kept available for inspection at the base from which the dispensing operation is conducted.

Limitations on private agricultural aircraft operator

12. A holder of a private agricultural air operator certificate shall not conduct an agricultural air operation-

- (a) for compensation or hire;

- (b) over a congested area; or
- (c) over any property unless the person is the owner or lessee of the property, or has ownership or other property interest in the crops located on that property.

Manner of dispensing.

13. No person shall dispense or cause to be dispensed any material or substance in a manner that creates a hazard to persons or property on the surface.

Economic poison dispensing

14. (1) Except as provided in sub-regulation (2), no person shall dispense or cause to be dispensed from an aircraft that is registered in Swaziland, any economic poison-

- (a) for a use other than that for which it is registered;
- (b) contrary to any safety instructions or use limitations on its label; or
- (c) in contravention of any laws of Swaziland.

(2) This regulation does not apply to any person dispensing economic poisons for experimental purposes under-

- (a) the supervision of a Swaziland agency authorized by law to conduct research in the field of economic poisons; or
- (b) the relevant Authority.

Personnel

15. (1) A holder of an agricultural air operator certificate shall ensure that each person used in the agricultural aircraft operation of the holder is informed of their duties and responsibilities for the operation.

(2) No person shall supervise an agricultural air operation unless the person has met the knowledge and skill requirements specified in these Regulations.

(3) No person shall act as a pilot in command of an aircraft operated under these Regulations unless that pilot-

- (a) holds a pilot licence and rating as specified in regulation 7 as appropriate to the type of operation conducted; and
- (b) has demonstrated to the holder of the agricultural air operator certificate conducting the operation or to a supervisor designated by that certificate holder, that they possess the knowledge and skill requirements of these Regulations.

Fastening of safety belts and harnesses

16. No person shall operate an aircraft under these Regulations without a safety belt and shoulder harness properly secured about that person, except that the shoulder harness need not be fastened if that person would be unable to perform required duties with the shoulder harness fastened.

Operations In controlled airspace designated for an airport

17. (1) Except for flights to and from a dispensing area, no person shall operate an aircraft within the lateral boundaries of the surface area of class D airspace designated for an airport unless authorization for that operation has been obtained from the air traffic control (ATC) facility having jurisdiction over that area.

(2) No person shall operate an aircraft in weather conditions below visual flight rules minima within the lateral boundaries of a Class E airspace area that extends upward from the surface unless authorization for that operation has been obtained from the ATC facility having jurisdiction over that area.

Non observance of airport traffic pattern

18. (1) A pilot in command (PIC) of an aircraft may deviate from an airport traffic pattern when authorized by the control tower concerned.

(2) At an airport without a functioning control tower, the PIC may deviate from the traffic pattern if-

- (a) prior coordination is made with the airport management concerned;
- (b) deviations are limited to the agricultural aircraft operation;
- (c) except in an emergency, landing and takeoffs are not made on ramps, taxiways or other areas of the airport not intended for such use; and
- (d) the aircraft at all times remains clear of and gives way to, aircraft conforming to the traffic pattern for the airport.

Operation over congested areas: general

19. Notwithstanding the requirements of the Civil Aviation Authority (Rules of the Air and Air Traffic Control) Regulations, the holder of a certificate may conduct dispensing operations, including approaches, departures and turnarounds reasonably necessary for the operation, below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

Operation over areas other than congested areas

20 (1) No person shall operate an aircraft over a congested area at altitudes required for the proper accomplishment of the agricultural aircraft operation is not conducted-

- (a) with the maximum safety to persons and property on the surface, consistent with the operation; and
- (b) in accordance with the requirements of sub- regulation (2).

(2) No person shall operate an aircraft over a congested area unless that person-

- (a) has obtained prior written approval from the Authority and other relevant authorities having jurisdiction over that area.
- (b) has issued notice of the intended operation to the public as specified by the Authority.

(3) A plan for each complete operation shall be submitted to, and approved by, the Authority and the plan shall include consideration of obstructions to flight; the emergency landing capabilities of the aircraft to be used, and any necessary coordination with air traffic control.

(4) No person operating single engine aircraft-

- (a) except for helicopters, may take off a loaded aircraft or make a turnaround over a congested area;
- (b) shall operate the aircraft over a congested area below the altitudes prescribed in the Civil Aviation Authority (Rules of the Air and air Traffic Control) Regulations except during the actual dispensing operation, including the approaches and departures necessary for that operation; or
- (c) operate the aircraft over a congested area during the actual dispensing operation, including the approaches and departures for that operation, unless the aircraft is operated in a pattern and at an altitude that the aircraft can land in an emergency, without endangering persons or property on the surface.

(5) No person operating a multiengine aircraft shall -

- (a) take-off a multiengine aircraft over a congested area except under conditions that will allow the aircraft to be brought to a safe stop within the effective length of the runway from any point on takeoff up to the time of attaining, with all engines operating at normal takeoff power, 105 percent of the minimum control speed with the critical engine inoperative in the takeoff configuration or 115 percent of the power-off stall speed in the take-off configuration, whichever is greater, as shown by the accelerate stop distance data, if the takeoff data is based upon still-air conditions, and no correction is made for any uphill gradient of one percent or less when the percentage is measured as the difference between elevation at the end points of the runway divided by the total length and for uphill gradients greater than one percent, the effective takeoff length of the runway is reduced 20 percent for each one-percent grade;
- (b) operate the multiengine aircraft at a weight greater than the weight that, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction with the area to be worked on or at an altitude of 5,000 feet, whichever is higher, if the propeller of the inoperative engine is in the minimum drag position, that the wing flaps and landing gear are in the most favourable positions, and that the remaining engine or engines are operating at the maximum continuous power available; or
- (c) operate the multiengine aircraft over a congested area below the altitudes prescribed in the Civil Aviation Authority (Rules of the Air and Air Traffic Control) Regulations, except during the actual dispensing operation, including the approaches, departures and turnarounds necessary for that operation.

Operation over congested areas: pilots and aircraft

21. (1) No person shall operate an aircraft over a congested area unless the pilot in command (PIC) of the aircraft has at least-

- (a) 25 hours of PIC flight time in the make and basic model of the aircraft, at least 10 hours of which shall have been acquired within the preceding 12 calendar months; and
 - (b) 100 hours of flight experience as PIC in dispensing agricultural materials or chemicals.
- (2) No person shall operate an aircraft over a congested area unless the aircraft, if it is-
- (a) an aircraft not specified in this paragraph, has had within the preceding 100 hours of time in service a 100-hour or annual inspection by a person authorized by the Authority under the Civil Aviation Authority (Airworthiness) Regulations or has been inspected under a progressive inspection system;
 - (b) a large or turbine-powered multiengine aircraft of Swaziland registry has been inspected in accordance with the applicable inspection programme requirements of Civil Aviation Authority (Airworthiness) Regulations;
 - (c) not a helicopter, the aircraft shall be equipped with a device capable of jettisoning at least one-half of the maximum authorized load of the aircraft of agricultural material within 45 seconds; and
 - (d) equipped with a device for releasing the tank or hopper as a unit, there shall be means to prevent inadvertent release by the pilot or other crew member.

Business name: commercial agricultural aircraft operator

22. No person shall operate under a business name that is not shown on the agricultural air operator certificate of that person.

Access for inspection

23. A holder of an agricultural air operator certificate (AAOC) shall allow the Authority at any time and place to make inspections, including on the job inspections, to determine compliance with applicable regulations and the AAOC requirements.

Records: commercial agricultural aircraft operator

24. (1) A holder of a commercial agricultural air operator certificate shall maintain and keep current, at the home base designated in its application, the following records-
- (a) the name and address of each person for who agricultural air operator services were provided;
 - (b) the date of the service;
 - (c) the name and quantity of the material dispensed for each operation conducted; and
 - (d) the name, address, and certificate number of each pilot used in agricultural aircraft operations and the date that pilot met the knowledge and skill requirements of this regulation.
- (2) The records specified by this regulation shall be kept for at least 24 months and made available for inspection by the Authority upon request.

PART III
ROTORCRAFT EXTERNAL LOAD OPERATIONS

Application

25. This Part does not apply to-

- (a) a rotorcraft manufacturer when developing external-load attaching means;
- (b) a rotorcraft manufacturer demonstrating compliance of equipment utilized under this Part;
- (c) operations conducted by a person demonstrating compliance for the issuance of a certificate or authorization under this Part;
- (d) training flights conducted in preparation for the demonstration of compliance with this Part; or
- (e) a local or national government conducting operations with state aircraft.

Rotorcraft external load operator certificate

26. (1) No person shall conduct rotorcraft external-load operations within Swaziland without or in violation of the terms of a rotorcraft external-load operator certificate issued by the Authority.

(2) A person holding a rotorcraft external-load operator certificate shall not conduct rotorcraft external-load operation under a business name that is not shown on that certificate.

Validity and renewal of a rotorcraft external load operator certificate

27. (1) A rotorcraft external-load operator certificate shall be valid for a period of 12 months from the date of issue or renewal unless it is otherwise surrendered, suspended or revoked.

(2) The holder of a rotorcraft external-load operator certificate that is suspended or revoked shall return it to the Authority within 14 days of the suspension or revocation.

(3) An application for renewal of a rotorcraft external-load operator certificate shall be made on a form prescribed by the Authority not later than 60 days before the certificate expires.

(4) An applicant for a rotorcraft external-load operator certificate which has expired shall make an initial application.

Application for certificate issue or renewal

28. An application for issue or renewal of a certificate under these Regulations shall be made on a form prescribed by the Authority.

Issue of a rotorcraft external-load operator certificate

29. The Authority shall issue a rotorcraft external-load operator certificate to an applicant who complies with the requirements of this Part, with an authorization for the applicant to operate specified rotorcraft with those classes of rotorcraft load combinations for which the applicant qualifies.

Rotorcraft

30. (1) An applicant for a rotorcraft external-load operator certificate shall have the exclusive use of at least one rotorcraft that-

- (a) is type certificated and meets the requirements of these Regulations;
- (b) complies with the certification provisions that apply to external load combinations for which authorization is requested; and
- (c) has a valid certificate of airworthiness.

(2) For the purposes of sub-regulation (1), a person has exclusive use of a rotorcraft if that person has the sole possession, control and use of it for flight, as owner or has a written agreement, including arrangements for the performance of required maintenance, giving that person possession, control and use.

Personnel

31. (1) An applicant for a rotorcraft external-load operator certificate shall hold, or have available the services of at least one person who holds a current commercial pilot licence or airline transport pilot licence, with a rating appropriate for the rotorcraft to be used, issued by the Authority.

(2) An applicant shall designate one pilot, who may be the applicant, as chief pilot for rotorcraft external-load operations.

(3) An applicant shall designate a qualified pilot as deputy chief pilot to perform the functions of the chief pilot when the chief pilot is not readily available.

(4) The chief pilot and deputy chief pilot shall be acceptable to the Authority and each shall hold a current commercial pilot's licence or airline transport pilot's licence, with a rating appropriate for the rotorcraft to be used.

(5) The holder of a rotorcraft external-load operator certificate shall report any change in designation of chief pilot or deputy chief pilot immediately to the Authority.

(6) A newly designated chief pilot shall comply with the knowledge and skill requirements of this Part within 30 days or the operator shall not conduct further operations under the rotorcraft external-load operator certificate, unless otherwise authorized by the Authority.

Knowledge and skill

32. (1) Except as provided in sub-regulation (4), the applicant for a certificate or the chief pilot designated in accordance with regulation 31 (2) shall demonstrate to the Authority satisfactory knowledge and skill regarding rotorcraft external-load operations as set out in sub-regulation (2) and (3).

(2) The applicant or a chief pilot referred to in sub-regulation (1) shall take a test of knowledge covering the following subjects-

- (a) steps to be taken before starting operation, including a survey of the flight area;
- (b) proper method of loading, rigging or attaching the external load;
- (c) performance capabilities, under approved operating procedures and limitations of the rotorcraft to be used;

- (d) proper instructions of flight crew and ground workers;
- (e) appropriate rotorcraft-load combination flight manual.

(3) A test of skill which requires appropriate manoeuvres for each class requested and the following appropriate manoeuvres for each load class shall be demonstrated in the rotorcraft referred to in regulation 30-

- (a) take-offs and landings;
- (b) demonstration of directional control while hovering;
- (c) acceleration from a hover;
- (d) flight at operational airspeeds;
- (e) approaches to landing or working area;
- (f) manoeuvring the external load into the release position; and
- (g) demonstration of winch operation if it is installed to hoist the external load.

(4) Compliance with sub-regulations (2) and (3) need not be shown if the Authority finds, on the basis of the previous experience and safety record in rotorcraft external load operations of the designated chief pilot of the applicant, that the knowledge and skill of the chief pilot are adequate.

Amendment of certificate

33. (1) A holder of a rotorcraft external-load certificate may apply to the Authority for an amendment of the certificate, to add or delete a rotorcraft-load combination authorization.

(2) The holder of a rotorcraft external-load certificate may apply for an amendment to add or delete a rotorcraft authorization by submitting to the Authority a new list of rotorcraft, by national and registration marks, with the classes of rotorcraft-load combinations for which authorization is requested.

Availability, display and surrender of certificate

34. (1) A holder of a rotorcraft external-load operator certificate shall display and keep that certificate and a list of authorized rotorcraft at the home base of operations and shall make it available for inspection by the Authority upon request.

(2) A person conducting a rotorcraft external-load operation shall carry a copy of the rotorcraft external-load operator certificate certified by the Authority in each rotorcraft used in the operation.

(3) Where the Authority suspends or revokes a rotorcraft external-load operator certificate, the holder of that certificate shall return it to the Authority within 14 days of the suspension or revocation.

(4) Where the certificate holder, for any other reason, discontinues operations under the certificate and does not resume operations within 6 months, the certificate holder shall return the certificate to the Authority.

OPERATING REGULATIONS AND RELATED REQUIREMENTS

Emergency operations

35. (1) In an emergency involving the safety of persons or property, the certificate holder may deviate from the provisions of these Regulations to the extent required to meet that emergency.

(2) A person who, in an emergency deviates from the requirements of these Regulations, shall notify the Authority within 10 days after the deviation.

(3) Upon the request of the Authority, the person who deviated from the requirement of these Regulations shall provide the Authority with a complete report of the aircraft operation involved including a description of the deviation and reasons for it.

Operating rules

36. (1) No person shall conduct a rotorcraft external-load operation without, or contrary to, the rotorcraft external-load combination operating manual prescribed in regulation 43.

(2) No person shall conduct a rotorcraft external load operation unless-

- (a) the rotorcraft complies with the provisions of regulation 30; and
- (b) the rotorcraft load combination is authorized under the rotorcraft external-load operator certificate.

(3) Before a person operates a rotorcraft with an external-load configuration that differs substantially from any that person has previously carried with that type of rotorcraft, whether or not the rotorcraft-load combination is of the same class, that person shall conduct, in a manner that shall not endanger persons or property on the surface, such of the following flight operational checks as the Authority determines are appropriate to the rotorcraft-load combination-

- (a) a determination that the weight of the rotorcraft-load combination and the location of its centre of gravity are within approved limits, that the external load is securely fastened, and that the external load does not interfere with devices provided for its emergency release;
- (b) make an initial lift-off and verify that controllability is satisfactory;
- (c) while hovering, verify that directional control is adequate;
- (d) accelerate into forward flight to verify that no attitude, whether of the rotorcraft or of the external load, is encountered in which the rotorcraft is uncontrollable or which is otherwise hazardous;
- (e) in forward flight, check for hazardous oscillations of the external load, but if the external load is not visible to the pilot, other crew members or ground personnel shall make this check and signal the pilot; and
- (f) increases the forward airspeed and determines an operational airspeed at which no hazardous oscillation or hazardous aerodynamic turbulence is encountered.

(4) Notwithstanding the provisions of the Civil Aviation Authority (Operation of Aircraft) Regulations, the holder of a rotorcraft external-load operator certificate may conduct rotorcraft external-load operations over congested areas if those operations are conducted without hazard to persons or property on the surface and comply with the following-

- (a) the operator shall develop a plan for each complete operation and obtain approval for the operation from the Authority;
- (b) the plan shall include an agreement with the relevant authority in whose jurisdiction the operation shall be conducted, coordination with air traffic control, if necessary and a detailed chart depicting the flight routes and altitudes;
- (c) a flight shall be conducted at an altitude and on a route that shall allow a jettison-able external load to be released and the rotorcraft landed, in an emergency without hazard to persons or property on the surface.

(5) Notwithstanding the provisions of the Civil Aviation Authority (Operation of Aircraft) Regulations and except as provided in regulation 42(2), a holder of a rotorcraft external-load operator certificate may conduct external load operations, including approaches, departures and load positioning manoeuvres necessary for the operation, below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

(6) No person shall conduct rotorcraft external load operations under instrument flight rules (IFR) unless specifically approved by the Authority.

(7) No person shall carry a person as part of the external-load under (IFR).

Carriage of persons

37. (1) A holder of a rotorcraft external-load certificate shall neither carry nor allow a person to be carried during rotorcraft external load operations unless that person-

- (a) is a flight crew member;
- (b) is a flight crew member trainee;
- (c) performs an essential function in connection with the external load operation; or
- (d) is necessary to accomplish the work activity directly associated with that operation.

(2) The pilot in command shall ensure that all persons are briefed before take-off on all procedures to be followed, including normal, abnormal and emergency procedures, and equipment to be used during the external load operation.

(3) For the purpose of this Part, a person other than a crew member or a person who is essential and directly connected with the external-load operation shall be carried only in approved class D rotorcraft-load combinations.

Crew Member training, currency and testing requirements

38. (1) A holder of a rotorcraft external-load certificate shall not use nor shall any person serve, as a pilot in helicopter external-load operations unless that person-

- (a) has successfully demonstrated to the Authority the knowledge and skill with respect to the rotorcraft-load combination in accordance with Regulation 33; and
- (b) has in their personal possession, a certificate of competency issued by the operator or an appropriate logbook entry indicating compliance with paragraph (a).

(2) A rotorcraft external-load operator certificate holder shall not use, nor shall any person serve as, a crew member or other operations personnel in class D operations unless, within the preceding twelve months, that person has successfully completed either an approved initial or a recurrent training programme.

(3) Notwithstanding sub-regulation (2), a person who has performed rotorcraft external-load operations of the same class and in an aircraft of the same type within the past 12 calendar months need not undergo recurrent training.

Access for inspection

39. A person conducting an operation in accordance with the provisions of this Part shall give the Authority's aviation safety inspectors free and uninterrupted access to that person's aircraft and allied facilities with regard to the external load operations in order to conduct any inspections or tests that the Authority considers necessary to determine compliance with these Regulations and the rotorcraft external-load operator certificate.

AIRWORTHINESS REQUIREMENTS

Flight characteristics requirements

40. (1) An applicant for a certificate under this Part shall demonstrate to the Authority, by performing the following operational flight checks, that the rotorcraft-load combination has satisfactory flight characteristics, unless these operational flight checks have been demonstrated previously and the rotorcraft-load combination flight characteristics were satisfactory-

- (a) for Class A rotorcraft-load combinations, the operational flight check shall consist of at least the following manoeuvres-
 - (i) take off and landing;
 - (ii) demonstration of adequate directional control while hovering;
 - (iii) acceleration from a hover; and
 - (iv) horizontal flight at airspeeds up to the maximum airspeed for which authorization is requested;
- (b) for class B and D rotorcraft-load combinations, the operational flight check shall consist of at least the following manoeuvres
 - (i) pickup of the external load;
 - (ii) demonstration of adequate directional control while hovering;
 - (iii) acceleration from a hover;
 - (iv) horizontal flight at airspeeds up to the maximum airspeed for which authorization is requested;
 - (v) demonstrating appropriate lifting device operation; and
 - (vi) manoeuvring of the external load into release position and its release, under probable flight operation conditions, by means of each of the quick-release controls installed on the rotorcraft;

- (c) for Class C rotorcraft-load combinations used in wire-stringing, cable-laying, or similar operations, the operational flight check shall consist of the manoeuvres, as applicable, prescribed in paragraph (b);

(2) For the purposes of this demonstration, the external load weight, including the external-load attaching means, is the maximum weight for which authorization is requested.

Structures and design

41. (1) An external-load attaching means and a quick release device means of a rotorcraft shall be approved by the Authority.

(2) The total weight of the rotorcraft-load combination shall not exceed the total weight approved for the rotorcraft during its type certification.

(3) The location of the centre of gravity shall, for all loading conditions, be within the range established for the rotorcraft during its type certification.

(4) For Class C rotorcraft-load combinations, the magnitude and direction of the loading force shall be established at those values for which the effective location of the centre of gravity remains within its established range.

Operating limitations

42. (1) In addition to the operating limitations set out in the approved rotorcraft load combination operating manual and to any other limitations that the Authority may prescribe, the operator shall establish at least the following limitations and specify them in the rotorcraft-load combination operating manual in which case the limitations for rotorcraft-load combination operations shall-

- (a) be operated only within the weight and centre of gravity limitations established in accordance with this Part;
- (b) not be operated with an external load weight exceeding that used in showing compliance with this Part; and
- (c) not be operated at airspeeds greater than those established in accordance with these Regulations.

(2) No person shall conduct an external-load operation under these Regulations with a rotorcraft type certified in the restricted category over a densely populated area, in a congested airway or near a busy airport where commercial air transport operations are conducted.

(3) The rotorcraft-load combination of class D may be conducted only in accordance with the following conditions-

- (a) the rotorcraft to be used shall have been type-certificated under transport category and provide hover capability with one engine inoperative at that operating weight and altitude;
- (b) the rotorcraft shall be equipped to allow direct radio intercommunication among required crew members;
- (c) the personnel lifting device shall be approved by the Authority; and
- (d) the lifting device shall have an emergency release requiring two distinct actions.

Rotorcraft load combination operating manual

43. (1) An applicant for a rotorcraft external-load operator certificate shall prepare a rotorcraft-load combination operating manual and submit it to the Authority for approval.

(2) The manual referred to in sub-regulation (1) shall specify-

- (a) operating limitations, normal and emergency procedures, performance, and other information established under this Part;
- (b) the class of rotorcraft-load combinations for which the airworthiness of the rotorcraft has been demonstrated in accordance with this Part; and
- (c) in the information section of the rotorcraft-load combination operating manual-
 - (i) information on any peculiarities discovered when operating particular rotorcraft-load combinations;
 - (ii) precautionary advice regarding static electricity discharges for class B, class C and class D rotorcraft-load combinations; and
 - (iii) any other information essential for safe operation with external loads.

(3) The limiting height speed envelope data need not be listed in the rotorcraft-load combination flight manual.

Markings and placards

44. (1) The markings and placards shall be displayed conspicuously on a rotorcraft and shall be such that they cannot be easily erased, disfigured or obscured.

(2) The placard displayed in the cockpit or cabin shall state the class of rotorcraft-load combination and the occupancy limitation for which the rotorcraft has been approved.

(3) The placard, marking or instruction displayed next to the external-load attaching means shall state the maximum external load approved.

PART IV

GLIDER TOWING, PICKING UP AND RAISING OF PERSONS AND ARTICLES

Towing of gliders

45. (1) No person operating an aircraft in flight shall tow a glider unless the certificate of airworthiness is valid and includes an express provision that the aircraft shall be used for towing a glider of that particular type.

(2) No person operating an aircraft shall tow a glider unless the pilot in command (PIC) of the towing aircraft is qualified under this Part.

(3) No person shall operate an aircraft that is towing a glider unless the aircraft is equipped with a tow hook and release control system that meets the applicable standards of airworthiness.

(4) The length of the combination of towing aircraft, towrope and glider in flight shall not exceed 150 metres.

(5) The pilot in command (PIC) of an aircraft which is about to tow a glider shall be satisfied, before the towing aircraft takes off that-

- (a) the towline is in good condition and meets the requirements specified in this regulation;
- (b) the combination of the towing aircraft and glider is capable of safely taking off, reaching and maintaining a safe height thereafter and making a safe landing at the place of intended destination;
- (c) signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
- (d) emergency signals have been agreed between the PIC of the towing aircraft and the PIC of the glider to be used, respectively, by the PIC of the towing aircraft to indicate that the tow should immediately be released by the glider and by the PIC of the glider to indicate that the tow cannot be released.

(6) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

(7) No person operating an aircraft in flight shall tow a glider except in accordance with such conditions and requirements as the Authority may have notified.

(8) The PIC shall satisfy be satisfied that-

- (a) the towing aircraft is equipped with a tow hitch of a kind and installed in a manner that is approved by the Authority;
- (b) the towline used has breaking strength not less than 80 percent of the maximum certificated operating weight of the glider and not more than twice this operating weight, the towline used shall have a breaking strength more than twice the maximum certificated operating weight of the glider if-
 - (i) a safety link is installed at the point of attachment of the towline to the glider with a breaking strength not less than 80 percent of the maximum certificated operating weight of the glider and not greater than twice this operating weight;
 - (ii) a safety link is installed at the point of attachment of the towline to the towing aircraft with a breaking strength greater, but not more than 25 percent greater than that of the safety link at the towed glider end of the towline and not greater than twice the maximum certificated operating weight of the glider;
- (c) before conducting any towing operation within the lateral boundaries of the surface areas of Class B, C, D or E airspace designated for an airport or before making each towing flight within such controlled airspace if required by air traffic control, the PIC notifies the control tower;
- (d) if a control tower does not exist, the PIC shall notify the Authority before conducting any towing operations; and
- (e) the pilots of the towing aircraft and the glider have agreed upon a general course of action, including takeoff and release signals, airspeeds and emergency procedures for each pilot.

(9) A pilot of an aircraft shall not intentionally release a towline, after release of a glider, in a manner that endangers the life or property of other persons.

Glider towing: experience and training requirements

46. (1) No person shall act as pilot in command (PIC) for towing a glider unless that person-

- (a) holds at least a private pilot licence (PPL) with a category rating for powered aircraft and has logged at least 100 hours of PIC time in the same aircraft category, class and type the pilot is using to tow a glider;
- (b) has a logbook endorsement from an authorized instructor who certifies that the person received ground and flight training in towing gliders and is proficient in-
 - (i) the techniques and procedures essential to the safe towing of gliders, including airspeed limitations;
 - (ii) emergency procedures;
 - (iii) signals used; and
 - (iv) maximum angles of bank;
- (c) has logged at least 3 flights as the sole manipulator of the controls of an aircraft towing a glider or simulating glider-towing flight procedures while accompanied by a pilot who meets the requirements of this regulation;
- (d) has received a logbook endorsement from the pilot, described in paragraph (c), certifying that the person has accomplished at least three flights in an aircraft while towing a glider or while simulating glider-towing flight procedures; and
- (e) within the preceding 12 months has-
 - (i) made at least three actual or simulated glider tows while accompanied by a qualified pilot who meets the requirements of this Part; or
 - (ii) made at least 3 flights as PIC of a glider towed by an aircraft.

(2) The pilot, described in sub-regulation (1)(d), who endorses the logbook of a person seeking glider-towing privileges shall have-

- (a) met the requirements of this regulation prior to endorsing the logbook of the person seeking glider-towing privileges; and
 - (b) logged at least 10 flights as PIC of an aircraft while towing a glider.
- (3) If the pilot referred in sub-regulation (1)(d) holds only a PPL, then that pilot shall have-
- (a) logged at least 100 hours of PIC time in aeroplanes or 200 hours of PIC time in a combination of powered and other than powered aircraft; and
 - (b) performed and logged at least three flights within the twelve calendar months preceding the month that pilot accompanies or endorses the logbook of a person seeking glider-towing privileges-

- (i) in an aircraft while towing a glider accompanied by another pilot who meets the requirements of this section; or
- (ii) as PIC of a glider being towed by an aircraft.

Towing picking up and raising of persons, animals and articles

47. (1) No person operating an aircraft in flight shall, by means external to the aircraft, tow any article other than a glider or banner, tow or pick up or raise any person, animal or article, unless the certificate of airworthiness is valid and includes an express provision that it shall be used for that purpose.

(2) No person shall use an aircraft to launch or pick up towlines, banners of similar articles other than at an aerodrome.

(3) No person shall operate an aircraft in flight to tow any article, other than a glider, at night or when flight visibility is less than one mile.

(4) The length of the combination of towing aircraft, towline and article in a tow shall not exceed 150 metres.

(5) No person flying a helicopter shall fly at any height over a congested area of a city, town or settlement at any time when an article, person or animal is suspended from the helicopter.

(6) Nothing in this regulation shall-

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial or any instrument which is being used for experimental purposes;
- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
- (c) apply to any aircraft while it is flying in accordance with the provisions of the special flight permit issued under the Civil Aviation Authority (Airworthiness) Regulations;
- (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with this Part.

Dropping of articles and animals

48. (1) No person shall drop or permit to drop an article or animal, whether or not attached to a parachute, from an aircraft in flight so as to endanger persons or property.

(2) Sub-regulation (1) shall not apply to the dropping of an article by or with the authority of the pilot in command of the aircraft in any of the following circumstances, if the pilot seeks to avoid endangering persons or property-

- (a) the dropping for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;

- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations;
- (e) the dropping at an aerodrome, in accordance with prescribed regulations of towropes, banners or similar article towed by aircraft;
- (f) the dropping of articles for the purpose of agriculture, horticulture, forestry or public health or as a measure against weather conditions, surface icing or oil pollution or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Authority and in accordance with any condition subject to which that permission may have been given; and
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind indicators are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given.

(3) For the purposes of this regulation "dropping" include projecting and lowering.

(4) Nothing in this regulation shall prohibit the lowering of any animal or article from a helicopter to the surface, if the certificate of airworthiness is valid and includes an express provision that it may be used for that purpose.

Dropping of persons

49. (1) No person shall drop, be dropped or permitted to drop to the surface or jump from an aircraft flying over Swaziland except under and in accordance with the terms of a written authorization granted by the Authority under the Civil Aviation Authority (Personnel Licensing) Regulations.

(2) The terms of the written authorization shall specify its duration.

(3) Notwithstanding the grant of an authorization under sub-regulation (1), no person shall drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) No person shall use an aircraft for the purpose of dropping persons unless the aircraft has a certificate of airworthiness and an authorization granted for that purpose.

(5) Nothing in this regulation shall-

- (a) apply to the descent of persons by parachute from an aircraft in an emergency;
- (b) prohibit the lowering of any person in an emergency or for the purpose of saving life; or
- (c) prohibit the lowering of any person from a helicopter to the surface if the certificate of airworthiness is valid and includes an express provision that it may be used for that purpose.

PART V
BANNER TOWING

Authorization Required

50. (1) Except as provided in sub-regulation (2), no person shall conduct banner towing operations with an aircraft except in accordance with the terms of an authorization issued by the Authority.

(2) A helicopter operating under the provisions of external load operations may tow a banner using an external load attaching means without an authorization only if the operator has a Class B authorization on the operating certificate.

Aircraft requirements

51. (1) No person shall operate an aircraft that is towing a banner unless the aircraft is equipped with a tow hook and release control system that meet the applicable standards of airworthiness.

(2) No person shall operate a helicopter that is towing a banner unless the helicopter has a means to prevent the banner from becoming entangled in the tail rotor of the helicopter during all phases of flight, including auto-rotations.

Experience and training requirements

52. (1) For non-revenue flights, the pilot of the tow aircraft shall hold at least a valid private pilot's licence and have a minimum of 200 hours of pilot in command time.

(2) When banner tow operations are conducted for compensation or hire, the pilot shall have at least a valid commercial pilot's licence.

(3) A pilot engaged in banner towing operations shall demonstrate competence to the Authority by performing at least one pickup and drop of the maximum number of letters (panels) to be used by the certificate holder.

(4) The demonstration referred to in sub-regulation (3) shall be observed from the ground to allow the inspector to evaluate the competence of any essential ground personnel as well as the flight operation.

Operating rules

53. (1) A banner tow operation shall be conducted only-

- (a) in visual flight rules weather conditions; and
- (b) between the hours of official sunrise and sunset.

(2) No person shall conduct banner towing operations-

- (a) over congested areas or open air assemblies of persons at whichever of the following heights is higher-
 - (i) at a height below 1,000 feet above the highest fixed object within 600 metres of the aircraft;
 - (ii) below such a height as would enable the aircraft to alight clear of the area and without danger to persons or property on the surface, in the event of failure of a power unit;

(b) elsewhere not below a height that would enable the aircraft to alight clear of the assembly in the event of the failure of a power unit.

(3) A holder of an authorization carrying out banner tow operation shall be required to obtain a written approval of the airport management to conduct such operations.

(4) If banner towing operations take place at an airport with air traffic control (ATC), the authorization holder shall inform the ATC of the time of the operations and obtain clearance.

(5) The holder of an authorization shall notify the appropriate airport officials in advance when banner tow operations shall be in close proximity to an unmanned airport.

(6) Only essential crew members shall be carried when conducting banner tow operations.

(7) When banner tow operations are conducted around congested areas, the pilot shall exercise due care so that, in the event of emergency release of the banner or towrope, it shall not cause undue hazard to persons or property on the surface.

(8) A pilot conducting banner operation shall drop the towrope in a pre-designated area at least 500 feet from persons, buildings, parked automobiles, and aircraft.

(9) If a tow aeroplane lands with the rope attached, due care shall be exercised to avoid trailing the rope and endangering other aircraft in the air, or persons, property or aircraft on the surface.

(10) A pilot conducting banner-towing operations shall carry on board the aircraft a current copy of the authorization, allowing banner towing operations.

(11) A pilot conducting banner towing operations shall ensure coordination of banner times with other aviation operations at all times;

(12) The coordination shall include-

(a) communications-

(i) air to air;

(ii) air to ground; and

(iii) coordination with ATC;

(b) traffic flow; identification and depiction of traffic patterns for the pilots concerned; and

(c) airworthiness inspections.

(13) An aircraft conducting banner towing operations shall prior to the event undergo an airworthiness safety inspection.

PART VI
TELEVISION, MOVIE OPERATIONS, AERIAL
PHOTOGRAPHY AND AERIAL SURVEY

Authorization required

54. (1) No person shall conduct operations involving movie filming, appearance in flight in movies, airborne direction or production of that filming, aerial photography or aerial survey when those operations are conducted as part of a business enterprise or for compensation or hire unless that person satisfies the requirements of these Regulations.

(2) A person who wishes to carry out operations referred to under sub-regulation (1) shall be required to apply to the Authority for authorization at least 30 days before the date of the intended operation.

(3) For purposes of this regulation, "movie" includes film, videos, and live broadcast in any format, and the preparation and rehearsal for those operations.

Aircraft requirements

55. No person shall use an aircraft in motion picture, television filming, aerial photography or aerial survey operations, unless there is in respect of the aircraft a certificate of airworthiness or a restricted certificate of airworthiness issued for the purpose of exhibition.

Experience and training requirements

56. (1) No pilot shall conduct television movie, aerial photography or aerial survey operations unless the pilot has-

- (a) a commercial pilot licence with type ratings for the aircraft to be used;
- (b) at least 500 hours as pilot-in-command;
- (c) a minimum of 100 hours in the category and class of the aircraft to be used; and
- (d) a minimum of 5 hours in the make and model of the aircraft to be used.

(2) If a pilot for television, movie, aerial photography or aerial survey operations intends to perform acrobatic flights below 1,500 feet above ground level, the pilot shall furnish the Authority with proof of competence to perform the acrobatic manoeuvres in the aircraft to be used.

Special authorization requirements

57. (1) A person who wishes to conduct operations specified under regulation 50 shall apply for a special authorization if filming sequences require an aircraft to be flown-

- (a) in acrobatic flight below 1,500 feet above ground level;
- (b) over a congested area; or
- (c) in controlled airspace.

(2) The holder of the special authorization issued under this Regulation shall provide a schedule of events that lists the-

- (a) identification of the aircraft; and
- (b) performers in the sequence of their appearance.

(3) Any manoeuvres added or time changes to the schedule of events shall be approved by the Authority.

(4) the special authorization holder shall develop and adhere to a motion picture, television, aerial photography or aerial survey flight operations Manual which shall be approved by the Authority.

Contents of a flight operations manual

58. A motion picture, television or aerial photography and survey flight operations manual shall contain at least the following-

- (a) business name, address and telephone number of applicant;
- (b) list of pilots to be used during the filming, aerial photography and survey including their pilot licence numbers, type of licence and date of medical certificate;
- (c) list of aircraft by make and model;
- (d) procedures for revising the manual to ensure that all manuals are kept current;
- (e) procedures to ensure that no persons, except those persons consenting to be involved and necessary for the filming or aerial photography and survey are allowed within 500 feet of the filming production area;
- (f) the area that will be used during the term of the authorization;
- (g) procedures for the submission, within 3 days of scheduled filming or aerial photography and survey, a written plan of activities to the Authority containing at least the following-
 - (i) dates and times for all flights;
 - (ii) name and phone number of person responsible for the filming or aerial photography and survey;
 - (iii) make and model of aircraft to be used and type of airworthiness certificate;
 - (iv) names of pilots involved in the filming or aerial photography and survey;
 - (v) a statement that permission has been obtained from property owners or local officials to conduct the filming or aerial photography and survey;
 - (vi) a general outline, or summary, of the production schedule, to include maps or diagrams of the specific filming or aerial photography and survey location;
- (h) requirements and procedures that the special authorization applicant will use to obtain permission from property owners or local officials like police and fire departments as appropriate for the conduct of all filming or aerial photography and survey;

- (i) method of security that will be used to exclude all persons not directly involved with the operation from the location;
- (j) procedures to brief personnel of the risks involved, emergency procedures, and safeguards to be followed during the filming or aerial photography and survey;
- (k) procedures to ensure that required inspections will be conducted;
- (l) procedures to provide communications capability with all participants during the actual operation and filming or aerial photography and survey; and
- (m) procedures for notification and reporting of incidents and accidents.

Operating rules

59. (1) An operator shall not conduct motion picture, television flight or aerial photography operations so as to endanger persons or property on the surface or aircraft in flight.

(2) Minimum cloud clearance requirements and minimum altitude requirements of the Civil Aviation Authority (Rules of the Air and Air Traffic Control) Regulations do not apply to operations where different requirements and minimums are specifically authorized by the Authority under these Regulations.

PART VII

EXHIBITION OF FLYING

Exhibition of flying

60. (1) No person shall conduct an exhibition of flying unless that person has obtained authorization from the Authority.

(2) No pilot shall participate in an exhibition of flying unless that pilot-

- (a) holds a valid private pilot licence, commercial pilot licence or airline transport pilot licence;
- (b) is rated on the type of aircraft to be used; and
- (c) complies with any relevant conditions specified in the authorization.

(3) No person shall use an aircraft in exhibition of flying, unless that aircraft has a valid certificate of airworthiness.

(4) No person shall be issued with the authorization referred to in sub-regulation (1) unless that person proves to the Authority the ability to safely conduct the exhibition of flying.

(5) The authorization referred to in sub-regulation (1) may be issued subject to any conditions that the Authority considers fit and shall, remain in force for the period specified in the authorization.

(6) No person authorized under this regulation shall conduct exhibition of flying so as to endanger persons or property on the surface or aircraft in flight.

PART VIII
TRAFFIC AND SPORTS REPORTING, FISH SPOTTING
AND GAME VIEWING

Traffic reporting

61. (1) No person shall conduct any aircraft operations involving the observation of, and reporting on, vehicular traffic conditions on the highways and streets unless that person-

- (a) holds at least a valid private pilot licence-
- (b) uses an aircraft with a certificate of airworthiness; and
- (c) holds an authorization issued by the Authority.

(2) No person authorized under this regulation shall conduct operations so as to endanger persons or property on the surface or aircraft in flight.

Game viewing or tracking operation

62. (1) No person shall conduct aircraft operations involving the observation of, and reporting on and participating in game viewing or tracking operations unless that person-

- (a) holds at least a valid private pilot's licence;
- (b) uses aircraft with a certificate of airworthiness or restricted certificate of airworthiness;
- (c) holds an authorization issued by the Authority.

(2) No person authorized under this regulation shall conduct operations so as to endanger persons, animals or property on the surface or aircraft in flight.

Competitive motor vehicle operations

63. (1) No person shall conduct aircraft operations involving the observation of, and reporting on and participating in motor vehicle testing and competitive operations unless that person-

- (a) holds at least a valid private pilot's licence;
- (b) uses an aircraft with a standard certificate of airworthiness; and
- (c) holds authorization issued by the Authority.

(2) No person authorized under this regulation shall conduct operations so as to endanger persons or property on the surface or aircraft in flight.

Fish spotting

64. (1) No person shall conduct aircraft operations involving location, tracking, and reporting on the location of fish and fish schools, as part of a business enterprise or for compensation or hire unless that person obtains authorization from the Authority.

(2) No person authorized under this regulation shall conduct operations so as to endanger persons or property on the surface or aircraft in flight.

(3) The minimum cloud clearance requirements and minimum altitude requirements of the Civil Aviation Authority (Rules of the Air and Air Traffic Control) Regulations do not apply to operations specifically authorized by the Authority under this regulation with different minimas.

PART IX GENERAL

Possession of a Licence

65. (1) A holder of a licence, certificate or authorization or other document issued by the Authority under these Regulations shall have it in their physical possession or at the work site when exercising the privileges of that licence, certificate, authorization or such other document.

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

Drug and Alcohol testing and reporting

66. (1) A person who performs any function requiring a licence, rating, qualification or authorization prescribed by these Regulations directly or by contract under the provisions of these Regulations may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorized by the Authority wishes to test a person referred to in sub-regulation (1) for the percentage by weight of alcohol in the blood or for the presence of narcotic drugs, marijuana or depressant or stimulant drugs or substances in the body and that person-

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorize the release of the test results, the Authority may suspend or revoke the certificate or authorization issued by the Authority.

(3) In determining whether to suspend or revoke the agricultural air operator certificate (AAOC) or rotorcraft external-load operator certificate, the Authority shall consider all relevant factors, including-

- (a) whether the AAOC or rotorcraft external-load operator certificate holder had knowledge of the drug or alcohol use;
- (b) whether the AAOC or rotorcraft external-load operator certificate holder encouraged the person to refuse the drug or alcohol test;
- (c) whether the AAOC or rotorcraft external-load operator certificate holder dismissed the person who failed or refused the drug tests; or
- (d) the position that person held with the AAOC holder or rotorcraft external-load operator certificate holder.

(4) The Authority shall require the AAOC or rotorcraft external-load operator certificate holder to show cause why that person should not be dismissed from the employment of the AAOC or rotorcraft external-load operator certificate holder.

(5) A person who is convicted, whether in or outside Swaziland, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation or importation of narcotic drugs, marijuana or depressant or stimulant drugs or substances, shall be dismissed from the employment of the AAOC or rotorcraft external-load operator certificate holder.

(6) The Authority may suspend or revoke the certificate of an AAOC or rotorcraft external-load operator certificate holder who refuses to dismiss from its employment a person convicted under sub regulation (3).

Inspection of licences and certificates

67. A person who holds a licence, certificate, authorization or other document required by these Regulations shall present it for inspection upon a request from the Authority or any person authorized by the Authority.

Change of name.

68. (1) A holder of a licence, certificate, authorization or other document issued under these Regulations may apply to change the name on the licence, certificate, authorization or other document.

(2) The holder shall include with the request-

(a) the current licence, certificate, authorization or other document sought to be amended; and

(b) a court order or other legal document verifying the name change.

(3) The Authority may change the licence, certificate, authorization or document and issue a replacement.

(4) The Authority shall return to the holder the original documents specified in sub-regulation 2(b) and retain copies and return the replaced licence, certificate or authorization with the appropriate endorsement.

(5) A licence, certificate, authorization or other document issued to a person under these Regulations is not transferable

Change of address

69. (1) A holder of a certificate or authorization 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 in advance; 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 authorization.

Replacement of documents

70. 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.

Certificate suspension and revocations

71. (1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any certificate, approval, permission, exemption, authorization or other document issued, granted or having effect under these Regulations.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend or vary any certificate, approval, permission, exemption or 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, approval, permission, exemption or other document which has been revoked, suspended or varied under these Regulations shall surrender it 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, approval, permission, exemption 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

72. (1) No person shall-

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended or to which the person is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for that person or any other person the issue, renewal or variation of any certificate, approval, permission or exemption or 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 in the records, required by or under these Regulations to be maintained or knowingly make or procure or assist in the making of any false entry in that 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, document or exemption under these Regulations unless that person is authorized to do so by the Authority.

(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

73. (1) A person who knows of a violation of the Civil Aviation Authority Act or any regulation or order issued 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

74. A person who fails to comply with any direction given to that person 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

75. (1) The Authority may notify the fees to be charged in connection with the application, 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, the applicant shall be required, before the application is accepted, to pay the application fee.

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

Application of Regulations to Government and visiting forces, etc

76. (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 for the time being 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 provision of these regulations to the same extent as if the visiting force formed part of the military force of Swaziland.

Extraterritorial application of Regulations

77. 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 that aircraft wherever they may be;
- (b) in so far as they apply, whether by express reference or otherwise, to other aircraft, shall apply to that 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 the persons are citizens of Swaziland, apply to them wherever they may be.

PART X OFFENCES AND PENALTIES

Contravention of Regulations

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

Penalties

79. (1) If any provision of these Regulations, orders, notices or proclamations made under these Regulations is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or the PIC 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 PIC proves that the contravention occurred without their consent or connivance and that all due diligence was exercised to prevent the contravention.

(2) A person who contravenes any provision specified as an "A" provision in the Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding fifty thousand Emalangeni for each offence 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 Schedule commits an offence and is liable on conviction to a fine not exceeding one hundred thousand Emalangeni for each offence 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 Schedule to these Regulations, 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 a similar offence, to a fine not exceeding two hundred thousand Emalangeni.

PART XI EXEMPTIONS

Requirements for application

80. (1) A person may apply to the Authority for an exemption from any provision of these Regulations.

(2) An application for an exemption shall be submitted at least 60 days in advance of the proposed effective date, to obtain timely review.

(3) A request for an exemption shall contain the applicant's-

- (a) name;
- (b) physical address and mailing address;
- (c) telephone number;

- (d) fax number if available; and
 - (e) email address if available.
- (4) The application shall be accompanied by a fee specified by the Authority.

Substance of the request for exemption

81. (1) An application for an exemption shall contain the following-

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefits the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware.

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons why the application was not timely filed, and the reasons why it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption on time.

REVIEW, PUBLICATION AND ISSUE OR DENIAL OF THE EXEMPTION

Initial review by the Authority

82. (1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 80 and 81.

(2) If the application appears on its face to satisfy the provisions of this regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application either in the Gazette, aeronautical information circular or one local daily newspaper for comment and specify the date by which comments shall be received by the Authority for consideration.

(3) Where the filing requirements of regulations 80 and 81 have not been met, the Authority will notify the applicant and take no further action until the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the decision of the Authority as soon as possible after processing the application.

Evaluation of the request

83. (1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine-

- (a) whether an exemption would be in the public interest;
- (b) whether the proposal of the applicant would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the technical resources of the Authority, the Authority may deny the exemption on that basis;
- (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organization Standards and Recommended Practices; and
- (d) whether the request should be granted or denied and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Swaziland, the Authority shall publish the summary in aeronautical information circular.

PART XII
TRANSITION AND SAVINGS

Transition and savings

84. 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.

SCHEDULE

PENALTIES
(Regulation 83)

REG. NO.	TITLE	PART
4	Certificate required	A
11	Carrying and display of certificate	A
12	Limitations on private agricultural aircraft operator	A
13	Manner of dispensing	A
14	Economic poison dispensing	A

REG. NO.	TITLE	PART
15	Personnel	A
17	Operations in controlled airspace designated for an airport	A
20	Operation over congested areas: general	A
21	Operation over congested areas: pilots and aircraft	A
22	Business name: commercial agricultural aircraft operator	A
23	Access for inspection	A
24	Records: commercial agricultural aircraft operator	A
30	Rotorcraft	A
31	Personnel	A
34	Availability, display and surrender of certificate	A
36	Operating rules	A
37	Carriage of persons	A
38	Crew member training, currency and testing requirements	A
39	Access for inspection	A
41	Structures and design	A
42	Operating limitations	A
45	Towing of gliders	A
46	Glider towing: experience and training requirements	A
47	Towing, picking up and raising of persons, animals and articles	A
48	Dropping of articles and animals	A
49	Dropping of persons	A
50	Authorization required	A
51	Aircraft requirements	A
52	Experience and training requirements	A
53	Operating rules	A
54	Authorization required	A

REG. NO.	TITLE	PART
55	Aircraft requirements	A
56	Experience and training requirements	A
57	Special authorization requirements	A
59	Operating rules	A
60	Exhibition of flying	A
61	Traffic reporting	A
62	Game viewing or tracking operation	A
63	Competitive motor vehicle operations	A
64	Fish spotting	A
65	Possession of a licence	A
67	Inspection of licences and certificates	A
72	Use and retention of certificates and records	B

N. DLAMINI
MINISTER OF PUBLIC WORKS AND TRANSPORT

LEGAL NOTICE NO. 115 OF 2011

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

CIVIL AVIATION AUTHORITY (APPROVED TRAINING
ORGANIZATIONS) 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 (Approved Training Organizations) 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-

“accountable manager” means the manager who has corporate authority for ensuring that all training commitments can be financed and carried out to the standard required by the Authority and any additional requirements defined by the approved training organization;

“aeroplane” means a 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;

“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 surface of the earth;

“approved training” means training conducted under curricula and supervision approved by the Authority;

“approved training organization” means an organization approved by the Authority to perform approved training as specified in these Regulations and operating under the supervision of the Authority;

“Authority” means the Civil Aviation Authority established under the Civil Aviation Authority Act;

“procedures manual” means a manual containing procedures, instructions and guidance for use by personnel of the approved training organization in the execution of their duties in meeting the requirements of the certificate;

“quality manager” means the manager, acceptable to the Authority, responsible for the management of the quality system, monitoring function and requesting corrective actions;

“quality system” means the documented organizational procedures and policies; the internal audit of those policies and procedures; and the management review and recommendation for quality improvement;

“satellite approved training organization” means an ATO at a location other than the primary location of the ATO;

“synthetic flight trainer” means any one of the following three types of apparatus in which flight conditions are simulated on the ground-

- (a) a flight simulator, which provides an accurate representation of the cockpit of a particular aircraft type to the extent that the mechanical, electrical, electronic, etc. aircraft systems control functions, the normal environment of flight crew members and the performance and flight characteristics of that type of aircraft are realistically simulated;
- (b) a flight procedures trainer, which provides a realistic cockpit environment and which simulates instrument responses, simple control functions of mechanical, electrical, electronic, etc. aircraft systems and the performance and flight characteristics of aircraft of a particular class;
- (c) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the cockpit environment of an aircraft in flight in instrument flight conditions;

“training manual” means a manual containing the training goals, objective, standards, syllabi and curriculum for each phase of the approved training course;

“training specifications” means a document issued to an approved training organization certificate holder by the Authority that specifies training programme requirements and authorizes the conduct of training, checking and testing with any limitations of training, checking and testing.

PART II

CERTIFICATION AND LOCATION REQUIREMENTS

Requirements for an ATO certificate

3. (1) No person shall operate an approved training organization or hold out as an approved training organization unless that person is in possession of an ATO Certificate and training specification requirements required under these Regulations.

(2) Sub-regulation (1) shall not apply to-

(a) an air operator certificate holder or approved maintenance organization certificate holder conducting training of its own personnel under the Civil Aviation (Air Operator Certification and Administration) Regulations and the Civil Aviation (Approved Maintenance Organization) Regulations respectively; and

(b) an operator with an approved training programme in its operations manual under the Civil Aviation (Operation of Aircraft) Regulations.

(3) No person shall conduct training, testing or checking in synthetic flight trainers without or in contravention of the certificate and training specifications required under these Regulations.

(4) The Authority shall issue to an ATO that meets the requirements of these Regulations an ATO certificate and training specifications for providing courses for flight crew licences and ratings and for courses for personnel other than flight crew members, as approved by the Authority.

(5) A holder of an ATO certificate shall, at all times, display that certificate in a place in the school that is normally accessible to the public and that is not obscured.

Evaluation and checking

4. Where the Authority has authorized an approved training organization to conduct the testing required for the issue of a licence or rating, the testing shall be conducted by personnel authorized by the Authority or designated by the training organization in accordance with criteria approved by the Authority.

Application for issuance or amendment of an ATO certificate

5. (1) An applicant for an approved training organization (ATO) certificate and training specifications or for an amendment to an ATO certificate and training specifications, shall apply at least ninety days before the beginning of any proposed training which was not approved before.

(2) An applicant for an ATO certificate shall submit an application on a form and in a manner prescribed by the Authority.

(3) The application shall contain the following information-

- (a) a statement showing that the minimum qualification requirements for each management position are met;
- (b) a description of the minimum qualifications and ratings for each instructor;
- (c) a statement acknowledging that the applicant may notify the Authority within ten working days of any change made in the assignment of persons in the required management or instructors positions;
- (d) the proposed training specifications requested by the applicant;
- (e) a description of the training equipment that the applicant proposes to use, including the aircraft, the synthetic flight trainers or any special equipment used for each phase of training;
- (f) a list of the aerodromes or sites at which training flights originate, if applicable and a description of the training facilities of the applicant, equipment and qualifications of personnel to be used;
- (g) a training programme, including manuals, curricula, outlines, courseware, procedures and documentation to support the items required in regulations 16, 17 and 20; and
- (h) a description of a record keeping system that will identify and document the details of training, qualification, and licensing of students, instructors, and evaluators;
- (i) a description of the quality control measures proposed;
- (j) a method of demonstrating the qualification of the applicant and ability to provide training for a licence or rating in fewer than the minimum hours prescribed in the Civil Aviation Authority (Personnel Licensing) Regulations if the applicant proposes to do so; and
- (k) a statement of compliance showing how the applicant has met all applicable requirements in these Regulations.

(4) An ATO shall submit a manual establishing procedures acceptable to the Authority to ensure compliance with all relevant requirements of these Regulations and the procedures shall include a quality system which meets the requirements specified in regulation 11.

(5) An applicant for an ATO certificate shall ensure that the facilities and equipment described in the application are available for inspection and evaluation prior to approval and in place and operational at the location of the ATO prior to the issue of a certificate.

(6) The Authority shall after inspection, issue to an applicant who meets the requirements of these Regulations and is approved by the Authority-

- (a) an ATO certificate containing-
 - (i) the name and location of the ATO;
 - (ii) the date of issue and period of validity of the certificate;
 - (iii) the authorized locations of operations; and

- (iv) training courses for the following categories, as applicable, flight crew training, training for personnel other than flight crew and other training as approved by the Authority;
- (b) training specifications containing-
 - (i) authorization for the ATO;
 - (ii) the type of training authorized, including approved training courses;
 - (iii) the rating, category, class and type of aircraft or parts of the aircraft, that may be used for training, testing and checking;
 - (iv) for each synthetic flight trainer that may be used for training, testing and checking, the make, model and series of aircraft being simulated, the qualification level and the identification number assigned by the Authority;
 - (v) any aircraft or part of the aircraft, approved for training, as appropriate;
 - (vi) the staff required to perform and meet the requirements of these Regulations; and
 - (vii) any other items the Authority may require or allow.

(7) The Authority shall refuse to issue an ATO certificate if it finds that the applicant does not comply with the approval requirements of these Regulations.

(8) The Authority may amend an ATO certificate or the training specifications-

- (a) on the own initiative of the Authority; or
- (b) upon application by the certificate holder.

(9) A training organization located outside Swaziland may apply for a Swazi ATO certificate, to provide training leading to a license issued by Authority provided the requirements of these Regulations are met.

Validity of the certificate

6. A certificate issued or renewed to an approved training organization (ATO) shall be valid for twelve months from the date of issue or renewal, unless a shorter period is specified by the Authority or-

- (a) the Authority amends, suspends, revokes or otherwise terminates the certificate;
or
- (b) the ATO surrenders it to the Authority.

Inspection.

7. (1) The Authority may, at any time, inspect the facilities, records, personnel and equipment of an approved training organization (ATO) certificate holder to determine the ongoing compliance with these Regulations by the ATO.

(2) The Authority shall conduct inspections at least once annually.

(3) After the inspection specified in sub-regulation (1), an ATO certificate holder shall be notified, in writing, of any deficiencies found during the inspection.

(4) An inspection shall also be conducted on the applicant for or on the holder of an ATO certificate based outside Swaziland.

(5) An inspection carried out under this regulation shall focus on-

- (a) adequacy of and qualifications of staff;
- (b) validity of licences of instructors, ratings and logbooks;
- (c) training aircraft-registration, associated documents, and maintenance records;
- (d) synthetic flight trainers- qualification and approval;
- (e) facilities-library, class rooms, training equipment adequacy to the courses being conducted and the number of students;
- (f) documentation- documents related to the courses; updating system; training and operations manuals;
- (g) training records and checking forms;
- (h) flight instruction including pre-flight briefing, actual flight debriefing for ATOs for flight crew training;
- (i) examination- management and control;
- (j) instruction programme for personnel other than flight crew;
- (k) quality assurance system.

Renewal of the certificate

8. (1) An approved training organization (ATO) may apply for renewal of its ATO certificate at least thirty days before the expiry date in order to ensure continuity of the training if the ATO meets the requirements prescribed in these Regulations.

(2) The Authority shall inspect an ATO that applies for a renewal to ensure that the ATO meets the requirements prescribed in these Regulations.

Suspension or revocation

9. The Authority shall suspend or revoke an approved training organization certificate, if it is established that a certificate holder has not met or no longer meets the requirements of these Regulations.

Certificate holder responsibilities

10. A holder of an approved training organization (ATO) certificate shall-

- (a) ensure that the facilities and working environment of the ATO are appropriate for the tasks to be performed;

- (b) ensure that it has the necessary technical data, equipment, training devices and material to conduct the courses for which it is approved;
- (c) not make a substantial change in facilities, equipment or material that have been approved for a particular training programme, unless that change is approved by the Authority in advance; and
- (d) maintain the records required by these Regulations in facilities adequate for that purpose.

Quality system for ATO

11. (1) An approved training organization (ATO) shall establish a quality system acceptable to the Authority which includes-

- (a) an independent audit procedure to monitor training standards;
- (b) the integrity of knowledge examinations and practical assessments; and
- (c) compliance with and adequacy of procedures.

(2) The management of the quality system shall include feedback of the independent audit findings to the ATO senior management personnel and ultimately to the accountable manager to ensure, as necessary, corrective action.

(3) The quality system shall meet the requirements prescribed in First Schedule.

Location of Principal Business Office

12. An applicant for or a holder of an approved training organization certificate shall establish and maintain a principal business office that is physically located at the address shown on the certificate.

Satellite ATOs.

13. (1) A holder of an approved training organization (ATO) certificate may conduct training in accordance with a training programme approved by the Authority at a satellite ATO if-

- (a) the facilities, equipment, personnel and course content of the satellite ATO meets the applicable requirements;
- (b) the instructors at the satellite ATO are under the direct supervision of management personnel of the principal ATO; and
- (c) the training specifications of the ATO certificate holder reflect the name and address of the satellite ATO and the approved training courses offered at the satellite ATO.

(2) The Authority shall issue training specifications which prescribe the operations required and authorized at each satellite ATO.

(3) An ATO may sub-contract certain activities to any other organization subject to the approval of the Authority.

(4) The ultimate responsibility for the training provided by the satellite ATO remains with the ATO.

(5) The ATO and the satellite ATO will execute a written agreement defining the safety and quality-related services to be provided; the satellite ATO's safety related activities relevant to the agreement should be included in the ATO's quality assurance programme.

Changes requiring notice to the Authority

15. (1) An approved training organization (ATO) shall notify the Authority within thirty days of any of the following changes-

- (a) the accountable manager;
- (b) the quality manager;
- (c) the instructional staff; and
- (d) the housing, training facilities and equipment, procedures, training programme and work scope that could affect the approval.

(2) The Authority may prescribe the conditions under which the ATO may operate during the period the changes specified in sub-regulation (1) occurs unless the Authority determines that the approval should be suspended.

Training Manual and Procedures Manual

15. (1) An applicant or a holder of an approved training organization (ATO) certificate shall prepare and maintain a training manual and procedures manual containing information and instructions to enable staff to perform their duties and to give guidance to students on how to comply with course requirements, as listed in the training manual and procedures manual set out in the Second Schedule to these Regulations.

(2) An ATO may combine the training manual and procedures manual.

(3) The ATO shall ensure that the training manual and the procedures manual is amended as necessary to keep the information contained in manuals up to date.

(4) Copies of all amendments to the training manual and the procedures manual shall be furnished promptly to all organizations or persons to whom the manual has been issued.

PART III

TRAINING FOR FLIGHT CREW LICENCES AND RATINGS

Flight crew training courses

16. The Authority may approve, as provided in the training specifications, the following courses of instruction to an applicant for or a holder of an approved training organization certificate if the applicant meets the requirements of the Civil Aviation Authority (Personnel Licensing) Regulations and these Regulations-

- (a) private pilot licence course;
- (b) commercial pilot licence course;
- (c) instrument rating course;

- (d) commercial pilot licence or instrument rating-multi-engine or crew resource management integrated course;
- (e) airline transport pilot licence course;
- (f) flight engineer licence course;
- (g) flight navigator licence course;
- (h) class rating course;
- (i) type rating course;
- (j) crew resource management course;
- (k) flight instructor course;
- (l) instructor course for additional type or class ratings;
- (m) instructor course for synthetic flight training;
- (n) refresher courses;
- (o) category II and III operations;
- (p) extended twin engine operations;
- (q) human factors;
- (r) safety management systems; and
- (s) any other course as the Authority may approve.

Personnel

17. (1) An approved training organization (ATO) shall satisfy the Authority that there shall be on its staff-

- (a) an accountable manager;
- (b) a quality manager;
- (c) a head of training;
- (d) a chief flight instructor, as applicable;
- (e) a chief ground instructor as applicable; and
- (f) an adequate number of ground and flight instructors relevant to the courses provided.

(2) An instructor to be used for flight training shall hold an instructor rating or authorization in accordance with the Civil Aviation (Personnel Licensing) Regulations relevant to the instruction given.

(3) An ATO shall ensure that all instructional personnel receive initial and continuation training appropriate to their assigned tasks and responsibilities; the training programme for instructional personnel established by the ATO shall include training in knowledge and skills related to human performance.

(4) The responsibilities and qualifications of the management personnel employed in an ATO shall be as specified in the Third Schedule.

(5) The Authority may approve positions, other than those listed, if the ATO can show that it can conduct the training with the high training standard under the direction of fewer or different categories of management personnel due to the-

- (a) kind of training conducted;
- (b) number of students; and
- (c) locations of training.

Training programme and approval

18. (1) An applicant for or a holder of an approved training organization (ATO) certificate shall apply to the Authority for approval of a training programme.

(2) An applicant for or holder of an ATO certificate shall develop a training programme for each type of course offered which shall include-

- (a) a breakdown of flying and theoretical knowledge instruction in either a week-by-week or phase presentation, a list of standard exercises and a curriculum summary; in particular, synthetic flight training and theoretical knowledge instruction shall be phased in a manner that ensures that students are able to apply to flying exercises the knowledge gained on the ground;
- (b) minimum aircraft and flight training equipment requirements for each proposed programme;
- (c) minimum instructor qualifications for each proposed programme; and
- (d) a programme for initial training and continuing training of each instructor employed to instruct in a proposed programme.

(3) The content and sequence of the training programme shall be acceptable to the Authority.

Training aircraft

19. (1) A holder of an approved training organization certificate shall provide an adequate fleet of training aircraft appropriate to the courses of training for flight crew licences and ratings and aircraft provided shall be fitted with duplicated primary flight controls for use by the instructor and the student and shall not have swing-over flight controls.

(2) The fleet provided under sub-regulation (1) shall include-

- (a) as appropriate to the courses of training, aeroplanes suitable for demonstrating stalling and spin avoidance;

- (b) helicopters shall include, as appropriate to the courses of training, a helicopter suitable for auto-rotation demonstration; and
- (c) aircraft suitably equipped to simulate instrument meteorological conditions and suitably equipped for instrument flight training and testing.

Synthetic flight trainers

20. An applicant for or a holder of an approved training organization certificate-

- (a) providing synthetic flight training, shall satisfy the Authority that suitably equipped synthetic flight trainers are provided, having regard to the number of students and organization of courses; and
- (b) shall show that each synthetic flight trainer used for training, testing and hecking will be or is specifically qualified and approved by the Authority for-
 - (i) each manoeuvre and procedure for the make, model and series of aircraft, set of aircraft or aircraft type simulated, as applicable; and
 - (ii) each training programme or training course in which the synthetic flight trainer is used, if that programme or course is used to satisfy any requirement of these Regulations.

Aerodrome and sites

21. (1) An applicant for or a holder of an approved training organization certificate that intends to conduct or conducts flight training shall show that it has continuous use of each airport and sites for helicopter training at which training flights originate and that the airport has an adequate runway and other necessary equipment.

(2) A base aerodrome and any alternative base aerodrome at which flying training is being conducted shall have at least the following facilities-

- (a) at least one runway or take-off area that allows training aircraft to make a normal take-off or landing at the maximum take-off or maximum landing mass authorized and touch-down autorotation as appropriate-
 - (i) under calm wind of not more than five knots conditions and temperatures equal to the mean high temperature for the hottest month of the year in the operating area;
 - (ii) clearing all obstacles in the take-off flight path by at least fifty feet;
 - (iii) with the powerplant operation and the landing gear and flap operations (if applicable) recommended by the manufacturer; and
 - (iv) with a smooth transition from lift-off to the best rate of climb speed without exceptional piloting skills or techniques;
- (b) have wind direction indicator that is visible at ground level from the ends of each runway;
- (c) have adequate runway electrical lighting if used for night training; and

- (d) have a traffic direction indicator when-
 - (i) the airport does not have an operating control tower; and
 - (ii) traffic and wind advisories are not available;
- (e) sites shall be available for-
 - (i) confined area operation training;
 - (ii) simulated engine off autorotation;
 - (iii) sloping ground operation.

Training facilities

22. (1) An applicant for or a holder of an approved training organization (ATO) certificate shall, subject to the determination by the Authority, have facilities appropriate for the maximum number of students expected to be taught at any time.

- (2) The minimum facilities shall be-
 - (a) for flight operations-
 - (i) an operation room;
 - (ii) a flight planning room;
 - (iii) adequate briefing rooms;
 - (iv) an office for the instructors;
 - (b) for knowledge instructions-
 - (i) classroom accommodation;
 - (ii) suitable demonstration equipment;
 - (iii) a radio telephony training and testing facility;
 - (iv) a library; and
 - (v) an office for instructors.

(3) A holder of an ATO certificate shall not make a substantial change in facilities, equipment or material that have been approved for a particular training programme unless that change is approved by the Authority in advance.

PART IV
TRAINING FOR LICENCES AND RATINGS FOR
AIRCRAFT MAINTENANCE ENGINEERS, AIR TRAFFIC
CONTROLLERS AND FLIGHT OPERATION OFFICERS

Training courses for licenses and ratings for aircraft maintenance engineers, air traffic controllers and flight operation officers

23. The Authority may approve the following courses of instruction to an applicant for or a holder of an approved training organization certificate, if the applicant meets the requirements of the Civil Aviation Authority (Personnel Licensing) Regulations-

- (a) aircraft maintenance engineers basic course;
- (b) airframe rating, powerplant rating, avionics rating course;
- (c) air traffic controller licence course;
- (d) training for ratings for air traffic controller licences;
- (e) flight operation officer course;
- (f) flight radio telephony operator course; and
- (g) cabin crew member course.

Personnel of an ATO

24. (1) An approved training organization shall satisfy the Authority that an adequate number of qualified, competent staff are employed as follows-

- (a) an accountable manager;
- (b) a quality control manager;
- (c) a head of training; a
- (d) a chief instructor; and
- (e) an adequate number of instructors relevant to the courses provided, qualified in accordance with the requirements of the Civil Aviation Authority (Personnel Licensing) Regulations.

(2) An ATO shall ensure that all instructional personnel receive initial and continuation training appropriate to their assigned tasks and responsibilities of the training programme established by the training organization and shall include training in knowledge and skills related to human performance.

(3) The personnel specified in this regulation shall submit their credentials to the Authority and shall show that they have relevant qualifications and satisfactory experience related to approved training as appropriate in accordance with the Third Schedule.

Training programme and approval

25. (1) An applicant for or a holder of an approved training organization certificate shall-

- (a) ensure that each training programme submitted to the Authority for approval meets the applicable requirements;
- (b) indicate in the application-
 - (i) courses which are part of the programme; and
 - (ii) requirements of the Civil Aviation Authority (Personnel Licensing) Regulations which may be satisfied.

(2) Where the Authority finds that the approved training programme does not meet the applicable requirements, it shall require the holder to revise the training programme.

Training facilities, equipment and material for licensed maintenance engineer courses

26. (1) An applicant for or a holder of an approved training organization (ATO) certificate that intends to conduct or conducts aircraft maintenance engineer courses shall have suitable facilities, as determined by the Authority, appropriate for the maximum number of students expected to be taught at any time and the ratings sought as follows-

- (a) an enclosed adequately equipped classroom;
- (b) a well equipped library;
- (c) workshops, equipment, tools, adequate supply of materials, special tools and similar articles for the rating sought;
- (d) adequate office facilities; and
- (e) secure storage facilities for examination papers and training records.

(2) An applicant for or a holder of an ATO certificate with approved licensed maintenance engineer courses shall have and maintain adequate instructional equipment that is appropriate to the rating sought.

(3) A holder of an ATO certificate shall not make any change in facilities, equipment or material that have been approved for a particular training programme, unless that change is approved by the Authority in advance.

(4) An applicant for or a holder of an ATO certificate to conduct aircraft maintenance engineer courses shall ensure that the tools, equipment, materials and instructional equipment required by sub-regulations (1) and (2) are in satisfactory working condition for instructional and practice purposes.

Training facilities, equipment and material for air traffic controllers or flight radiotelephone operator

27. (1) An applicant for or a holder of an approved training organization (ATO) certificate to train air traffic controllers or flight radio telephony operators shall have facilities as determined by the Authority, appropriate for the maximum number of students expected to be taught at any time and the ratings sought as follows-

- (a) an enclosed adequately equipped classroom;
- (b) well equipped library;

- (c) well designed simulators appropriate for the rating sought;
- (d) adequate office accommodation for instructors;
- (e) control desk or console where applicable;
- (f) International Civil Aviation Organization approved syllabus for rating being sought; and
- (g) secure storage facilities for examination papers and training records.

(2) An applicant for or a holder of an ATO certificate with air traffic controller or flight radiotelephony operator courses shall maintain instructional equipment that is appropriate to the rating sought.

(3) A holder of an ATO certificate to train air traffic controllers or flight radio telephony operators shall not make any change in facilities, equipment, simulators or materials that have been approved for a particular training unless that change is approved by the Authority in advance.

(4) An applicant for or a holder of an ATO certificate to train air traffic controllers or flight radio telephony operators shall ensure that the equipment, materials and simulators required by sub-regulations (1) and (2) are in satisfactory working condition for instructional and practice purposes.

Training facilities, equipment and material for flight operations officers or cabin crew members

28. (1) An applicant for or a holder of an approved training organization (ATO) certificate to train flight operations officers or cabin crew members shall have facilities, as determined by the Authority, appropriate for the maximum number of students expected to be taught at any time, as follows-

- (a) adequate enclosed classroom;
- (b) flight operations facilities, including-
 - (i) an operations room;
 - (ii) a flight planning room;
 - (iii) an office for the instructors;
- (c) suitable demonstration equipment and cabin mock-ups;
- (d) suitable radio telephony training and testing facility (for flight operations officer training only);
- (e) a library;
- (f) secure storage facilities for examination papers and training records.

(2) An applicant for or a holder of an ATO certificate for flight operations officers or cabin crew members courses shall have and maintain instructional equipment appropriate for the training sought.

(3) A holder of an ATO certificate shall not make a substantial change in facilities, equipment or material that have been approved for a particular training programme, unless that change is approved by the Authority in advance.

(4) An applicant for or a holder of an ATO certificate to train flight operations officers or cabin crew members shall ensure that the equipment and materials, required by sub-regulations (1) and (2) are in satisfactory working condition for instructional and practice purposes.

Advertising limitations

29. (1) An ATO shall not-

- (a) conduct or advertise to conduct any training, testing or checking that is not approved by the Authority if that training is designed to satisfy any requirement of these Regulations;
- (b) make any statement relating to its ATO certification and training specifications that is false or designed to mislead any person contemplating enrolment in that ATO; or
- (c) advertise that the ATO is certified unless it clearly differentiates between courses that have been approved under these Regulations and those that have not been approved under these Regulations.

(2) An ATO whose certificate has been surrendered, suspended, revoked or terminated shall promptly-

- (a) remove all indications, including signs, wherever located, that the ATO was certified by the Authority; and
- (b) cease all advertising indicating that the ATO is certified by the Authority.

PART V GENERAL

Possession of the licence

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

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

Drug and alcohol testing and reporting

31. (1) A person who performs any function requiring the approval of the Authority may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorized by the Authority wishes to test a person referred to in sub-regulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana or depressant or stimulant drugs or substances in the body, and that person-

(a) refuses to submit to the test; or

(b) having submitted to the test, refuses to authorize the release of the test results,

the Authority may suspend or revoke the certificate of the approved training organization (ATO) that employs that person.

(3) In determining whether to suspend or revoke the certificate of an ATO, the Authority shall consider all relevant factors, including-

(a) whether the ATO had knowledge of the drug or alcohol use;

(b) whether the ATO encouraged the person to refuse the drug or alcohol test;

(c) whether the ATO dismissed the person who failed or refused the drug tests; or

(d) the position that person held in the ATO.

(4) The Authority shall require the ATO to show cause why that person should not be dismissed from the employment of the ATO.

(5) A person who is convicted, whether in or outside Swaziland, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation or importation of narcotic drugs, marijuana or depressant or stimulant drugs or substances, shall be dismissed from the employment of the ATO.

(6) The Authority may suspend or revoke the certificate of an ATO that refuses to dismiss from its employment a person convicted under sub regulation (5).

Inspection of licences and certificates

32. A person who holds a licence, certificate, or authorization required by these Regulations shall present it for inspection upon a request from the Authority or any law enforcement officer.

Change of name

33. (1) A holder of a licence, certificate or authorization issued under these Regulations may apply to change the name on the license or certificate.

(2) The holder shall include with any such request-

(a) the current licence or certificate; and

(b) a court order or other legal document verifying the name change.

(3) The Authority may change the licence, certificate or authorization and issue a replacement.

(4) The Authority shall return to the holder the original documents specified in sub-regulation 2(b) and retain copies of these documents and return the replaced licence, certificate or authorization with the appropriate endorsement.

Change of address

34. (1) A holder of a certificate issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of-

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

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

Replacement of documents

35. 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.

Certificate suspension and revocation

36. (1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any certificate, approval, permission, exemption, authorization or other document issued, granted or having effect under these Regulations.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where the Authority considers it to be in the public interest, revoke, suspend or vary any certificate, approval, permission, exemption or 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 possession or custody of any certificate, approval, permission, exemption or other documents which has been revoked, suspended or varied under these Regulations shall surrender the document 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, approval, permission, exemption 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

37. (1) No person shall-

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

(2) During the period for which it is required under these Regulations to be preserved, no person shall mutilate, alter, render illegible or destroy any records or any entry made in the

records, required by or under these Regulations to be maintained, or knowingly make or procure or assist in the making of any false entry in the record or wilfully omit to make a material entry in the record.

(3) All records 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 exemption for the purpose of these Regulations unless that person is competent, qualified and authorized to do so.

(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.

Record keeping

38. (1) A holder of an approved training organization (ATO) certificate shall have a system to maintain and retain the following records for a minimum period of ten years from the date of completion of training-

- (a) details of training given to individual students;
- (b) detailed and regular progress reports from instructors including assessments and regular progress tests and examinations;
- (c) trainee information, including, names, course, certificates held, expiry dates of medical certificates and if applicable, ratings.

(2) An ATO shall maintain a system for recording the qualifications and training of instructional and examining staff, where appropriate.

(3) Records of qualifications and training of instructors and examiners shall be retained for a minimum period of ten years after the instructor or examiner ceases to perform a function for the training organization.

(4) An ATO shall submit training records and report as required by the Authority.

(5) The format of the student training records shall be specified in the Training Manual.

Reports of violation

39. (1) A person who knows of a violation of the Civil Aviation Authority Act or any regulations or orders issued under that Act shall report it to the Authority.

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

Enforcement of directions

40. 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

41. (1) The Authority may 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 the 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 considered, to pay the fee so chargeable.

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

Extraterritorial application of Regulation

42. Except where the context otherwise requires, the provisions of these Regulations-

- (a) in so far as they apply, whether by express reference or otherwise, to aircraft registered in Swaziland, shall apply to that aircraft wherever it may be;
- (b) in so far as they apply, whether by express reference or otherwise, to other aircraft, shall apply to that 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 the 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 the persons are citizens of Swaziland, apply to them wherever they may be.

PART VI OFFENCES AND PENALTIES

Contravention of regulations

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

Penalties

44. (1) If any provision of these Regulations, orders, notices or proclamations is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command shall without prejudice to the liability of any other person under these Regulations for that contravention, be deemed to have contravened that provision unless they prove that the contravention occurred without their consent or connivance and that they 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 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 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 the person is liable on conviction, to a fine not exceeding one hundred thousand Emalangeni and in the case of a second or subsequent conviction for a similar, to a fine not exceeding two hundred thousand Emalangeni.

PART VII

EXEMPTIONS

Requirements for application

45. (1) A person may apply to the Authority for an exemption from any of these Regulations.

(2) An application for an exemption shall be submitted at least sixty days in advance of the proposed effective date, to obtain timely review.

(3) A request for an exemption shall contain the applicant’s-

- (a) name;
- (b) physical address and mailing address;
- (c) telephone number;
- (d) fax number if available; and
- (e) email address if available.

(4) The application shall be accompanied by a fee specified by the Authority.

Substance of the request for exemption

46. (1) An application for an exemption shall contain the following-

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefits the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question; and
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware.

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons that the application was not timely filed, and the reason why it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption on time.

Initial review by the Authority

47. (1) The Authority shall review an application for accuracy and compliance with the requirements of regulation 45 and 46.

(2) If an application appears on its face to satisfy the provisions of this regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application in the Gazette for comment and specify the date by which comments shall be received by the Authority for consideration.

(3) Where the filing requirements of Regulations 45 and 46 have not been met, the Authority will notify the applicant and take no further action until the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the decision of the Authority as soon as possible after processing the application.

Evaluation of the request

48. (1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to determine-

- (a) whether an exemption would be in the public interest;
- (b) whether the proposal of the applicant would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the technical resources of the Authority, the Authority may deny the exemption on that basis;
- (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organization (ICAO) Standards and Recommended Practices; and
- (d) whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Swaziland, the Authority shall publish the summary in aeronautical information circular.

PART VIII
TRANSITION AND SAVINGS

49. 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

(Regulation 11(3))

QUALITY SYSTEM

Approved Training Organization: Quality System

1. Interpretation

In this Schedule:

“quality” means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs;

“quality assurance” means all those planned and systematic actions necessary to provide adequate confidence that all training activities satisfy given requirements, including the ones specified by the approved training organization in relevant manuals;

“quality manual” means the document containing the relevant information pertaining to the ATO’s quality system and quality assurance programme;

“quality audit” means a systematic and independent examination to determine whether quality activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives;

“small ATO” means an ATO with capacity to train a maximum of 50 students.

2. The quality system of an approved training organization for training for licences and ratings shall address the following five elements-

- (a) Determination of the organization’s training policy and training and flight safety standards;
- (b) Determination and establishment of assignment of responsibility, resources, organization and operational processes, which will make allowance for policy and training and flight safety standards;
- (c) Follow-up system to ensure that policy, training and flight safety standards are complied with;
- (d) Registration and documentation of deviations from policy, training and flight safety standards together with necessary analysis, evaluations and correction of such deviations; and
- (e) Evaluation of experiences and trends concerning policy, training and flight safety standards.

3. REQUIREMENTS FOR A QUALITY SYSTEM

(1) Purpose of a Quality System

The implementation and employment of a Quality System will enable the approved training organization to monitor compliance with the relevant parts of the Procedures Manual and the Training Manual and any other standards as established by the ATO or the Authority, to ensure safe and efficient training.

(2) Quality Policy and Strategy

- (a) The approved training organization shall describe how it formulates, deploys and reviews its policies and strategies and turns them into plans and actions. A formal written Quality Policy Statement shall be established as a commitment by the Accountable Manager as to what the Quality System is intended to achieve. The Quality Policy shall reflect the achievement and continued compliance with relevant parts of the Procedures Manual and the Training Manual together with any additional standards specified by the ATO or the Authority.
- (b) The Accountable Manager will have overall responsibility for the Quality System including the frequency, format and structure of the internal management evaluation activities.

(3) Quality System

- (a) The Quality System of the approved training organization shall ensure compliance with and the adequacy of training activities conducted;
- (b) The ATO will specify the basic structure of the Quality System applicable to all training activities conducted;
- (c) The Quality System will be structured according to the size of the ATO and the complexity of the training to be monitored.

(4) Scope

A quality System will address the following:

- (a) Leadership;
- (b) Policy and Strategy;
- (c) Processes;
- (d) The relevant provisions of Civil Aviation (Personnel Licensing) Regulations and these Regulations;
- (e) Additional standards and training procedures as stated by the approved training organization (ATO);
- (f) The organizational structure of the ATO;
- (g) Responsibility for the development, establishment and management of the Quality System;

- (h) Documentation, including manuals, reports and records
- (i) Quality Assurance Programme;
- (j) The required financial, material and human resources;
- (k) Training requirements;
- (l) Customer satisfaction;

(5) Feedback System.

The quality system will include a feedback system to ensure that corrective actions are both identified and promptly addressed. The feedback system also specifies who is required to rectify discrepancies and noncompliance in each particular case and the procedure to be followed if corrective action is not completed within an appropriate timescale.

(6) Documentation:

- (a) Relevant documentation includes the relevant part(s) of the Training and Procedures Manual, which may be included in a separate Quality Manual;
- (b) In addition, the relevant document also includes the following-
 - (i) Quality Policy;
 - (ii) Terminology;
 - (iii) Specified training standards;
 - (iv) A description of the organization;
 - (v) The allocation of duties and responsibilities;
 - (vi) Training procedures to ensure regulatory compliance;
 - (vii) Quality Assurance Programme.

(7) Quality Assurance Programme

- (a) The Quality Assurance Programme includes all planned and systematic actions necessary to provide confidence that all training are conducted in accordance with all applicable requirements, standards and procedures;
- (b) The Quality Assurance Programme describes -
 - (i) Schedule of the monitoring process;
 - (ii) Audit procedures;
 - (iii) Reporting procedures;
 - (iv) Follow-up and corrective action procedures;
 - (v) Recording System;
 - (vi) The training syllabus;

- (vii) Document control;
- (c) The Quality Assurance Programme of the approved training organization (ATO) shall identify the persons within the ATO who have the experience, responsibility and authority to -
 - (i) Perform quality inspections and audits as part of ongoing Quality Assurance;
 - (ii) Identify and record any concerns or findings, and the evidence necessary to substantiate such concerns or findings;
 - (iii) Initiate or recommend solutions to concerns or findings through designated reporting channels;
 - (iv) Verify the implementation of solutions within specific timescales;
 - (v) Report directly to the Quality Manager;

(8) Quality Inspections

- (a) The primary purpose of a quality inspection is to observe a particular event, action or document etc, in order to verify whether established training procedures and requirements are followed during the accomplishment of that event and whether the required standard is achieved.
- (b) Typical subject areas for quality inspections are-
 - (i) All training courses covered under these regulations
 - (ii) Maintenance
 - (iii) Technical Standards
 - (iv) Training Standards

(9) Audits

- (a) An audit is a systematic and independent comparison of the way in which training is being conducted against the way in which the published training procedures say it should be conducted.
- (b) Audits include at least the following quality procedures and processes-
 - (i) An explanation of the scope of the audit
 - (ii) Planning and preparation
 - (iii) Gathering and recording evidence
 - (iv) Analysis of the evidence
- (c) The various techniques that make up an effective audit are-
 - (i) Interviews or discussions with personnel

- (ii) A review of published documents
- (iii) The examination of an adequate sample of records
- (iv) The witnessing of the activities which make up the training
- (v) The preservation of documents and the recording of observations

(10) Auditors

- (a) The approved training organization shall decide, depending on the complexity of the training, whether to make use of a dedicated audit team or a single auditor. In any event, the auditor or audit team shall have relevant training and/or operational experience.
- (b) The responsibilities of the auditors will be clearly defined in the relevant documentation.

(11) Auditor's independence

- (a) Auditors shall not have any day-to-day involvement in the area of the operation or maintenance activity which is to be audited. An approved training organization (ATO) may, in addition to using the services of full-time dedicated personnel belonging to a separate quality department, undertake the monitoring of specific areas or activities by the use of part-time auditors.
- (b) An ATO whose structure and size does not justify the establishment of full-time auditors may undertake the audit function by the use of part-time personnel from within its own organization or from an external source under the terms of an agreement acceptable to the Authority.
- (c) In all cases the ATO will develop suitable procedures to ensure that persons directly responsible for the activities to be audited are not selected as part of the auditing team. Where external auditors are used, it is essential that any external specialist is familiar with the type of training conducted by the ATO.

(12) Audit Scope

Approved training organizations are required to monitor compliance with the Training and Procedures Manuals they have designed to ensure safe and efficient training. In doing so they should as a minimum, and where appropriate, monitor-

- (a) Organization
- (b) Plans and objectives
- (c) Training Procedures
- (d) Flight Safety
- (e) Manuals, Logs and Records
- (f) Flight and Duty Time limitations
- (g) Rest requirements and scheduling

- (h) Aircraft Maintenance and operations interface
- (i) Maintenance programmes and continued airworthiness
- (j) Maintenance accomplishment

(13) Audit Scheduling

A Quality Assurance Programme will include

- (a) A defined audit schedule and a periodic review cycle. The schedule may be flexible, and allow unscheduled audits when trends are identified. Follow-up audits will be scheduled when necessary to verify that corrective action was carried out and that it was effective.
- (b) An approved training organization (ATO) will establish a schedule of audits to be completed during a specific calendar period. All aspects of the training are to be reviewed within a period of 12 months in accordance with the programme unless an extension to the audit period is accepted as explained below.
- (c) An ATO may increase the frequency of their audits at their discretion but should not decrease the frequency without the acceptance of the Authority. It is considered unlikely that a period of greater than 24 months would be acceptable for any audit topic.
- (d) When an ATO defines the audit schedule, significant changes to the management, organization, training, or technologies must be considered, as well as changes to the regulatory requirements.

(14) Monitoring and corrective action

- (a) The primary aim of monitoring within the Quality System is to investigate and judge its effectiveness, thereby ensuring that defined policies and training standards are complied with continuously. Monitoring activity is based upon quality inspections, audits, corrective action and follow-up. The approved training organization (ATO) shall establish and publish a quality procedure to monitor regulatory compliance on a continuing basis. The objective of this monitoring activity is eliminating the causes of unsatisfactory performance.
- (b) Any non-compliance identified shall be communicated to the manager responsible for taking corrective action or, if appropriate, the Accountable Manager. Such non-compliance shall be documented to support further investigation, to determine the cause, and to enable the development of recommendations of appropriate corrective actions.
- (c) The Quality Assurance Programme shall include procedures to ensure that corrective actions are developed in response to findings. These quality procedures will allow for the monitoring of corrective actions to verify their effectiveness and that they have been completed. Organizational responsibility and accountability for the implementation of corrective action resides with the department cited in the report identifying the finding. The Accountable Manager will have the ultimate responsibility for ensuring, through the Quality Manager(s), that corrective action has re-established compliance with the standard required by the Authority and any additional requirements established by the ATO.

(15) Corrective action

- (a) Subsequent to the quality inspection or audit, the approved training organization will determine-
 - (i) The seriousness of any findings and any need for immediate corrective action
 - (ii) The origin of the finding
 - (iii) What corrective actions are required to ensure that the non-compliance does not recur.
 - (iv) A schedule for corrective action
 - (v) The identification of individuals or departments responsible for implementing corrective action
 - (vi) Allocation of resources by the Accountable Manager, where appropriate
- (b) The Quality Manager will-
 - (i) Verify that corrective action is taken by the manager responsible in response to any finding of non-compliance
 - (ii) Verify that corrective action includes the elements outlined in paragraph (16) above
 - (iii) Monitor the implementation and completion of corrective action
 - (iv) Provide management with an independent assessment of corrective action, implementation and completion.
 - (v) Evaluate the effectiveness of corrective action through the follow-up process

(16) Management Evaluation

- (a) A management evaluation is a comprehensive, systematic documented review by the management of the quality system, training policies, and procedures.
- (b) A management evaluation considers the results of quality inspections, audits and any other relevant indicators, as well as the overall effectiveness of the management organisation in achieving stated objectives. A management evaluation also identifies and corrects trends, and prevents, where possible, future non-conformities. Conclusions and recommendations made as a result of an evaluation should be submitted in writing to the responsible manager for action.
- (c) The responsible manager is an individual who has the authority to resolve issues and take action. The Accountable Manager will decide upon the frequency, format, and structure of internal management evaluation activities.

(17) Recording

- (a) Accurate, complete and readily accessible records documenting the result of the Quality Assurance Programme are to be maintained by the approved training organization (ATO). Records are essential to enabling an ATO to analyze and

determine the root causes of non-conformity, so that areas of non-compliance can be identified and subsequently addressed.

(b) The following records are to be retained for a period of 5 years-

- (i) Audit schedules
- (ii) Quality inspection and audit reports (iii) Responses to findings
- (iii) Corrective action reports
- (v) Follow-up and closure reports
- (vi) Management evaluation reports

(18) Quality Assurance Responsibility for Satellite ATOs

The approved training organization (ATO) will ensure that the satellite ATO has the necessary authorizations or approvals, and commands the necessary resources and competence to undertake the tasks. If the ATO requires the satellite ATO to conduct activity which exceeds the satellite ATO's authorization or approval, the ATO is responsible for ensuring that the satellite ATO's quality assurance takes account of such additional requirements.

(19) Quality System Training

- (a) Correct and thorough training is essential to optimize quality in every organization. In order to achieve significant outcomes of such training the ATO will ensure that its staff understands the objectives as laid down in the Quality Manual.
- (b) Those responsible for managing the Quality System are to receive training covering—
 - (i) An introduction to the concept of Quality System
 - (ii) Quality management
 - (iii) Concept of Quality Assurance (iv) Quality manuals
 - (v) Audit techniques
 - (vi) Reporting and recording
 - (vii) The way in which the Quality System will function in the ATO
- (c) Time shall be provided to train every individual involved in quality management and for briefing the remainder of the employees. The allocation of time and resources is to be governed by the size and complexity of the operation concerned.
- (d) Sources of Training Quality management courses are available from the various national or international institutions, and an ATO may consider whether to rely on such institutions in training those personnel likely to be involved in the management of Quality Systems. Organizations with sufficient, appropriately-qualified staff may consider whether to carry out in-house training.

(20) Quality Systems for small ATO.

- (a) The requirement to establish and document a Quality System and to employ a Quality Manager applies to all approved training organizations (ATOs).
- (b) Complex quality systems may be inappropriate for small ATOs and the clerical effort required drawing up manuals and quality procedures for a complex system may stretch their resources. An ATO will tailor its quality system to suit the size and complexity of its training and allocate resources accordingly.
- (c) Small ATOs may develop a Quality Assurance programme that employs a checklist. The checklist shall have a supporting schedule that requires completion of all checklist items within a specified timescale, together with a statement acknowledging completion of a periodic review by top management. An occasional independent overview of the checklist contents and achievement of the Quality Assurance should be undertaken.
- (d) The small ATO may decide to use internal or external auditors or a combination of the two. In these circumstances, external specialists and or qualified organisations may perform the quality audits on behalf of the Quality Manager.
- (e) If the independent quality audit function is conducted by external auditors, the audit schedule will be described in the relevant documentation.
- (f) Whatever arrangements are made, the main ATO retains the ultimate responsibility for the quality system and especially the completion and follow-up of corrective actions.

SECOND SCHEDULE

(Regulation 15(1))

**APPROVED TRAINING ORGANISATION TRAINING MANUAL AND
PROCEDURES MANUAL CONTENTS TRAINING MANUAL**
1. General

The Training Manual for approved training courses shall include the following-

- (i) A list and description of all volumes in the training manual.
- (ii) A list of effective pages and revision pages
- (iii) Corporate Commitment statement
- (iv) A list of Management Staff.
- (v) Responsibilities and qualifications of Management staff.
- (vi) Organization Chart
- (vii) Description of facilities, equipment and data
- (viii) Type of approved training courses and the capability lists
- (ix) Amendment of Training Manual

- (x) Number of instructors
- (xi) Notification Procedure to Authority

2. Pilot Training

The Training Manual for use at an approved training organisation conducting approved training courses for pilots shall include the following-

(a) The Training Plan-

- (i) Aim of the course-A statement of what the student is expected to do as a result of the training, the level of performance, and the training constraints to be observed;
- (ii) Pre-entry requirements-Minimum age, educational requirements including language, and medical requirements;
- (iii) Credits for previous experience- are to be obtained from the Authority before training begins;
- (iv) Training Curricula-The single engine flying curriculum, the multiengine flying curriculum, the synthetic flight training curriculum and the theoretical knowledge training curriculum;
- (v) The time scale and scale in weeks-For each curriculum: arrangements of the course and the integration of curricula time;
- (vi) Training programme-The general arrangements of daily and weekly programmes for flying, ground and synthetic flight training; bad weather constraints; programme constraints in terms of maximum student training times (flying, theoretical knowledge, synthetic) e.g. per day or week or month; restrictions in respect of duty periods for students; duration of dual and solo flights at various stages; maximum flying hours in any day or night; maximum number of training flights in any day or night and minimum rest period between duty period for students;
- (vii) Training records-Rules for security of records and documents; attendance records; the form of training records to be kept; persons responsible for checking records and students' log books; the nature and frequency of records checks; standardisation of entries in training records and rules concerning log book entries;
- (viii) Safety training-Individual responsibilities; essential exercises; frequency of emergency drills; frequency of dual checks at various stages and requirement before first solo day or night or navigation;
- (ix) Checks and tests-Flying: Progress checks and skill tests. Knowledge: Progress tests and knowledge tests. Authorization for test. Rules concerning refresher training before retest. Test reports and records. Procedures for test paper preparation, type of question and assessment, standard required for 'Pass'. Procedure for question analysis and review and for raising replacement papers. Test re-sits procedures.
- (x) Training effectiveness-Individual responsibilities; General Assessment;

liaison between departments; Identification of unsatisfactory progress individual students; actions to correct unsatisfactory progress; procedure for changing instructors; maximum number of instructor changes per student; internal feedback system for detecting training deficiencies; procedure for suspending a student from training; discipline and reporting and documentation;

- (xi) Standards and level of performance at various stages: Individual responsibilities. Standardization. Standardization requirements and procedures. Application of test criteria.
- (b) Briefing and air exercises-
 - (i) Air exercise-A detailed statement of the content specification of all the air exercises to be tau
 - (ii) Air exercise reference list-An abbreviated list of the exercises referred to paragraph (i) giving only main and sub-titles for quick reference, and preferably in flip-card form to facilitate daily use by instructors;
 - (iii) Course structure - Phase of training-A statement of how the course will be divided into phases, indication of how the air exercises referred to in paragraph (ii) will be divided between the phases and how they will be arranged to ensure that they are completed in the most suitable learning sequence and that essential emergency exercises are repeated at the correct frequency. Also, the curriculum hours for each phase and for groups of exercises within each phase shall be stated and when progress tests are to be conducted, etc.
 - (iv) Course structure integration of curricula-The manner in which theoretical knowledge, synthetic flight training and flying training will be integrated so that as the flying training exercises are carried out students will be able to apply the knowledge gained from the associated theoretical knowledge instruction and synthetic flight training;
 - (v) Student progress-The requirement for student progress including a brief but specific statement of what a student is expected to be able to do and the standard of proficiency the student must achieve before progressing from one phase of air exercise training to the next. Include minimum experience requirements in terms of hours,satisfactory exercise completion, as necessary before significant exercises, such as night flying;
 - (vi) Instructional methods-The requirements, particularly in respect of pre and post-flying briefing, adherence to curricula and training specifications and authorization of solo flights;
 - (vii) Progress tests-The instructions given to examining staff in respect of the conduct and document of all progress tests;
 - (viii) Glossary of terms-Definition of significant terms as necessary;
 - (ix) Appendices-Samples of: Progress report forms, progress test report forms, skill test report forms, certificates of experience, competence, etc. as required, issued by an ATO.

- (c) Synthetic flight training- Structure generally as in (b).
- (d) Knowledge instruction- Structure generally as in (b) with a training specification and objectives for each subject. Individual lesson plans to include mention of the specific training aids available for use.

3. Training Other than for Pilots

The Training Manual for use by an approved training organisation (ATO) conducting approved training courses other than pilots training shall include the following-

(a) The Course Plan-

- (i) The objectives and learning outcomes;
 - (ii) Pre-entry requirements: Minimum age, educational requirements including language and medical requirements as applicable for training sought.
 - (iii) A list showing each subject and the topics covered in the subject;
 - (iv) A description of the examination or assessment methods and the examination or assessment criteria;
 - (v) A description of-
- (a) methods in which training is conducted (for example: lecture, computer-based training, simulators or practical training); and
 - (b) available equipment and data necessary for training.
- (vi) A description of the facilities including classroom, laboratory and workshop necessary to deliver the training;
 - (vii) A list showing the prerequisites, if any, for each subject;
 - (viii) Credits for previous experience: to be obtained from the Authority before training begins;
 - (ix) A statement showing the numbers of hours of training that are necessary for each topic and for the whole course;
 - (x) The minimum and maximum student attendance requirements for each subject and description of the way in which students' attendance is checked and recorded;
 - (xi) For each subject, a copy of-
- (a) the course notes that are to be given to student; and
 - (b) any examination paper or examinations question bank that is to be used.
- (xii) A list showing the units of competency that must be completed for each course;

(b) Training

- (i) Organisation of courses and course schedules (ii) Preparation of courses material
- (ii) Preparation of classroom equipment
- (iii) Preparation of workshops, simulation media and equipment
- (iv) Method of conducting knowledge and practical training
- (v) Retention of Records of Training conducted
- (vi) Rules for security of records and documents; attendance records; the form of training records to be kept; persons responsible for checking records and students' log books; the nature and frequency of records checks; and standardisation of entries in training records;
- (vii) Use of locations other than location for which the ATO is approved
- (viii) Conduct of basic practical training

(c) Examinations

- (i) Organisation and conduct of Examinations
- (ii) Security of Examination Materials
- (iii) Preparation of Examination Rooms
- (iv) Marking and record of Examinations
- (v) Storage and retention of Examination records
- (vi) Examination or assessment at satellite locations.
- (vii) Preparation, Control and Issue of training course records.
- (viii) Storage of course material and equipment
- (ix) Prevention, Investigation and reporting of examination or assessment misconduct.

(d) Certification

- (i) course transcript;
- (ii) certificates.

PROCEDURES MANUAL

The Procedures Manual for approved training courses shall include the following:

1. General

- (i) A list and description of all volumes in the procedure manual.

- (ii) A list of effective pages and revision pages (iii) Corporate Commitment statement
- (iii) A list of Management Staff.
- (iv) Responsibilities and qualifications of Management staff. (vi) Organisation Chart
- (v) Description of facilities, equipment and data
- (viii) Type of approved training courses and the capability lists
- (ix) Amendment of Procedures Manual and Training Manual (x) Number of instructors
- (xi) Notification Procedure to Authority

2. Pilot Training

- (i) a list and description of all volumes in the Procedures Manual;
- (ii) administration (function and management);
- (iii) schedules of responsibilities for all management and administrative staff;
- (iv) student discipline and disciplinary action. (v) approval/authorization of flights;
- (vi) preparation of flying programme (restriction of numbers of aircraft in poor weather);
- (vii) control of training aircraft;
- (viii) responsibilities of pilot-in-command; (ix) carriage of passengers;
- (x) aircraft documentation;
- (xii) retention of documents;
- (xiii) flight crew qualification records,;
- (xiv) renewal of licences and medical certificates;
- (xv) flying duty period and flight time limitations for flying instructors;
- (xvi) flying duty period and flight time limitations for students;
- (xvii) rest periods for flying instructors; (xviii) rest periods for students;
- (xix) pilots' log books;
- (xx) flight planning ; and
- (xxi) safety covering general: equipment, radio listening watch, hazards, accidents and incidents (including reports) and safety pilots.

(b) Technical

- (i) aircraft descriptive notes;
- (ii) aircraft handling (including checklists, limitations, aircraft maintenance and technical logs, in accordance with relevant requirements, etc.);
- (iii) emergency procedures;
- (iv) radio and radio navigation aids;
- (v) Minimum equipment list (MEL); and
- (vi) Configuration deviation list (CDL).

(c) Route

- (i) performance (legislation, take-off, route, landing, etc.);
- (ii) flight planning (fuel, oil, minimum safe altitude, navigation equipment, etc.);
- (iii) loading (load sheets, mass, balance, limitations); (iv) weather minima (flying instructors);
- (v) weather minima (students: at various stages of training); and
- (vi) training routes/areas.

(d) Staff training

- (i) appointments of persons responsible for standards or competence of flying staff;
- (ii) initial training;
- (iii) refresher training;
- (iv) standardization training;
- (v) proficiency checks;
- (vi) upgrading training; and
- (vii) Staff standards evaluation.

(e) Quality Management System

- (i) The procedure for quality control of training
- (ii) The procedures used to audit examination and competency assessment system.
- (iii) The procedures used to analyse the results of any examination or assessment.
- (iv) The procedures used to rectify deficiencies identified by analysis in (iii)

- (v) The procedure used for conducting periodic reviews including information on review timetable.
- (vi) The procedure for maintenance of instructors' skills and qualifications.
- (vii) The procedure used for recording instructors' qualification.
- (viii) The procedures to assess compliance and adequacy of the procedures.

3. Training other than for Pilots

Training and Examination Procedures

- (i) Courses organisation procedures
- (ii) The procedures used to develop or acquire documents for Training and Examinations.
- (iii) The procedures used to prepare and use of equipment for theory and basic practical training.
- (iv) The procedures for conducting knowledge and practical training.
- (v) Training record storage and retention procedures
- (vi) Procedures for conducting examinations and practical skill assessments
- (vii) Procedures for marking of examinations and recording the results.
- (viii) Procedures for storage of examination records.
- (ix) The procedures for storage of course material and equipment used for instruction.
- (x) Procedures to prevent, investigate and report to Authority any examination or assessment misconduct.

(b) Quality Management System

- (i) The procedure for quality control of training
- (ii) The procedures used to audit examination and competency assessment system.
- (iii) The procedures used to analyse the results of any examination or assessment
- (iv) The procedures used to rectify deficiencies identified by analysis in (iii)
- (v) The procedure used for conducting periodic reviews including information on review timetable.
- (vi) The procedure for maintenance of instructors' skills and qualifications.
- (vii) The procedure used for recording instructors' qualification.

- (viii) The procedures to assess compliance and adequacy of the procedures

(c) Appendices

- (i) Samples of documents and forms used (ii) Syllabus of each training course

(d) Staff training

- (i) appointments of persons responsible for standards or competence of training staff;
- (ii) initial training;
- (iii) refresher training;
- (iv) standardization training;
- (v) proficiency checks;
- (vi) upgrading training; and
- (vii) Staff standards evaluation.

THIRD SCHEDULE

Regulation 17(4) and 24(2)

**APPROVED TRAINING ORGANISATION MANAGEMENT PERSONNEL
RESPONSIBILITIES AND QUALIFICATIONS**

**PART A
GENERAL**

FOR ALL APPROVED TRAINING ORGANISATIONS

1. Accountable Manager

(1) The Accountable Manager-

- (a) Is the Chief Executive and corporate authority for ensuring that all training commitments are financed and carried out to the standard required by the Authority and any additional requirements defined by the aviation training organisation; and
- (b) May delegate in writing to another person within the organisation, the day-to-day management but not the overall approval management responsibility.

(2) The Accountable Manager shall possess the following qualifications-

- (a) A background in the management of training organisations;
- (b) Knowledge of the Civil Aviation (Approved Training Organisation) Regulations and the regulations and other materials published by the Authority that are applicable to the courses taught by the approved training organisation (ATO); and

- (c) A thorough understanding of the organisation and training programme of the ATO.

2. Quality Manager

- (a) The Quality Manager shall-

- (i) have the primary role to verify, by monitoring activities in the field of training, that the standards required by the Authority, and any additional requirements as established by the approved training organisation (ATO) are being carried out properly;
 - (ii) be responsible for ensuring that the Quality Assurance Programme is properly implemented, maintained and continuously reviewed and improved;
 - (iii) have direct access to all parts of the ATO's organisation; and
 - (iv) in the case of small ATO's, the posts of the Head of Training and the Quality manager may be combined.
- (b) in the case that the posts of the Head of Training and the Quality manager are combined the quality audits shall be conducted by an independent personnel.

- (c) The minimum qualifications for Quality Manager are-

- (i) A technically qualified person in at one field of training to be conducted;
 - (ii) At least three years experience in the training to be conducted;
 - (iii) Must have successfully completed a training in quality management recognized by the Authority

PART B **FLIGHT CREW TRAINING**

1. Head of Training

The Head of Training shall have-

- (a) overall responsibility for ensuring satisfactory integration of flying training, synthetic flight training and theoretical knowledge instruction and for supervising the progress of individual students; and
- (b) had extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Chief Flight Instructor

The Chief Flight Instructor shall-

- (a) be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction;
- (b) hold the highest professional pilot licence related to the flying training courses conducted;
- (c) hold the rating(s) related to the flying training courses conducted;
- (d) hold a flight instructor rating for at least one of the types of aircraft used on the course; and
- (e) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

3. Flight and Synthetic Flight Instructors

(a) A Flight instructor shall hold-

- (i) a professional pilot licence and ratings related to the flying training courses conducted;
- (ii) a flight instructor rating on the types of aircraft used on the course; and
- (iii) an instrument rating instructor endorsement if he is to conduct instrument rating training.

(b) A Synthetic flight instructor shall-

- (i) be a holder or have held a professional pilot licence; and
- (ii) possess an authorisation from the Authority.

4. Chief Ground Instructor

The Chief Ground Instructor shall-

- (a) be responsible for the supervision of ground instructors and for the standardisation of all ground instruction;
- (b) hold a Ground Instructor's licence in the field he is to give instructions;
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (d) have received training in the teaching and instructional techniques.

5. Ground instructors

A Ground Instructor shall-

- (a) hold a Ground Instructor's licence in the field he is to give instructions;

- (b) have good interpersonal and communication skills;
- (c) be technically competent and a person of integrity; and
- (d) have received training in the teaching and instructional techniques.

6. Flight engineer Instructors

A Flight Engineer Instructor shall-

- (a) hold a flight engineer licence and ratings related to the training courses to be conducted;
- (b) hold an authorisation from the Authority on the course to be conducted; and
- (c) hold an authorization in accordance with the Civil Aviation (Personnel Licensing) Regulations if he is to conduct training in synthetic flight trainer.

PART C **AIRCRAFT MAINTENANCE ENGINEERING TRAINING**

1. Head of Training

The Head of Training shall have-

- (a) overall responsibility for ensuring satisfactory integration of engineering training, that includes practical and theoretical knowledge instruction and for supervising the progress of individual students;
- (b) or had a AME licence and extensive experience in training aircraft maintenance engineers and possess a sound managerial capability; and
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people;

2. Chief Aircraft Maintenance Engineering Instructor

The Chief Aircraft Maintenance Engineering Instructor shall-

- (a) be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction;
- (b) hold the highest professional pilot licence related to the flying training courses conducted;
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (d) have received training in the teaching and instructional techniques.

3. Aircraft Maintenance Engineering Instructor

An Aircraft Maintenance Engineering Instructor shall-

- (a) hold an air traffic maintenance engineer (AMI) licence with ratings related to the courses to be conducted; and
- (b) have received training in the teaching and instructional techniques

PART D
AIR TRAFFIC CONTROL TRAINING

1. Head of Training

The Head of Training shall have-

- (a) overall responsibility for ensuring satisfactory integration of Air Traffic Services in both, theoretical and simulator training and for supervising the progress of individual students;
- (b) had extensive experience in training techniques and managerial capability;
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Air Traffic Control Chief Instructor

The Air Traffic Control Chief Instructor shall-

- (a) have had extensive experience in training techniques in the field of air traffic control;
- (b) be responsible for the supervision of the instructors and for the standardisation of all theoretical and simulator instructions;
- (c) hold all the air traffic control ratings related to the air traffic controllers courses conducted;
- (d) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (e) have received training in the teaching and instructional techniques.

3. Air Traffic Control Instructor

An Air Traffic Control Instructor shall-

- (a) hold an air traffic control licence with ratings related to the air traffic services courses to be conducted; and
- (b) have received training in the teaching and instructional techniques

PART E
FLIGHT OPERATIONS OFFICER (FOO) TRAINING

1. Head of Training

The Head of Training shall have-

- (a) overall responsibility for ensuring satisfactory integration of Flight Operations training in both, theoretical and practical training and for supervising the progress of individual students; and
- (b) had extensive experience in training techniques and managerial capability; and
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Flight Operations Chief Instructor

The Chief Instructor shall-

- (a) hold or held a Flight Operations Officer's Licence; or
- (b) possess experience and training requirements for Flight Operations Officer licence as prescribed in the Civil Aviation (Personnel Licensing) Regulations;
- (c) be responsible for the supervision of all instructors and for the standardisation of all the instruction;
- (d) have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (e) have received training in the teaching and instructional techniques.

3. Flight Operations Instructor

The Flight operations Instructor shall-

- (a) hold a Flight Operations Officer's Licence; or
- (b) possess experience and training requirements for Flight Operations Officer licence as prescribed in the Civil Aviation (Personnel Licensing) Regulations; and
- (c) have received training in the teaching and instructional techniques.

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FOURTH SCHEDULE

Regulation 49

PENALTIES

REGULATION NO.	REGULATION TITLE	PENALTIES
3 (1), (2)	Requirements for an ATO certificate	A
10	Certificate holder responsibilities	A
11	Quality systems for an ATO	A
22(3)	Training facilities	A
26(3)	Training facilities equipment and material for aircraft maintenance engineer course	A
27(3)	Training facilities, equipment and material for air traffic controllers or flight radiotelephony operator	A
28(3)	Training facilities, equipment and material for	A
29	flight operations officers or cabin crew members Advertising limitations	A
31(2), (3)	Drug, alcohol testing and reporting	B
32	Inspection of licences and certificates	A
37 (1), (2), (4), (5)	Use and retention certificates and records	B
37(3)	Use and retention certificates and records	A
40	Enforcement of directions	A

N. DLAMINI

MINISTER OF PUBLIC WORKS AND TRANSPORT

LEGAL NOTICE NO. 116 OF 2011

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

CIVIL AVIATION AUTHORITY (AERODROME) 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 (Aerodrome) 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-

“aerodrome” means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“aerodrome category” means an aerodrome category established in terms of Part II of these regulations;

“aerodrome certificate” means a certificate issued by the Authority in terms of Part III for the operation of an aerodrome;

“aerodrome manual” means a document containing information on the operation of an aerodrome;

“aerodrome operator” means a person who has been granted an aerodrome certificate and registered in terms of these regulations;

“aerodrome standards manual” means the document published by the Authority through which national aerodrome standards are established for the guidance of aerodrome operators;

“Authority” means the Civil Aviation Authority established in terms of section 4 of the Civil Aviation Act 2009;

“Director-General” means the Director-General of the Civil Aviation Authority;

“movement area” means that part of an aerodrome used for the take-off, landing and taxiing of aircraft, consisting of the maneuvering area and the apron;

“obstacle” means any fixed (whether temporary or permanent) or mobile objects, or parts of the objects, that are located on an area intended for the surface movement of aircraft or that extend above a defined surface intended to protect aircraft in flight;

“obstacle limitation surface” means the lower limit of the aerodrome airspace above which objects become obstacles to aircraft operations; and

“safety management system” includes the organizational structure, responsibilities, procedures, processes and provisions for the implementation of aerodrome safety policies by an aerodrome operator, which provides for control of safety at, and the safe use of, the aerodrome.

PART II

USE AND CLASSIFICATION OF AERODROMES

Requirement to use authorised aerodromes

3. (1) No person in command of an aircraft shall use, as a place of landing or take-off, any place other than an aerodrome certified in terms of Part III or registered in terms of Part IV.

(2) Subsection (1) shall not apply in respect of the use of agricultural or construction landing-grounds.

(3) No person in command of an aircraft carrying passengers for hire or reward shall use, as a place of landing or take-off, any place other than a certified aerodrome classified under Category I, II or III.

(4) The Authority may grant exemption from the requirement of subsection (3) on terms and conditions that the Authority may consider fit.

(5) A person in control of any aerodrome other than an aerodrome mentioned in subsection (3) shall not permit that aerodrome to be used-

(a) in contravention of that subsection; or

(b) at night by an aircraft not carrying passengers for hire or reward unless lights are provided and approved by the Director.

(4) The provisions of subsections (1), (3) and (5) shall not apply to-

(a) an emergency landing and the next subsequent take-off; or

(b) glider operations under arrangements made by a flying club and carrying a member of that club; or

(c) a landing or take-off by helicopter.

Notification of authorised aerodromes

4. The Authority shall notify the public about the aerodromes authorised for use, indicating the category of each such aerodrome, and any conditions or limitations in respect of the use of the aerodrome.

Restrictions on use of aerodrome

5. (1) The authority shall notify the public from time to time the aerodromes not available for use by a particular type or class of aircraft during a specified period of time. Such aerodrome may only be used in an emergency.

(2) If an aerodrome has been restricted or declared not available for use in terms of subsection (1), no person in command of an aircraft of such type or class restricted shall use that aerodrome as a place of landing or take-off unless in an emergency.

Use of military aerodrome for commercial purposes

6. A military aerodrome may be used for civilian purposes if there is prior approval in writing by the Defence and Civil Aviation authorities.

Classification of aerodromes

7. (1) The Authority may classify an aerodrome as follows-

(a) Category I: the characteristics of a Category I aerodrome include the following-

(i) its runway design characteristics meet the operational requirements of the most common international commercial aircraft;

(ii) the air navigation aids system includes an ILS and NDBs, approach lights, airfield lights, PAPIs and VOR DME;

(iii) its terminal services include an air traffic control service, appropriate category of rescue and fire service and adequate security measures; and

(iv) it is open to public use;

(b) Category II: the characteristics of a Category II aerodrome include the following-

(i) its runway design characteristics meet the operational requirements of the most common domestic commercial aircraft;

(ii) the air navigation aids system includes an ILS and NDBs, approach lights, airfield lights, PAPIs and VOR DME;

(iii) its terminal services include an air traffic control service, appropriate category of rescue and fire service and adequate security measures; and

(iv) it is open to public use;

(c) Category III: the characteristics of a Category III aerodrome include the following-

(i) its runway design characteristics meet the operational requirements of the aircraft intended for the aerodrome;

(ii) navigational aids including at least a name circle and wind sock;

(iii) fire equipment, at least 2 x 9 litre foam extinguishers and 2 x 9 kg dry chemical powder fire extinguishers;

(iv) it is for private use only.

(2) Aerodromes in categories I and II and III shall be certified in terms of Part III.

(3) Aerodromes in category III shall be registered in terms of Part IV.

PART III CERTIFICATION OF AERODROMES

Requirement for a certificate

8. No person shall operate an aerodrome in Swaziland intended for commercial use and classified as Category I, II or III without an aerodrome certificate.

Application for a certificate

9. (1) An applicant shall apply to the Authority for a certificate to operate an aerodrome and the applicant shall furnish the Authority with any particulars that the Authority may require.

(2) The application fee shall be as specified in the Schedule.

Aerodrome manual

10. (1) Each registered aerodrome operator shall keep an aerodrome manual approved by the Authority which shall give technical guidance to the design, equipment, operation and maintenance of a particular aerodrome.

Safety Management System (SMS)

11. (1) An applicant for an aerodrome certificate shall submit documents describing the aerodrome's Safety Management System (SMS).

(2) The SMS shall contain information which include the following elements-

- (a) safety policy;
- (b) strategic plan;
- (c) organization plan;
- (d) implementation plan;
- (e) internal audit;
- (f) staff training;
- (g) documentation; and
- (h) enforcement.

Grant of an aerodrome certificate

12. (1) The Authority may approve the application and grant an aerodrome certificate to an applicant.

(2) Before granting an aerodrome certificate, the Authority shall be satisfied that the aerodrome manual approved in terms of section 10-

- (a) accurately describes the aerodrome site, facilities, services, equipment, operating procedures;
- (b) conforms to specified standards and practices;
- (c) offers a safer environment for the operation of aircraft it is intended for;
- (d) offers a description of and procedures for maintaining the marking and lighting system;
- (e) offers a description of the facilities, equipment, personnel and procedures for meeting the rescue and fire fighting requirements;
- (f) offers procedure for maintaining the traffic and wind direction;
- (g) offers procedure for controlling ground vehicles;
- (h) has acceptable Safety Management System (SMS).
- (i) conforms to any other items which the Authority finds necessary in the public interest.

Duration of certificate

13. An aerodrome certificate shall remain in force until it is surrendered by the operator or is suspended or revoked by the Authority.

Amendment of certificate

14. An aerodrome certificate may be amended, subject to the approval of the Authority to reflect change of ownership or management, boundaries, use or operation of the aerodrome.

Revocation of certificate

15. An aerodrome certificate may be withdrawn by the Authority if the conditions for its issuance have been breached.

Transfer of certificate

16. An aerodrome operator shall not transfer an aerodrome certificate without authorisation from the Authority.

Interim aerodrome certificate

17. The Authority may issue an interim aerodrome certificate to an applicant if the Authority-

- (a) is satisfied that an aerodrome certificate will be issued as soon as the application procedure has been completed;
- (b) the grant of the aerodrome certificate is in the public interest; or
- (c) is satisfied that the grant is not detrimental to aviation safety.

Surrender of certificate

18. An aerodrome operator shall give the Authority at least 30 days' written notice of the date on which the certificate is to be surrendered in order that the Authority makes necessary arrangements.

PART IV

REGISTRATION OF AERODROME

Requirement for registration

19. No person shall operate a Category IV aerodrome without being registered.

Application for registration certificate

20. An applicant shall apply for a registration certificate for a Category IV aerodrome in Form AR/14 set out in the Schedule and the application shall be accompanied by the appropriate application and registration fees.

Grant of registration

21. An aerodrome will be duly registered if the Authority is satisfied that the applicant has submitted a properly completed registration form, tendered the appropriate application fee, the aerodrome is suitably located for safe aircraft operations and the aerodrome conforms to the specified standards and practices.

Duration of registration certificate

22. The registration certificate for an aerodrome shall remain in force until it is surrendered or cancelled.

Amendment of registration certificate

23. The Authority may amend a registration certificate to reflect the change of ownership or management, boundaries, use or operation of the aerodrome.

Withdrawal of registration certificate

24. The Authority may withdraw the registration certificate if the conditions for its issuance have been breached.

Transfer of registration certificate

25. An aerodrome operator shall not transfer the registration certificate without authorisation from the Authority.

Surrender of registration certificate

26. The aerodrome operator shall give the Authority at least 30 days' written notice of the date on which the registration certificate is to be surrendered, for the Authority to make necessary arrangements.

PART V SAFEGUARDING OF AERODROME

Declaration of a proposed aerodrome

27. The Minister may, by notice in the Gazette, in the public interest, declare a new area as an area for the construction for a new aerodrome.

Obstacle limitation surfaces

28. (1) An aerodrome operator shall-

- (a) establish obstacle limitation surfaces (OLS) applicable to the aerodrome which identify the lower limit of the aerodrome airspace above which objects become obstacles to aircraft operations;
- (b) report to the Authority once the operator establishes an obstacle limitation surface.

Obstacle restriction

29. (1) No object shall be erected within the safeguard area except with the permission of the Authority.

(2) An application for permission to erect an obstruction shall be made to the Authority and shall be accompanied by a consultation fee as prescribed in the Schedule and a plan showing the proposed location, shape and height of the obstruction and its proposed elevation in relation to the aerodrome reference point.

(3) The Authority shall, as soon as practicable, but in any case no later than thirty days from the date of receipt of an application in terms of subsection (2)-

- (a) grant the application (subject to such conditions as it may consider fit to impose); or
- (b) refuse the application, giving written reasons for the refusal.

(4) The dimensions of an approved obstacle shall not be changed except with the permission of the Authority.

(5) Any person who contravenes any provision of this section shall be liable on conviction, to a fine not exceeding one hundred thousand Emalangeni or to imprisonment for a period not exceeding two years or to both.

Shielding

30. (1) A new obstacle located in the vicinity of an existing obstacle and cleared by the Authority as not being a hazard to aircraft shall be deemed to be shielded.

(2) An aerodrome operator shall notify the Authority of the presence of any obstacle.

Aerodrome obstacle charts

31. (1) The Authority may require an aerodrome operator to prepare and issue one or more of the following types of aerodrome obstacle charts-

- (a) type A chart which is usually prepared for aerodromes serving international operations and identifies information on all significant obstacles within the take-off area of the aerodrome up to 10 000 metres from the end of runway;
- (b) type B chart which provides obstacle data around the aerodrome;
- (c) type C chart which provides data on all significant obstacles up to 45 000 metres from the aerodrome and may be required by an international air operator.

(2) Where a type A chart has been prepared and issued, the take-off flight area shall be monitored and any changes immediately notified to all users of the type A chart.

(3) Obstacle charts shall be prepared in accordance with ICAO Annex 4 and in the case of a Type C chart; the chart can also be prepared on the basis of actual data or topographical maps where available.

Lighting and marking of structures

32. (1) Any building, tower, mast or other structure which exceeds a specified height or is likely to constitute a hazard to aircraft shall be marked in a manner that the Authority may require so as to give visual warning of its presence in daylight, or lighted in a manner that gives visual warning of its presence in darkness or conditions of poor visibility.

(2) Where provision for lighting or marking an obstruction is required to be made, the owner of the land on which the obstruction is located shall ensure that the requirement is met.

Lights and beacons

33. (1) No person shall obstruct, alter, remove, destroy or interfere with a lighthouse or lighted beacon for air navigation purposes, except with the written permission of the Authority.

(2) No person shall display a light which endangers the safety of aircraft due to glare or preventing clear reception of any light or signal displayed for air navigational purpose.

(3) If the Authority considers that any light being displayed endangers the safety of aircraft, the Authority may, in writing, order the person displaying that light to remove it or alter it in such manner that it ceases to endanger the safety of the aircraft.

(4) Where a person fails to comply with the order in terms of subsection (3), the Authority may cause the light to be removed or altered, in order to correct the anomaly.

PART VI**NOTIFICATION OF AERODROME INFORMATION FOR AERONAUTICAL
INFORMATION PUBLICATION (ALP)*****Type of information for ALP***

34. (1) An aerodrome operator shall notify the Authority on certain aerodrome information, which shall be published in the ALP.

(2) The information mentioned in subsection (1) shall include details relating to the aerodrome layout, administration, location, movement area, lighting system, navigation aids, rescue and fire fighting services, grounds services and any special procedures.

(3) The details required in terms of subsection (2) shall be determined by a qualified person in accordance with standards set out in the Aerodrome Standards Manual.

PART VII**AERODROME OPERATIONS*****Personnel requirements***

35. (1) An aerodrome operator shall employ or contract senior person with overall responsibility for safety of the aerodrome to ensure all activities undertaken by the organization are in accordance with applicable requirements.

(2) A senior person employed or contracted in terms of subsection (1) shall have the following powers and duties-

- (a) unrestricted access to all premises or activities undertaken by or on behalf of the organization;
- (b) consult with any person in respect of aerodrome safety matters;
- (c) stop any activity which does not comply with safety requirements;
- (d) liaise with the Authority on matters of compliance;
- (e) report directly to senior management on any matter of aerodrome safety.

(3) An aerodrome operator shall establish a procedure for assessing and maintaining the competence of persons involved in operating and maintaining the aerodrome and its services and facilities.

Emergency planning

36. (1) An aerodrome operator shall establish and maintain an aerodrome emergency management system designed to minimize the possibility and extent of injury to a person or property on, or in the vicinity of, the aerodrome.

(2) An aerodrome emergency management system established in terms of subsection (1) shall have the following information-

- (a) the types of emergencies planned for;
- (b) call out procedures for response to emergencies;
- (c) persons involved in executing allocated tasks;
- (d) detailed guidance to each person responsible for executing the system;
- (e) provision of a fully equipped emergency operations centre and command post;
- (f) description of all available rescue and medical equipment and location of that equipment;
- (g) particulars of persons to be contracted in case of a particular emergency;
- (h) a map of the aerodrome and its immediate vicinity.

(3) An aerodrome operator shall coordinate the proposed aerodrome emergency management system and provide for full participation of all personnel concerned in the establishment of the system.

Rescue and fire fighting

37. An aerodrome operator shall provide a rescue and fire fighting service necessary for maintaining the minimum level of protection required for the appropriate category of aerodrome.

Wildlife management

38. An aerodrome operator shall establish and maintain an aerodrome wildlife management programme to minimize the effects of any hazard or potential hazard from any bird or wildlife species.

Notification of aerodrome information

39. An aerodrome operator shall establish a procedure to notify the air traffic service unit concerned and the Authority of-

- (a) aerodrome information;
- (b) any limitation on the use of the aerodrome;
- (c) any change which may affect the use of the aerodrome.

Works on aerodrome

40. An aerodrome operator shall establish and take precautions to ensure that any works carried out on the aerodrome do not endanger aircraft operations.

Aerodrome inspection programme

41. An aerodrome operator shall establish and maintain an aerodrome inspection programme, including-

- (a) procedures to ensure competent personnel execute the programme;
- (b) a reporting system to ensure prompt correction of unsafe conditions noted during inspection.

Demarcation and control of restricted areas

42. An aerodrome operator shall demarcate restricted areas with appropriate markings, signs, notices, fences or constructions erected along the boundaries of such areas and exercise control over entry into such areas in accordance with procedures and criteria approved by the operator.

Access of vehicles to movement area

43. An aerodrome operator shall-

- (a) limit to the maneuvering area, of ground vehicles which are necessary for aerodrome and aircraft operations; and
- (b) provide procedures for safe and orderly access to, and operation in, maneuvering area of ground vehicles.

Protection of navigation aids

44. An aerodrome operator shall prevent any construction of facilities on the aerodrome which may interfere with the operation of any electronic or visual navigation aid or air traffic service facility at such aerodrome.

Handling of hazardous substances

45. (1) No person shall store any hazardous substance except in buildings which comply with appropriate standards.

(2) No aircraft operator may load or unload hazardous substances, except with the permission of the aerodrome operator.

Abandoned or unmaintained aerodrome

46. An aerodrome operator shall give the Authority at least 60 days' written notice of that operator's intention to discontinue the maintenance of the aerodrome or to abandon the aerodrome, for the Authority to make necessary arrangements.

PART VIII
GENERAL OBLIGATIONS OF AERODROME OPERATOR

Obligations of aerodrome operator

47. (1) An aerodrome operator shall, on a continuous basis and to the satisfaction of the Authority-

- (a) maintain physical features, obstacle limitation surfaces, visual aids, equipment and installations;
- (b) establish any limitations on use of the aerodrome that arise from the design, or facilities or services provided at the aerodrome;
- (c) employ competent persons to ensure that the aerodrome and its operations comply with the requirements of these Regulations;
- (d) develop and maintain an emergency plan;
- (e) determine the rescue and fire fighting category of the aerodrome and provide minimum requirements in terms of vehicles, extinguishing agents, and personnel;
- (f) minimise or prevent wildlife hazards;
- (g) establish a procedure for notifying aerodrome data and any limitation to AIS;
- (h) establish an internal quality assurance procedure to ensure compliance and adequacy of procedures, plans, systems and programmes required by these regulations;
- (i) maintain an up to date aerodrome manual;
- (j) advise the Authority of any changes and developments;
- (k) implement an aerodrome maintenance programme to ensure safety, security, regularity or efficiency of aircraft operations;
- (l) establish procedures to ensure works carried out on the aerodrome do not endanger aircraft operations;
- (m) provide an aerodrome flight information service when so required by the Authority;
- (n) provide an appropriate apron management service if volume of traffic warrants;
- (o) conduct an aerodrome inspection programme to ensure the prompt correction of unsafe aerodrome conditions noted during any inspection;

- (p) protect visual navigation aids or air traffic service facility on the aerodrome;
- (q) establish procedures for restricting operations where an unsafe condition exists on an aerodrome.

(2) In emergency conditions, the aerodrome operator may deviate from any requirement of these regulations to the extent required to meet the emergency.

(3) An aerodrome operator who deviates from a requirement under this Part shall, as soon as practicable, but not later than 2 days after the emergency, report in writing to the Authority stating the nature, extent and duration of the deviation.

PART IX POWERS AND DUTIES OF THE AUTHORITY

Powers and duties of the Authority

48. (1) The Authority may-

- (a) require an aerodrome operator to undergo or carry out inspections and audits of an aerodrome, documents, and records if considered necessary in the interest of civil aviation safety and security; or
- (b) require an aerodrome operator to provide information relevant to audits or inspections; or
- (c) revoke a certificate or registration if the aerodrome operator does not comply with a stipulated condition; or
- (d) amend a registration certificate.

(2) It shall be the responsibility of the Authority to-

- (a) review, develop and determine aerodrome standards;
- (b) certify and register aerodromes;
- (c) provide guidance to aerodrome operators;
- (d) notify AIS of the operational status of aerodromes;
- (e) review amendments to aerodrome manuals;
- (f) coordinate with other agencies.

PART X TETHERED BALLOONS

Erection of tethered balloons

49. (1) No person shall erect a tethered balloon without the approval of the Authority where that erection is-

- (a) within a distance of 5 000 metres of the boundary of the nearest aerodrome; or

- (b) in the vicinity of approach or take-off surfaces; or
- (c) below flying circuits; or
- (d) not less than 50 metres above ground; or
- (e) exceeding 3 m length x 1 m width x 1 m height.

(2) A person wishing to erect a tethered balloon shall apply in writing to the Authority giving details of the proposed site, proposed dimension and distances to the aerodrome in vicinity.

(3) In the event of the tethered balloon going off its tether, the owner of the balloon shall immediately report the incident to the Authority.

PART XI AERODROME OFFENCES

Miscellaneous

50. Any person who-

- (a) operates an aerodrome without authorization; or
- (b) permits the use of an aerodrome by a type of aircraft which is not specified for the type of aerodrome; or
- (c) obstructs or interferes with the proper use of an aerodrome; or
- (d) provides false information to the aerodrome operator or Authority to solicit authorization; or
- (e) fails to notify changes in essential aerodrome data for publication in AIP; or
- (f) fails to employ qualified persons for safety essential functions; or
- (g) fails to update the aerodrome manual;

shall be guilty of an offence.

Vehicles

51. (1) No driver of a motor vehicle shall, within the area of an aerodrome-

- (a) fail to conform to the indications given by a traffic sign; or
- (b) park a vehicle elsewhere than in a place provided for that purpose; or
- (c) fail to move a vehicle from a parking place when required to do so by a controlling authority; or
- (d) leave a vehicle on the aerodrome longer than is reasonably necessary for the transaction of the business for the purpose for which it was brought there; or

- (e) drive a vehicle elsewhere than in a place provided for the passage or accommodation of such vehicle.

(2) For purposes of the prosecution of an offence in terms of this section, the person in whose name the vehicle is registered shall, unless the contrary is proved, be deemed to have been the driver of the vehicle at all relevant times.

Aircraft

52. No person shall, within the area of any aerodrome-

- (a) without the authority of the person in charge of an aircraft-
 - (i) board such aircraft;
 - (ii) tamper or interfere with such aircraft or anything used in connection with the aircraft;
- (b) run an aircraft engine in a hangar;
- (c) run an aircraft engine without a competent person sitting at the controls;
- (d) fail, when so required by an aerodrome official, to place an aircraft of which the person is in charge in a place or position fixed by that official;
- (e) fail to moor or otherwise secure a stationary aircraft which is not in a hangar, and of which that person is in charge; or
- (f) board an aircraft at an aerodrome without having submitted to a search of the person and property, if the person has been requested to submit to such a search by an employee or agent of the aerodrome authority.

Restricted areas

53. No person shall, within the area of the aerodrome, without prior written permission of the controlling authority-

- (a) enter or leave the aerodrome otherwise than through a gate or entrance provided for that purpose; or
- (b) enter any part of the aerodrome to which members of the public are not admitted; or
- (c) sell, offer for hire, distribute anything or make any offer of services for anything; or
- (d) exhibit any notice or advertisement except-
 - (i) on premises which the person exhibiting it is authorised to occupy and in accordance with the terms of the occupation; or
 - (ii) on a scheduled advertising site approved by the controlling authority;
- (e) interfere with restricted areas of an aerodrome without proper authorisation or remaining on the aerodrome after being directed to leave; or

- (f) disregard notices posted around or on the aerodrome.

Penalties

54. Any person who contravenes a provision of these regulations shall be guilty of an offence and shall be liable to-

- (a) in the case of contravening section 45, a fine not exceeding fifty thousand Emalangeni or to imprisonment for a period not exceeding one year or to both;
- (b) in the case of contravening section 49, a fine not exceeding twenty-five thousand Emalangeni or to imprisonment for a period not exceeding six months or to both;
- (c) in the case of contravening section 50(a), (b), (c) and (d), a fine not exceeding fifty-thousand Emalangeni or to imprisonment for a period not exceeding one year or to both;
- (d) in the case of contravening section 50(e), (f), and (g), cancelling of authorisation;
- (e) in the case of contravening section 51, a fine not exceeding twenty-five thousand or to imprisonment for a period not exceeding six months or to both;
- (f) in the case of contravening section 52, a fine not exceeding thirty thousand Emalangeni or to imprisonment for a period not exceeding one year or to both;
- (g) in the case of contravening section 53, a fine not exceeding twenty-thousand Emalangeni or to imprisonment for a period not exceeding three months or to both.

SCHEDULE

AERODROME FEES AND FORMS

PART I AERODROME FEES

1. For inspection of-	Emalangeni
(a) an existing aerodrome	30 000
(b) an existing helipad	10 000
(c) an intended aerodrome site	40 000
(d) an intended helipad site	20 000
2. For issue of a licence (including the final inspection) for an aerodrome-	
CAT I	45 000
CAT II	35 000
CAT III	35 000

(b) for a helipad	15 000
(c) balloon site/operations-operator to pay for the travelling costs	10 000
3. For renewal of a licence-	
(a) for an aerodrome	
CAT I	40 000
CAT II	35 000
CAT III	30 000
(b) for a helipad	10 000
(c) balloon site	10 000
4. For variation of a licence for an aerodrome-	
CAT I	35 000
CAT II	30 000
5. Obstacle limitation-	
(a) consultation and clearance of site	35 000
(b) final inspection of obstacle	35 000
(c) annual inspection of Tower	35 000
6. For approval of a Fire Company (which provides services at Aerodromes and Airports) annually	8 000
7. For issue of initial safety occupation certificate-	
(a) for hangars	5 000
(b) Oil companies	8 000
8. Annual Inspection/Renewal of safety certificate to SWACAA Airports-	
(a) Matsapha	100 000
(b) Nhlangano	50 000
(c) Sikhupe	200 000
9. Processing of aerodromes manuals and licensing application	50 000

10-

(a) Issuing of operating certificate to Airport staff each-	10 000
(b) Renewal of operating certificate to Airport staff each-	10 000
(c) Replacement of operating certificate to Airport staff each-	10 000

PART II**APPLICATION FOR REGISTRATION AND RENEWAL FORMS**

Aerodromes Branch

Box

.....

.....

Tel: 268-; Fax: 268-

APPLICATION FOR RENEWAL OF AERODROME LICENCE

This application form should be completed and forwarded together with-

(a) the current aerodrome licence; and

(b) the fees chargeable for renewal,

to Aerodromes Branch, Box, *one month before the expiry date of the licence.*

1. Name of aerodrome:
2. Name and address of applicant:
3. Is the aerodrome in the same condition since the last renewal? If not, give details.
4. Have any overhead cables/wires been erected within 1½ kilometers since the last renewal/issue of the Licence? If so, give details.
5. Has there been any change in ownership/tenancy of the land on which the aerodrome is situated? If so give details.

I hereby declare that the above particulars are true in every respect.

Date: Signature of applicant

SWAZILAND CIVIL AVIATION AUTHORITY
APPLICATION TO REGISTER AN AERODROME

This application should be completed and forwarded together with a 1:50 000 map showing position of the aerodrome to:

Aerodromes Branch; Box

1. Name of aerodrome:
2. Name of applicant:
3. Contact details of applicant:
 - a. physical address:
 - b. Postal Address:
 - c. Telephone No. and. Facsimile
 - d. E-mail:
3. Aerodrome information:
 - a. Geographical position South East
 - b. Runaway Heading (degrees magnetic) o
Length m
Width n

Slope

Surface (bitumen, grass, gravel, earth)

Condition (long grass, smooth, rough, etc)

Marker spacing m Marker size m

Strip a. Length: m b. Width: m

Overrun length m

- c. Approach and take-offs (indicate location and height of any obstacles and their distance from end of cleared area e.g. trees, power lines, buildings, etc).
- d. facilities & Equipment Windsock supplied Type of fire equipment Name circle constructed (Yes/No) (Yes/No.)

S155

I hereby declare that the above particulars are true in every respect.

Date:

Signature of applicant:

N. DLAMINI
MINISTER OF PUBLIC WORKS AND TRANSPORT

LEGAL NOTICE NO. 117 OF 2011

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

CIVIL AVIATION AUTHORITY (AIRCRAFT REGISTRATION
AND MARKING) REGULATIONS, 2011
(Under Section 104)

ARRANGEMENT OF REGULATIONS

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4. Eligibility for registration.
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First Schedule: Classification of aircraft.

Second Schedule: Penalties

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 (Aircraft Registration and Marking) 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-

“aeroplane” means a 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;

“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;

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

“Authority” means the Civil Aviation Authority established under section 3 of the Civil Aviation Authority Act 2009;

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

“commercial air transport” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

“Contracting State” means a State that is a signatory to the Convention on International Civil Aviation;

“fireproof material” means a material capable of withstanding heat as well or better than steel when the dimensions in both cases are appropriate for the specific purpose;

“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;

“gyroplane” means a heavier-than-air aircraft, deriving its lift in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axis;

“lighter-than-air aircraft” means an aircraft supported chiefly by its buoyancy in the air;

“ornithopter” means a heavier-than-air aircraft supported in flight chiefly by reactions of the air on planes to which a flapping motion is imparted;

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

“sea-plane” means an aeroplane equipped with floats or other devices enabling it to land and take off from the surface of water.

PART II AIRCRAFT REGISTRATION REQUIREMENTS

Aircraft to be registered

3. (1) No person shall operate an aircraft that is classified in the First Schedule, within or fly over Swaziland unless-

- (a) for an aircraft eligible for registration under the laws of Swaziland, the aircraft has been registered by its owner in accordance with these Regulations and the Authority has issued a certificate of aircraft registration for that aircraft which shall be carried onboard that aircraft for all operations; or

- (b) the aircraft has been type accepted by the Authority and a Type Acceptance Certificate has been issued in terms of Regulation 4 (1) of the Civil Aviation (Airworthiness) Regulations of 2011; or
- (c) where an aircraft has been previously type accepted, a valid Certificate of Airworthiness issued by the State of Registry shall be required; or
- (d) the aircraft is registered in-
 - (i) a Contracting State to the Convention on International Civil Aviation; or
 - (ii) some other State in relation to which there is in force an agreement between the Government of Swaziland and the Government of that State which makes provision for the flight over Swaziland of aircraft registered in that State.

(2) Subject to this Regulation, an aircraft shall not be registered or continue to be registered in Swaziland where-

- (a) the aircraft is registered outside of Swaziland;
- (b) an unqualified person is entitled as owner to any legal or beneficial interest in the aircraft or to any share in the aircraft;
- (c) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in Swaziland; or
- (d) the aircraft does not qualify to be issued with a certificate of airworthiness.

(3) No person shall operate or fly an aircraft unless, as required by the law of State in which the aircraft is registered, the aircraft is painted or affixed with the nationality and registration marks required by that law.

(4) An aircraft shall not bear any marks which purport to indicate that the aircraft is-

- (a) registered in a State in which it is not in fact registered; or
- (b) a State aircraft of a particular State if it is not in fact such an aircraft unless the appropriate authority of that State has sanctioned the bearing of such marks.

(5) The Authority shall be responsible for the registration of aircraft in Swaziland and shall maintain a register on its premises and shall record in it the particulars specified in regulation 6.

Eligibility for registration

4. (1) An aircraft is eligible for registration if it is-

- (a) owned by a citizen of Swaziland, an individual citizen of a foreign State who is lawfully admitted for residency in Swaziland, a corporation lawfully incorporated and doing business under the laws of Swaziland or a government entity of Swaziland; and
- (b) not registered under the laws of any foreign country.

(2) The following persons are qualified to be the owners of a legal or beneficial interest in an aircraft registered in Swaziland or a share in that aircraft-

- (a) the Government of Swaziland;
- (b) citizens of Swaziland or persons bona fide resident in Swaziland
- (c) such other persons as the Authority may approve;
- (d) bodies corporate-
 - (i) established under the laws of Swaziland; or
 - (ii) established under and subject to the laws of such country as the Authority may approve.

(3) If an unqualified person residing or having a place of business in Swaziland is entitled as owner to a legal or beneficial interest in an aircraft or a share in an aircraft, the Authority upon being satisfied that the aircraft may otherwise be properly registered, may register the aircraft in Swaziland and that person may not cause or permit the aircraft while it is registered in pursuance of this sub-regulation to be used for the purpose of commercial air transport operations or aerial work.

(4) If an aircraft is leased or is the subject of a lease, charter or higher purchase agreement to a person qualified under sub-regulation (2), the Authority may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest in the aircraft, register the aircraft in the names of the parties to the charter or hire-purchase agreement after being satisfied that the aircraft may otherwise remain so registered during the continuation of the lease, charter or hire purchase agreement.

Application for registration of aircraft

5. (1) A person who wishes to register an aircraft in Swaziland shall submit an application for aircraft registration to the Authority on a form prescribed by the Authority and the application shall-

- (a) certify the citizenship of the applicant;
- (b) show evidence of ownership; and
- (c) be signed in ink.

(2) The application for aircraft registration shall be submitted with the prescribed fee to the Authority.

(3) An application for the registration of an aircraft in Swaziland may be made by or on behalf of the owner and shall include the following-

- (a) that the applicant is legally entitled to the aircraft;
- (b) a written notice submitted to the Authority identifying the person making the application on behalf of the owner;
- (c) in the case of a body corporate, a written notice identifying an officer of the body corporate (and the address) who may be served with documents, including the registration certificate issued by the Authority;

- (d) for imported aircraft with previous registration of a foreign country, a statement issued by the authority responsible for registration of aircraft in that country stating when the registration was cancelled.

(4) The application shall contain the following additional information-

- (a) a description of the aircraft that identifies it by reference to its manufacturer, its type and model as designated by its manufacturer, and the serial number given to it by its manufacturer;
- (b) if the aircraft has previously been registered in Swaziland or anywhere else, particulars of the registration, including any registration mark given to the aircraft as a result of the registration;
- (c) particulars of the registration mark, if it has been reserved for the aircraft;
- (d) the name and address of each person who holds a property interest in the aircraft and a description of the person's property interest;
- (e) the name and address of the registered owner if different from sub-regulation (d);
- (f) the physical station where the aircraft will be usually stationed;
- (g) the name and signature of the applicant; and
- (h) the date of the application.

Registration of aircraft

6. Upon receiving an application for the registration of an aircraft and being satisfied that the aircraft may properly be so registered, the Authority shall register the aircraft, and shall include in the register and on the certificate the following particulars-

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft and the registration mark assigned to it by the Authority;
- (c) the name of the manufacturer and the designation of the aircraft by the manufacturer;
- (d) the serial number of the aircraft;
- (e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share in the aircraft, or in the case of a lease agreement or financial arrangement, the names and addresses of lessee and lessor or as the case may be, the financier; and
- (f) conditions with regard to which it is registered.

Certificate of registration

7. (1) The Authority shall issue to the person or persons in whose name or names the aircraft is registered a certificate of registration, which shall include the particulars specified in regulation 6 and the date on which the certificate was issued.

(2) Subject to regulation 4, if at any time after an aircraft has been registered in Swaziland, an unqualified person becomes entitled as an owner to a legal or beneficial interest in the aircraft or a share in the aircraft or the ownership of that aircraft is transferred to a person not qualified under regulation 4, the registration of the aircraft shall become void and the certificate of registration shall forthwith be returned by the registered owner to the Authority for cancellation.

Change of registration or ownership particulars

8. (1) A person registered as the owner of an aircraft registered in Swaziland shall notify the Authority of-

- (a) any change in the particulars which were furnished to the Authority upon application being made for the registration of the aircraft;
- (b) the destruction of the aircraft or its permanent withdrawal from use;
- (c) in the case of an aircraft registered under regulation 4(4), the termination of the lease, charter or higher purchase agreement.

(2) A person who becomes the owner of an aircraft registered in Swaziland shall inform the Authority in writing.

(3) The Authority may, where it appears necessary or appropriate or for the purposes of updating the register in accordance with sub-regulations (1) and (2), correct or amend the particulars entered in the register.

(4) For purposes of this regulation, reference to the registered owner of the aircraft includes, in the case of a deceased person, the legal representative, and in the case of a body corporate which has been dissolved, its successor.

Deregistration

9. (1) The Authority may de-register or cancel the registration of an aircraft under the following circumstances-

- (a) upon application by the registered owner for purposes of registering the aircraft in another State or for any other purpose; or
- (b) upon the destruction of the aircraft or its permanent withdrawal from use.

(2) The Authority may de-register or cancel the registration of an aircraft in accordance with this regulation and require the registered owner to-

- (a) return to the Authority the certificate of aircraft registration;
- (b) settle any liens or encumbrances attached to the aircraft;
- (c) remove all nationality and registration marks assigned to the aircraft; and
- (d) comply with any other conditions as the Authority may specify.

PART III
NATIONALITY AND REGISTRATION MARKS

Marking and manner of affixation

10. (1) No person shall operate an aircraft registered in Swaziland unless the aircraft displays nationality and registration marks in accordance with the requirements of these regulations.

(2) The marks used to identify the nationality of Swaziland shall conform to the requirements outlined in regulation 11 followed by a series of numbers or letters assigned by the Authority.

(3) Unless otherwise authorised by the Authority, no person shall place on an aircraft a design, mark or symbol that modifies or confuses the nationality and registration marks.

(4) The marks used shall not be so similar to international marks as to be confused with the International Five Letter Code of Signals or Distress Codes.

(5) Permanent marking of aircraft nationality and registration shall-

- (a) be painted on the aircraft or affixed by other means ensuring a similar degree of permanence;
- (b) have no ornamentation;
- (c) contrast in colour with the background;
- (d) be legible; and
- (e) be kept clean and visible at all times.

(6) The side marks for lighter-than-air aircraft shall be so located as to be visible both from the sides and from the ground.

Display of marks

11. (1) An owner of an aircraft registered in Swaziland shall display on that aircraft the nationality mark "3DC" followed by the registration of the aircraft consisting of three Roman Capitals letters assigned by the Authority with a hyphen placed between the nationality mark and the registration mark.

(2) If, because of the aircraft configuration, it is not possible to mark the aircraft in accordance with these regulations, the owner may apply to the Authority for a different procedure.

Location of marks

12. (1) No person shall operate a heavier-than-air aircraft unless the aircraft is marked as follows-

- (a) aircraft with fixed wing-
 - (i) the marks shall be located on the lower surface of the port wing of the aircraft unless they extend across the lower surfaces of both of the wings of the aircraft and shall as far as possible, be located equidistant from the leading and trailing edges of the wing or wings with the top of the letters, and number comprising marks, towards the leading edge of the wing or wings;

- (ii) for an aircraft having more than one set of wings, the mark shall be placed on the lower wing or the lower set of wings, as the case requires;
 - (iii) the marks shall also appear either on the fuselage or equivalent structure of the aircraft or on the vertical tail surface of the aircraft and shall be on each side of the fuselage or equivalent structure between the wings and the tail surfaces;
 - (iv) the marks on the vertical tail surfaces shall be on each side of the vertical tail surface for aircraft with a single vertical surface and shall be on each of the outboard sides of the outer vertical surfaces of the tail structure for an aircraft with multi-vertical surface structure;
- (b) rotor-craft-the marks shall be located horizontally on both the port and starboard sides-
- (i) on the fuselage; or
 - (ii) on the engine cowling; or
 - (iii) on the tank or tanks; or
 - (iv) on the tail boom; or
 - (v) on any other external surface approved by the Authority.
- (2) No person shall operate a lighter-than-air aircraft unless the aircraft is marked as follows-
- (a) spherical balloon-the marks shall appear in two places diametrically opposite and shall be located near the maximum horizontal circumference of the balloon;
 - (b) non-spherical balloon-the marks shall appear on each side and shall be located near the maximum cross section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cable;
 - (c) airship-the marks shall appear on each side of the hull of the airship and also on the upper surface on the line of symmetry and they shall be located lengthwise near the maximum cross section of the airship;
 - (d) all lighter-than-air-aircraft-the side marks on all lighter-than-air aircraft shall be visible both from the sides and from the ground.

Measurement of marks

13. (1) No person shall operate an aircraft unless the aircraft is marked with the number and letters comprising one or more marks on the same aircraft of equal height.

(2) The width of each letter and number (except the letter l and the number "1") and the length of each hyphen must be two-thirds the height of a letter or number.

(3) The letters, numbers and hyphens shall be-

- (a) formed by solid lines with thickness of one-sixth of the height of the marks; and
- (b) of colour that is clear contrast to the colour of the background to the marks.

(4) Each letter or number shall be separated from a letter, a number or hyphen, which precedes or follows it, by a space not less than one quarter of the width of a character (except the letter I and the number "1").

(5) In the case of lighter-than-air aircraft the length of the marks shall be at least 50 centimetres.

(6) The marks on a balloon shall be vertical.

(7) In case of fixed wing heavier-than-air aircraft-

- (a) the wing marks shall be at least 50 centimetres in height;
- (b) the marks on the fuselage (or equivalent structure) shall be at least 30 centimeters in height without visually interfering with the outlines of the fuselage (or equivalent structure); and
- (c) the marks on the vertical tail surface shall be at least 30cm in height with a clearance of 5cm from leading and trailing edge of the tail surface.

(8) In the case of rotorcraft-

- (a) the marks shall be at least 30cm in height;
- (b) if the surface area of that part of the rotorcraft on which the marks are to be located is insufficient to enable compliance with paragraph (a), as high as possible; or
- (c) in either case the mark shall leave a clearance of 5cm from the edge of that part of the rotorcraft on which the marks are located and shall not interfere with the outlines of the rotorcraft.

(9) The marks shall be vertical or slopping at the same angle being an angle of not more than 30 degrees to the vertical axis.

Types of characters for nationality and registration marks

14. No person shall operate an aircraft unless the aircraft is marked with capital letters in Roman characters without ornamentation, numbers shall be Arabic numbers without ornamentation and hyphens shall be considered as characters.

Deviations for size and location of marks

15. (1) Where either one of the surfaces authorised for displaying required marks is large enough for display of marks meeting these size requirements for these regulations and the other is not, the registered owner shall place full-size marks on the larger surface.

(2) Where neither surface is large enough for full-size marks, the Authority may approve marks as large as practicable for display on the larger of the two surfaces.

Removal of marks

16. When an aircraft that is registered in Swaziland is sold, the holder of the certificate of registration shall upon deregistration remove, before its delivery to the purchaser, all nationality and registration marks of Swaziland, unless the purchaser is a citizen of Swaziland or other legal entity as prescribed in regulation 4(1).

Identification plate required

17. The operator shall affix to each aircraft registered under the laws of Swaziland and identification plate-

- (a) containing the aircraft type, model serial number, nationality and registration marks;
- (b) made of fireproof metal or other fireproof material of suitable physical properties; and
- (c) secured to the aircraft in a prominent position near the main entrance or, in the case of a free balloon, affixed conspicuously to the exterior of the payload.

**PART IV
GENERAL**

Inspection of certificate of registration

18. A person who holds a certificate of registration required by these regulations shall present it for inspection upon a request from the Authority or any other person authorised by the Authority.

Change of name

19. (1) A holder of a certificate or other document issued under these regulations may apply to change the name on the certificate or that document.

(2) The holder shall include with the request-

- (a) the current certificate or any other document; and
- (b) a court order or other legal document verifying the name change.

(3) The Authority may change the certificate or any other document and issue a replacement of the certificate or document.

(4) The authority shall return to the holder the original documents specified in sub-regulation 2(b) and retain copies and return the replaced certificate or document with the appropriate endorsement.

Change of address

20. (1) A holder of a certificate 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) the physical address, at least fourteen days in advance; and
- (b) the mailing address, upon the change.

(2) A person who fails to 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

21. 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.

Certificate suspension and revocation

22. (1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these regulations.

(2) The Authority may, upon the completion of an investigation and where it considers it to be in the public interest, revoke, suspend or vary any 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 documents which have been revoked, suspended or varied under these regulations shall surrender them to the Authority within 14 days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any 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

23. (1) No person shall-

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

(2) During the period for which it is required under these regulations to be preserved, no person shall mutilate, alter, render illegible or destroy any records or any entry made in the records, 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 willfully omit to make a material entry in the record.

(3) All records 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 exemption for the purpose of these regulations unless that person is authorised 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.

(6) A person who commits any act prohibited under these regulations may have a licence, certificate, rating, qualification or authorisation revoked or suspended.

Reports of violation

24. (1) A person who knows of a violation of the Act or any other regulation or order issued 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

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

Aeronautical user fees

26. (1) The Authority may 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 of a licence, certificate or other document, 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 sub-regulation (1), the applicant shall be required, before the application is entertained, to pay the fee so chargeable.

(3) If, after payment has been made, 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

27. (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 the 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.

PART V OFFENCES

Contravention of regulations

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

Offences and penalties

29. (1) If any provision of these regulations, orders, notices or proclamations 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 the pilot in command proves that the contravention occurred without their consent or connivance and that they exercised all due diligence to prevent the contravention.

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

(3) A person who contravenes any provision specified as a "B" provision in the Second Schedule to these regulations commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand Emalangeni for each offence 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 Second Schedule to these regulations 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 offence for a similar offence to a fine not exceeding two hundred thousand Emalangeni or imprisonment for a period not exceeding four years or to both.

Extra-territorial application of regulations

30. Except where the context otherwise requires, the provisions of 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, 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, 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 VI
TRANSITIONAL PROVISION

Transition and savings

31. A valid licence, certificate, permit or authorisation granted by the Authority before the commencement of these regulations shall remain operational until it expires or is revoked, annulled or replaced.

FIRST SCHEDULE

Regulation 3 (1)

CLASSIFICATION OF AIRCRAFT

TABLE 1:
CLASSIFICATION OF AIRCRAFT

AIRCRAFT	Lighter-than-air aircraft	Non-power driven balloon	Free balloon	Spherical free balloon
			Captive balloon	Non-spherical free balloon
		Power-driven	Airship	Spherical captive balloon
				Non-spherical captive balloon
		Heavier-than-air aircraft	Non power-driven	Glider
	Semi-rigid airship			
	Non-rigid airship			
	Aeroplane		Kite ⁴	Land glider
				Sea glider ²
			Gyroplane	Landplane ³
				Seaplane ²
				Amphibian ²
				Land Gyroplane ³
				Sea gyroplane ²
	Non-power driven	Rotorcraft	Amphibian gyroplane ²	
Land helicopter ³				
Sea helicopter ²				
Helicopter		Amphibian helicopter ²		
		Ornithopter	Land ornithopter ³	
Sea ornithopter ²				
Amphibian ornithopter ²				

1. Generally designated "kite balloon".
2. "Float" or "boat" may be added as appropriate
3. Includes aircraft with ski-type landing gear (substitute "ski" for "land")
4. For the purpose of completeness only.

SECOND SCHEDULE

(Regulation 29)

PENALTIES

REG NO.	TITLE	PART
3	Aircraft to be registered	B
8	Change of registration or ownership particulars	A
10	Marking and manner of affixation	B
11	Display of marks	A
12	Location of marks	A
13	Measurement of marks	A
14	Types of characters for nationality and registration marks	A
16	Removal of marks	A
17	Identification plate required	A
23	Use and retention of certificates and records	B
24	Report of violations	B
25	Enforcement of directions	A

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