

GOVERNMENT NOTICE NO 120 published on 24/05/2013

THE CIVIL AVIATION ACT
(CAP. 80)

REGULATIONS

(Made under section 4)

THE CIVIL AVIATION (PERSONNEL LICENCING) (AMENDMENT)
REGULATIONS, 2013

Citation
GN. No.
38 of 2012

1. These Regulations may be cited as the Civil Aviation (Personnel Licensing) (Amendment) Regulations, 2013 and shall be read as one with the Civil Aviation (Personnel Licensing) Regulations, 2012, hereinafter referred to as the “principal Regulations”.

Amendment of
regulation 2

2. The principal Regulations are amended by-

(a). inserting the following new definitions in its appropriate alphabetical order-

“aircraft required to be operated with a co-pilot” means a type of aircraft that is required to be operated with a co-pilot, as specified in the flight manual or by the air operator certificate;

“aircraft certificated for single-pilot operation” means a type of aircraft which the State of Registry has determined, during the certification process, can be operated safely with a minimum crew of one pilot;

“aircraft required to be operated with a co-pilot” means a type

of aircraft that is required to be operated with a co-pilot, as specified in the flight manual or by the air operator certificate;

“airmanship” means the consistent use of good judgment and well developed knowledge, skills and attitudes to accomplish flight objectives;

“approved training” means training conducted under special curricula and supervision approved by a Contracting State;

“approved training organization” means An organization approved by and operating under the supervision of a Contracting State in accordance with the requirements of Annex 1 to perform approved training;

“ATS surveillance system” is a generic term meaning variously, ADS-B, PSR, SSR or any comparable ground-based system that enables the identification of aircraft;

“dual instruction time” means flight time during which a person is receiving flight instruction from a properly authorized pilot on board the aircraft;

“flight simulation training device” means any one of the following three types of apparatus in which flight conditions are simulated on the ground flight conditions;

“instrument flight time” means the time during which a pilot is piloting an aircraft solely by reference to instruments and without external reference points;

“instrument ground time” means the time during which a pilot is practising, on the ground, simulated instrument flight in a flight simulation training device approved by the Licensing Authority;

“licensing Authority” means the Authority designated by a Contracting State as responsible for the licensing of personnel;

“performance criteria” means simple, evaluative statements on the required outcome of the competency element and a description of the criteria used to judge whether the required level of performance has been achieved;

“Pilot (to)” means to manipulate the flight controls of an aircraft during flight time;

“rated air traffic controller” means an air traffic controller holding a licence and valid ratings appropriate to the privileges to be exercised;

“rendering (a licence) valid (Validation)” means the action taken by a Contracting State, as an alternative to issuing its own licence, in accepting a licence

issued by any other Contracting State as the equivalent of its own licence;

“State of Registry” means the State on whose register of the aircraft is entered. It’s a note explaining how convention should be done and which group of personnel to be licensed.”

- (b). deleting the definition of the word “aircraft-type” and substituting for it the following-

“aircraft - type of” means all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.”

Amendment of regulation 5

3. The principal Regulations are amended in regulation 5 by-

- (a). adding after paragraph (e)(iii) of sub regulation (1) the following sub paragraph:
“(iv) powered-lift category;”
- (b). deleting the opening words of sub regulation (9) and substituting for it with the following words:

“The Authority may issue the specific or group type ratings for AMEL which may be granted for specific aircraft or engines defined by, or listed in subparagraphs (a), (b), (c) and (d) of what excluding aeroplanes, engines, helicopters and systems of aircraft 13,610 kg (30,000Ibs) maximum take-off mass (MTOM) or greater and gas-turbine engines in aeroplanes

exceeding 22.25 KN (5000lbf) static thrust including where so endorsed the associated auxiliary power unit (APU) installations for which maintenance has to be carried out and certified under the company approval.”

- (c). deleting paragraph (b)(iv) of sub regulation (9) and renaming paragraph (b)(v) as (b)(iv).
- (d). adding immediately after paragraph (j) of sub regulation (9) the following subparagraphs:
 - “(k) the aircraft of which type /group rating is sought must be of a type enlisted on State civil register;
 - (l) for an applicant to qualify for a group rating he or she shall have more than two categories endorsed on the licence.”

Addition of
new regulation
5A

4. The principal Regulation are amended by adding immediately after regulation 5 the following new regulation 5A:

“Special
authori-
zation for
non passé-
nger
carrying
flights

5A.-(1) A Contracting State having issued a pilot licence shall not permit the holder of such licence to act either as pilot-in-command or as co-pilot of an aeroplane, an airship, a helicopter or a powered-lift unless the holder has received authorization as follows:

- (a) the appropriate class rating specified in regulation 5(1)(b); or
- (b) a type rating when required in accordance

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with the provisions of regulation 5(1)(e).

(2) When a type rating is issued limiting the privileges to act as co-pilot, or limiting the privileges to act as pilot only during the cruise phase of the flight, such limitation shall be endorsed on the rating.

(3) For the purpose of training, testing, or specific special purpose non-revenue, non-passenger carrying flights, special authorization may be provided in writing to the licence holder by the Licensing Authority in place of issuing the class or type rating in accordance to regulation 17(5).

(4) Subject to sub regulation (3) authorization shall be limited in validity to the time needed to complete the specific flight.”

Addition of new regulation 8A

5. The principal Regulations are amended by adding the following new regulation after regulation 8-

“Competency and Recent experience requirements

8A. The Authority shall establish maintenance of competency and recent experience requirements for pilot licences and ratings based on a systematic approach to accident prevention and should include a risk assessment process and analysis of current operations, including accident and incident data appropriate to that State.”

Amendment of regulation 14

6. The principal Regulations are amended in regulation 14 by deleting it and substituting for it the following-

“General

14.-(1) A person who holds a

require-
ments for
validation

current and valid pilot licence issued by another Contracting State in accordance with ICAO Annex 1 may apply for a validation of such licence for use on aircraft registered in within such State.

(2) The applicant for the validation certificate shall present to the Authority-

- (a) the foreign licence and evidence of the experience required by presenting the record in the personal flying logbook;
- (b) evidence that he holds a current medical certificate issued by the Contracting State that issued the applicant's licence.
- (c) evidence of language proficiency in the English as specified in second schedule of Personnel Licensing Regulations or shall demonstrate to the Authority the language proficiency skills

(3) The Authority may allow the applicant to use his foreign medical certificate with the validation certificate provided that the medical certification requirements on which the foreign medical certificate was issued meet the requirements of these Regulations, relevant to the licence

held.

(4) Authority shall verify the authenticity of the licence, ratings and the medical certificate with the state that issued the licence prior to the issuance of the validation certificate.

(5) The Authority may issue a validation certificate which shall be valid for one year, provided the foreign licence, ratings and the medical certificate remains valid.

Addition of
new regulations

7. The principal Regulations are amended by adding the following new regulations 14A and 14B after regulation 14

Validation
certificate
with PPL
privileges.

14A. Subject to the requirements under regulation 14, the applicant for the validation certificate with PPL privileges shall have a foreign licence with at least PPL privileges.

Validation
certificate
with
PPL/IR,
CPL,
CPL/IR,
MPL, ATPL
or FE
privileges.

14B.-(1) Subject to the requirements sub regulation 14A, the applicant for a validation certificate for either a PPL/IR, CPL, CPL/IR, MPL, ATPL or FE privileges, shall have the relevant foreign licence and meet the following requirements:

- (a). demonstrate, to the satisfaction of the Authority and relevant to the licence to be validated, knowledge of-
- (i) Air Law;
 - (ii) Meteorology;

- (iii) Operational procedures; and
- (iv) Radiotelephony;
- (b). complete a skill test for the relevant licence and ratings that he wants to be validated relevant to the privileges of the licence held;

(2) The Authority shall not place upon a certificate of validation privileges beyond those granted by a foreign licence.

(3) An applicant for a certificate of validation shall use only one foreign licence as a basis for obtaining a certificate of validation.

(4) A person who receives a certificate of validation under this regulation shall:

- (a). be limited to the privileges placed on the certificate;
- (b). be subject to the limitations and restrictions on the certificate and foreign licence when exercising the privileges of that certificate in an aircraft registered in the state; and
- (c). not exercise the privileges of the

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certificate when the person's foreign has been revoked and suspended.

Amendment of regulation 19

8. The principal Regulations are amended in regulation 19 by-

- (a). deleting subparagraph (d) of sub regulation (1);
- (b). deleting sub regulation (6) and substituting for it with the following-

“(6) An applicant for a certificate of validation shall pass a knowledge test in Air Law relevant to the licence to be validated.”

Amendment of regulation 20

9. The principal Regulations are amended in regulation 20(4) by-

- (a) deleting sub-paragraph (b) and substituting for it with the following-

“(b) applicable Airworthiness requirements governing certification and continuing airworthiness; and

- (b) adding sub-paragraph (c) and (d) immediately after (b) as follows:

“(c) approved maintenance organisations and procedures; and

(d) human factor.”

Addition of new paragraph 27A

10. The principal Regulations are amended by adding immediately after regulation 27 the following new

regulation 27A:

Recording
of flight
time of a
holder of
pilot
licence

27A.-(1) A student pilot or the holder of a pilot licence shall be entitled to be credited in full with all solo, dual instruction and pilot-in-command flight time towards the total flight time required for the initial issue of a pilot licence or the issue of a higher grade of pilot licence.

(2) A student pilot or the holder of a pilot licence shall be entitled to be credited in full with all solo, dual instruction and pilot-in-command flight time towards the total flight time required for the initial issue of a pilot licence or the issue of a higher grade of pilot licence.

(3) The holder of a pilot licence, when acting as co-pilot at a pilot station of an aircraft certificated to be operated with a co-pilot, shall be entitled to be credited in full with this flight time towards the total flight time required for a higher grade of pilot licence.

(4) The holder of a pilot licence, when acting as pilot-in-command under supervision, shall be entitled to be credited in full with this flight time towards the total flight time required for a higher grade of pilot licence.

Amendment
regulation 38

11. The principal Regulations are amended in regulation 38 by-

(a). designating it as sub regulation (1); and

(b). adding the following new sub regulation:

(2) Subject to sub regulation (1)(c), the applicant shall be required to receive not less than 20 hours of dual instruction time in helicopters from an authorized flight instructor.

(3) The instructor shall ensure that the applicant has operational experience in at least the following areas to the level of performance required for the private pilot-

- (a). recognize and manage threats and errors;
- (b). pre-flight operations, including mass and balance determination, helicopter inspection and servicing;
- (c). aerodrome and traffic pattern operations, collision avoidance precautions and procedures;
- (d). control of the helicopter by external visual reference;
- (e). recovery at the incipient stage from settling with power;
- (f). recovery techniques from low-rotor rpm within the normal range of engine rpm;
- (g). ground manoeuvring and run-ups; hovering; take-offs and landings

- normal, out of wind and sloping ground;
- (h). take-offs and landings with minimum necessary power; maximum performance take-off and landing techniques; restricted site operations; quick stops;
- (i) cross-country flying using visual reference, dead reckoning and, where available, radio navigation aids, including a flight of at least one hour;
- (j) emergency operations, including simulated helicopter equipment malfunctions; autorotative approach;
- (k) operations to, from and transiting controlled aerodromes, compliance with air traffic services procedures; and
- (l) communication procedures and phraseology.

Amendment of regulation 51

12. The principal Regulations are amended in regulation 51 by

- (a). inserting the words “or powered-lifts” immediately after the word “aeroplane” in sub regulation (1) (a);
- (b). adding after sub regulation (2) the following

sub regulation (3):

“(3) The applicant should have completed in powered-lifts not less than-

- (a). 250 hours, either as pilot-in-command, or made up of not less than 70 hours as pilot-in-command and the necessary additional flight time as pilot-in-command under supervision;
- (b). 100 hours of cross-country flight time, of which not less than 50 hours should be as pilot-in-command or as pilot-in-command under supervision;
- (c). 75 hours of instrument time, of which not more than 30 hours may be instrument ground time; and
- (d). 25 hours of night flight as pilot-in-command or as co-pilot.”

(c). redesignating sub regulations (3),(4),(5) and (6) as sub regulations (4),(5),(6) and (7) respectively;

(d). adding after redesignated sub regulation (7) the following new sub regulation 8:

“(8) The Licensing Authority shall determine whether experience as a pilot under instruction in a flight simulation training device is acceptable as part of the total flight time of 1500 hours.”

Amendment of
regulation 63

13. The principal Regulations are amended in regulation 63 by-

(a). deleting paragraph (a) of sub regulation (3) and substituting for it with the following-

“(a) The applicant shall have demonstrated the skill and knowledge required for the safe operation of the applicable type of aircraft, relevant to the licensing requirements and piloting functions of the applicant.”

(b). adding after sub regulation (3) the following sub regulation-

“(4) For the purpose of training, testing, or specific special purpose non-revenue, non-passenger carrying flights, special authorization may be provided in writing to the licence holder by the Licensing Authority in place of issuing the class or type rating in accordance with these Regulation. This authorization shall be limited in validity to the time needed to complete the specific flight.”

Amendment of
regulation 72

14. The principal Regulations are amended in regulation 72 by deleting paragraph (e) of sub regulation (3) and substituting for it the following-

“(e) demonstrate the ability to operate multi-engined aircraft within the appropriate category by reference solely to instrument with one engine inoperative, or simulated inoperative, if the privileges of the instrument rating are to be exercised on such aircraft.”

following requirements:

- (a). holds a current aircraft maintenance engineer licence;
- (b). has completed 6 months of practical experience on the type or group of aircraft or components for which the rating is sought;
- (c). has successfully completed:
 - (i) examinations acceptable to the Authority; or
 - (ii) a course of training relevant to the type of aircraft or components for which the rating is sought;

which conducted by an approved training organization that is authorized to conduct such a course or the manufacturer of the applicable aircraft or component or approved by the competent authority of a foreign Contracting State.

(2)The holder of a current aircraft maintenance engineer rating may:

- (a). exercise the privileges of the aircraft maintenance engineer licence on any aircraft or component as defined in the Regulations; or

- (b). exercise the privileges of the aircraft maintenance licence on the type of aircraft or component specified on the rating, unless operating under the authority of an approved maintenance organization, in which case the rating holder shall comply with the requirements of the approved maintenance organization.”

Addition of regulation 121A

20. The principal Regulations are amended by adding the following new regulation after regulation 121-

“Exercise of privileges

121A. The privileges of the holder of an aircraft maintenance licence shall only be exercised:

- (a). in respect of such-
 - (i) aircraft as are entered on the licence in their entirety either specifically or under broad categories; or
 - (ii) airframes and power plants and aircraft systems or components as are entered on the licence either specifically or under broad categories; or

- (iii) aircraft avionic systems or components as are entered on the licence either specifically or under broad categories;
- (b). provided that the licence holder is familiar with all the relevant information relating to the maintenance and airworthiness of the particular aircraft for which the licence holder is signing a Maintenance Release, or such airframe, power plant, aircraft system or component and aircraft avionic system or component which the licence holder is certifying as being airworthy; and
- (c). on condition that, within the preceding 24 months, the licence holder has either had experience in the inspection, servicing or maintenance of an aircraft or components in accordance with the privileges granted by the licence held for not less than six months, or

has met the provision for the issue of a licence with the appropriate privileges, to the satisfaction of the Licensing Authority.”

Amendment of regulation 137

21. The principal Regulations are amended in regulation 137 by-

- (a). designating it as sub regulation (1);
- (b). inserting in paragraph (a) of sub regulation (1) the following sub paragraph; and
- (c). adding the following sub regulations-
 - “(2) As part of the State safety programme, States shall apply a minimum basic safety management principles to the medical assessment process of licence holders to include:
 - (a). routine analysis of in-flight incapacitation events and medical findings during medical assessments to identify areas of increased medical risk; and
 - (b). continuous re-evaluation of the medical assessment process to concentrate on identified areas of increased medical risk.”
 - (3) Notwithstanding the provision of sub regulation (1)(a), for applicants under 40 years of age, the Licensing Authority shall, at its discretion, allow medical examiners

to omit certain routine examination items related to the assessment of physical fitness, whilst increasing the emphasis on health education and prevention of ill health.”

Addition of
regulation
138A

22. The principal Regulations are amended by adding immediately after regulation 138 the following new regulation:

“Evalu-ation
of Medical
Examiners’
Compe-
tence

138A.-(1) The Authority shall use the services of the medical assessors to evaluate reports submitted to it by the medical examiners and making final assessments for issue, renew or deny medical certificates.

(2) The Authority shall use the services of the medical assessors to evaluate the reports submitted to it by the medical examiners.

(3) The medical assessors shall be qualified and experienced in the practice of aviation medicine and competent in evaluating and assessing medical conditions of flight safety significance

(4) Medical assessors shall maintain the currency of their professional knowledge.

(5) The medical assessors shall periodically evaluate the competence of medical examiners to ensure that they meet applicable standards for good medical practice and aeromedical risk assessment

(6) The medical assessors shall normally be in charge of Accredited Medical Conclusions.

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Amendment of regulation 139

23. The principal Regulations are amended in regulation 139 by-

- (a). deleting sub regulation (2); and
- (b). designating sub regulations (3) as sub regulation (2) respectively.

Amendment of regulation 150

24. The principal Regulations are amended in regulation 150 by adding immediately after sub regulation (3) the following sub regulation-

“(4) An applicant with depression, being treated with antidepressant medication, shall be assessed as unfit unless the medical assessor, having access to the details of the case concerned, considers the applicant’s condition as unlikely to interfere with the safe exercise of the applicant’s licence and rating privileges.”

Amendment of regulation 154

25. The principal Regulations are amended in regulation 154 by-

- (a). designating the paragraph appearing after sub regulation (1) as sub regulation (2);
- (b). redesignating sub-paragraphs (2),(3) and (4) as sub paragraphs (3),(4) and (5) respectively.

Amendment of regulation 160

26. The principal Regulations are amended in regulation 160 by- adding after sub regulation (3) the following new sub regulation:

“(4) An applicant who does not meet the requirements listed above shall undergo further testing in accordance with these regulations.”

Amendment of regulation 162

27. The principal Regulations are amended in regulation 162 by-

- (a). designating it as sub regulation (1);
- (b). adding new sub regulation as follows:
 - “(2) The use of drugs for

control of high blood pressure shall be disqualifying except for those drugs, of which their use is compatible with the safe exercise of the applicant's licence and rating privileges."

Amendment of regulation 165

28. The principal Regulations are amended in regulation 165 by adding after sub regulation (4) the following new sub regulations-

"(5) An applicant shall be completely free from those hernias that might give rise to incapacitating symptoms.

(6) An applicant with significant impairment of the function of the gastrointestinal tract or its adnexa shall be assessed as unfit.

(7) An applicant with sequelae of disease of or surgical intervention on any part of the digestive tract or its adnexa, likely to cause incapacitation in flight, in particular any obstruction due to stricture or compression shall be assessed as unfit."

Amendment of regulation 175

29. The principal Regulations are amended in regulation 175 by-

(a). deleting the word evaluation appearing in sub regulation (3) and substituting for it with the word re-evaluation;

(b). adding the following new sub regulation:

"(4) The Authority shall take precautions for the timely relief of an air traffic controller in the gestational period in the event of early onset of labour or other complications."

Amendment of regulation 177

30. The principal Regulations are amended in regulation 177 by deleting sub regulation (2) and substituting for it with the following sub regulation-

“(2) Applicants who are seropositive for human Immunodeficiency virus (HIV) shall be assessed as unfit unless the applicant’s condition has been investigated and evaluated in accordance with best medical practice and is assessed as not likely to interfere with the safe exercise of the applicant’s licence or rating privileges.”

Dar es salaam,
10th May, 2013

HARRISON G. MWAKYEMBE
Minister for Transport