SUBPART A: GENERAL

8.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as the Civil Aviation (Medical Certification) Regulations.
(b) This Part prescribes the medical standards and certification procedures of Rwanda for medical assessment and issuance of medical certificates.
(c) This Part is applicable to all holders of licences issued by Rwanda for which medical certificates are required for the validity of the licence.
(d) This Part is also applicable to all persons providing medical evaluations, accredited medical conclusions, and special evaluations for operational competency.
(e) The Civil Aviation Technical Standards (Medical Certification) published by the Authority are also applicable to medical assessment and certification in Rwanda.

8.005 DEFINITIONS

(a) The definitions applicable to this Part are consolidated in Part 1, Appendix 1 to 1.015.

8.010 ACRONYMS

(a) The following acronyms and abbreviations are used in this Part—

AIDS = Acquired Immunodeficiency Syndrome
AME = Aviation Medical Examiner
cd = Candela
cm = centimetre(s)
dB = decibels (relative to as 1 microPascal)
HIV = Human Immunodeficiency Virus
Hz = Hertz
m = Metres
Xray = Electro X-Radiation

8.015 MEDICAL CERTIFICATES

(a) Authority has established three classes of medical assessments and issues medical certificates that are intended to indicate the minimum medical qualification for the exercise of the license privileges.
  (1) The Class 1 Medical Assessment applies to applicants for, and holders of—
    (i) Commercial pilot licences;
    (ii) Multi-crew pilot licences; and
    (iii) Airline transport pilot licences.
  (2) The Class 2 Medical Assessment applies to applicants for, and holders of—
    (i) Student pilot licenses;
    (ii) Private Pilot licenses (including glider and free balloon);
    (iii) Flight engineer licences;
    (iv) Flight navigator licenses; and
    (v) Cabin crew licenses.
  (3) The Class 3 Medical Assessment applies to applicants for, and holders of air traffic controller licences.

8.020 INITIAL & SUBSEQUENT MEDICAL EXAMINATION

(a) An applicant for a medical assessment under this Part shall undergo an initial medical examination for the medical standards in Subpart D that include the following requirements for the class of assessment specified for the applicable licence—
  (1) Physical and mental;

(2) Visual and colour perception; and
(3) Hearing.

(b) Then the license holder shall undergo subsequent examinations for the standards of Subpart D at intervals that do not exceed the period of validity for the applicable licence.

8.025 PERIOD OF VALIDITY

(a) The duration of the period of validity for the medical certificate shall be in accordance with the specific licence privileges being exercised, for periods not greater than—
(1) 60 months for the private pilot licence;
(2) 24 months for the cabin crew member licence;
(3) 12 months for the commercial pilot licence;
(4) 12 months for the multi-crew pilot licence – aeroplane;
(5) 12 months for the airline transport pilot licence;
(6) 12 months for the flight engineer licence;
(7) 12 months for the flight navigator license;
(8) 48 months for the air traffic controller licence;
(9) 60 months for the glider pilot licence;
(10) 60 months for the free balloon pilot licence;

(b) Based on the age of the applicant on the date of the medical assessment, the period of validity for the medical certificate shall be reduced to—
(1) 6 months, following their 40th birthday, for airline transport and commercial pilots exercising privileges in international commercial air transport carrying passengers;
(2) 6 months, following their 60th birthday, for airline transport and commercial pilots continuing to exercise privileges in commercial air transport;
(3) 24 months, following their 40th birthday, for private pilots and air traffic controllers;
(4) 12 months, following their 50th birthday, for private pilots.

(c) The period of validity of a medical assessment shall begin on the date the medical examination is performed and end on the last day of the month specified in (c) and (d) of this Section.

(d) When clinically indicated, the Authority may reduce the period of validity of a Medical Assessment for safety in the public interest.

8.030 TEMPORARY INVALIDATION OF MEDICAL ASSESSMENT

(a) No person may exercise the privileges of their licences and related ratings issued under Part 7—
(1) At any time when they are aware of any decrease in their medical fitness which might render them unable to safely and properly exercise these privileges.
(2) During any period in which their medical fitness has, from any reason, decreased to an extent that would have prevented the issue or renewal of their medical assessment.
(3) While under the influence of any psychoactive substance which might render them unable to safely and properly exercise these privileges.
(4) If they are engaged in any problematic use of substances.

(b) Each person who is experiencing a prolonged period involving a decrease of medical fitness or problematic use of substances shall notify Authority in writing of the circumstances and details of their situation and the actions they are taking to ensure safety in aviation is not being jeopardized.

SUBPART B: AVIATION MEDICAL EXAMINERS AND MEDICAL ASSESSOR

8.035 AVIATION MEDICAL EXAMINER: DESIGNATION & AUTHORITY

(a) The Authority shall designate and authorise AMEs to—
  (1) Accept applications for physical examinations necessary for issuing medical certificates under this Part.;
  (2) Conduct physical examinations for medical examinations of fitness of applicants for the issue or renewal of licences or ratings as prescribed by the Authority; and
  (3) Recommend issuance or denial of medical certificates in accordance with this Part, subject to reconsideration by an authorised representative of the Authority.

(b) Each AME shall—
  (1) Be qualified and licenced in the practice of medicine;
  (2) Have received training in aviation medicine at an institution recognised by the RCAA
  (3) Shall refresher training at regular intervals as prescribed by the RCAA;
  (4) Demonstrate competency in aviation medicine;
  (5) Have practical knowledge and experience of the conditions in which the holders of the licences and ratings carry out their duties;
  (6) Demonstrate knowledge of the international aviation medical standards;
  (7) Demonstrate knowledge of the international aviation guidance for AMEs.

(c) Each AME shall report to the Authority any individual case where, in the examiner's judgement, an applicant's failure to meet any requirement could jeopardise flight safety.

8.040 DELEGATION OF AUTHORITY FOR MEDICAL ASSESSOR

(a) The Authority shall only delegate to each AME the authority to—
  (1) Examine applicants for and holders of medical certificates to determine whether they meet applicable medical standards; and
  (2) Recommend issuance, renewal, denial, or withdrawal of medical certificates, medical waivers, or special authorisations to an applicant based on meeting or failing to meet applicable medical standards.

(b) The Authority may delegate to a qualified medical assessor the authorisation as representatives of the Authority, to—
  (1) Review and Evaluate medical reports submitted to the Authority by medical examiners and making final assessments for issue, renew or deny medical certificates.
  (2) Re-evaluate applicants' and holders of medical certificates for fitness; and
  (3) On occasion to visit and review the applicants' files held by an AME.

(c) 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.

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

(e) 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.

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

(g) Subject to conditions and limitations as may be prescribed by the RCAA, functions of the medical assessor may be delegated a qualified medical examiners.

(h) The Authority may reconsider any action of an AME and re-examine an applicant where there is a basis to question a medical examiner's assessment of that individual.

SUBPART C: MEDICAL CERTIFICATION PROCEDURES

8.045 APPLICABILITY

(a) This Subpart prescribes the medical certification procedures required for the issuance of all medical certificates.

8.050 MEDICAL RECORDS

(a) Each applicant for a medical certificate shall, in a form and manner prescribed by the Authority, sign and furnish the medical examiner with a personally certified statement of medical facts concerning—
  (1) Personal, familial, and hereditary history that is as complete and accurate as the applicant's knowledge permits, and
  (2) Whether they have previously undergone such an examination and, if so, the date, place and result of the last examination; and
  (3) They shall also indicate to the examiner whether a Medical Assessment has previously been refused, revoked or suspended and, if so, the reason for such refusal, revocation or suspension.

(b) Whenever the Authority finds that additional medical information or history is needed, the Authority will request that the applicant—
  (1) Furnish that information; or
  (2) Authorise any clinic, hospital, physician, or other person to release to the Authority all available information or records concerning that history.

(c) Each applicant shall be made aware of the necessity for giving a statement that is as complete and accurate as the applicant's knowledge permits and the possible penalties for giving false information.

(d) The medical examiner shall report any false declaration made by an applicant for a licence or rating to Authority for such action as may be considered appropriate

(e) If an applicant or holder of a medical certificate fails to provide the requested medical information or history, fails to authorise the release so requested, or provides information that is false, the Authority may—
  (1) Suspend, modify, or revoke all medical certificates the applicant holds; or
  (2) In the case of an applicant, deny the application for a medical certificate.

(f) If an medical certificate is suspended or modified under this Section, that suspension or modification remains in effect until—
  (1) The holder or applicant provides the requested information, history, or authorisation to the Authority; and
  (2) The Authority determines whether the holder or applicant meets the medical standards.

8.055 AME SUBMISSION OF SIGNED MEDICAL EVALUATION R E P O R T

(a) Having begun an medical examination of an applicant, the medical examiner shall submit to the Authority a signed report with medical fitness details and findings whether the assessment—
  (1) Was terminated prior to completion; or
  (2) Was completed with one of the following results—
    (i) One or more of the applicable medical standards were not met and a grant of medical certificate is—
      (A) Not recommended; or
      (B) Not recommended without further medical assessment; or
    (ii) Issuance of the medical certificate is recommended—
      (A) Only after a satisfactory special medical flight test and annotated results of demonstration of ability;

(B) Provided appropriate operational limitations are included on the certificate; or

(C) Without the necessity for further evaluation, limitations or demonstrations of ability.

(b) Where the medical examination is accomplished by more than one medical examiner, the examiner appointed by the Authority shall—

(1) Coordinate the findings with the other physicians;

(2) Evaluate the findings with regard to medical fitness; and

(3) Sign the report.

(c) The designated medical examiner shall submit a signed medical report, or equivalent, to the Authority in the prescribed form and manner.

(1) No examiner shall allow the applicant to handle the medical report.

(2) The report must be submitted to the Authority by the examiner through mail or hand-delivery.

(d) This medical report will provide the results of the examination in sufficient detail to enable the Authority to audit the medical assessments with regard to medical fitness.

(e) Medical examiners with approval to submit the medical report in electronic format shall ensure that their electronic identification is kept secure and, in the event that security is suspected to be compromised, promptly advise the Authority.

8.060 SECURITY & ACCESS TO MEDICAL RECORDS

(a) Medical confidentiality shall be respected at all times by the personnel of the Authority, medical examiners and medical assessors.

(b) All medical reports and records shall be securely held with accessibility restricted to authorised personnel.

(c) Medical assessors shall be granted access to all medical records of an applicant or holder of a medical certificate whether those records are held by medical examiner or private physician.

(d) When justified by operational considerations, the medical assessor shall determine to what extent pertinent medical information is presented to relevant officials of the Authority

(e) Regardless of any confidentiality requirement, no person with knowledge may allow the issuance or continued use of a medical certificate when the holder of that certificate does not meet the applicable medical standards.

8.065 MEDICAL ASSESSORS

(a) The medical assessor employed by the Authority shall—

(1) Audit all medical reports submitted to the Authority by the AMEs for completeness, accuracy and assessment of possible aeromedical risk trends;

(2) Re-evaluate the medical assessment process on a continuous basis to concentrate on identified areas of increased medical risk;

(3) Determine the need for modification of the medical evaluation process and forms to ensure that sufficient information is provided to enable the Authority to undertake Medical Assessment audits;

(4) Determine the need for follow-up evaluations or more restrictive periods of validity for medical certificates;

(5) Coordinating the arrangements for an accredited medical conclusion;

(6) Coordinating the arrangements for a special medical demonstration of ability;

(7) Conduct routine analysis of in-flight incapacitation events and medical findings during medical assessment to identify areas of increased medical risk;

(8) Conduct of medical re-examinations in event of an incident or accident;

(9) Conduct of at least one inspection of the facilities, equipment, and records of each AME annually to ensure the applicable standards for good medical practice and aeromedical risk assessment;

(10) Evaluate the competence of each medical examiner annually for application of the standards of this Part and aeromedical-related continuation training needs.

(b) Medical assessors shall meet all requirements for designation as a medical examiner and also have training in the auditing of medical records.

(c) A medical examiner designated by the Authority may not be appointed as a medical assessor, if that person intends to continue practicing as a medical examiner.

8.070 ISSUANCE OR RENEWAL OF MEDICAL CERTIFICATE

(a) When the Authority is satisfied that the standards of Subpart D and the general requirements of Subparts B and C have been met, a medical certificate for the class of assessment shall be issued to the applicant.

(b) If the medical Standards of this Part for a particular licence are not met, the appropriate Medical Assessment shall not be issued or renewed unless the following conditions are fulfilled—

(1) An accredited medical conclusion or special medical test indicates that in special circumstances the applicant's failure to meet any requirement, whether numerical or otherwise, is such that exercise of the privileges of the licence applied for is not likely to jeopardize flight safety;

(2) Relevant ability, skill and experience of the applicant and operational conditions have been given due consideration; and

(3) The licence is endorsed with any special limitation or limitations when the safe performance of the licence holder's duties is dependent on compliance with such limitation or limitations.

(c) In accordance with guidance from the Authority, medical examiners may admit certain routine examination items related to the assessment of physical fitness, while increasing the emphasis on health education and prevention of ill health.

(d) Any person who does not meet the medical standards of this Subpart may apply for the discretionary issuance of a certificate.

8.075 DENIAL OF MEDICAL CERTIFICATE

(a) The denial of a medical certificate is effective—

(1) Upon the date of the medical evaluation that determined the applicant was not fit in conformance with the standards of Subpart D of this Part, and

(2) Until such time that the applicant is again determined by the Authority to be fit to exercise the privileges

(b) Any applicant who is denied a medical certificate by the Authority may, within 30 days after the date of the denial, apply in writing and in duplicate to the Authority for reconsideration of that denial.

(c) If the applicant does not ask for reconsideration during the 30-day period after the date of the denial, the Authority will consider that he or she has withdrawn the application for a medical certificate.

8.080 SPECIAL ISSUANCE OF MEDICAL CERTIFICATE

(a) The Authority may issue a Special Issuance of a Medical Certificate (authorisation) to an applicant who does not meet the applicable standards for the medical certificate sought if the applicant shows to the satisfaction of the Authority that—

(1) An accredited medical conclusion indicates that in special circumstances the applicant's failure to meet any requirement, whether numerical or otherwise, is such that exercise of the privileges of the licence applied for is not likely to—

(i) Interfere with safe performance of duties;

(ii) Safe operation of aircraft, or

(iii) Result in incapacitation;

(2) Relevant ability, skill, and experience of the applicant and operational conditions have been given due consideration; and

(3) The licence is endorsed with any special limitation or limitations when the safe performance of the licence holder's duties is dependent on compliance with such limitation or limitations.

8.085 VALIDATION OF FOREIGN MEDICAL CERTIFICATES

(a) The Authority may accept, for issuance of a medical certificate, a certificate issued by another ICAO Contracting State in lieu of a medical examination conducted by a medical examiner designated for Rwanda only if Medical Assessor in his discretion recommended.

Note: The Authority may contact the civil aviation authorities of the other ICAO Contracting State to determine the validity of the certificate submitted to the Authority.

(b) The Authority may accept, for operations within Rwanda, a medical certificate issued by another ICAO Contracting State in lieu of issuance of a certificate by the Authority

Note: The Authority will have available a listing of those States from which a medical certificate is accepted in lieu of one issued by the Authority.

8.090 RENEWAL OF MEDICAL CERTIFICATE

(a) The requirements for the renewal of a Medical Assessment are the same as those for the initial assessment except where otherwise specifically stated.

8.095 EXTENSION OR REDUCTION OF PERIOD OF VALIDITY

(a) The authorised periods of validity for medical certificates are provided in Section 8.735.

(b) The period of validity of a medical assessment may be extended, at the discretion of the Authority, up to 45 days.

(c) The Authority may reduce the period of validity for individual applicants when clinically indicated.

8.100 DEFERRAL OF MEDICAL EXAMINATION

(a) The prescribed re-examination of a licence holder operating in an area distant from designated medical examination facilities may be deferred at the discretion and with the written permission of the Authority, provided that such deferment shall only be made as an exception and shall not exceed—

(1) A single period of six months in the case of a flight crew member of an aircraft engaged in non-commercial operations.

(2) two consecutive periods each of three months in the case of a flight crew member of an aircraft engaged in commercial operations provided that in each case a favourable medical report is obtained after examination by a designated medical examiner of the area concerned, or, in cases where such a designated medical examiner is not available, by a physician legally qualified to practise medicine in that area.

(3) In the case of the holder of a private pilot license, a single period not exceeding 24 months where the medical examination is carried out by an examiner designated by the Contracting State in which the applicant is temporarily located.

(b) A report of the medical examination required by this Section shall be sent to the Authority before the actual conduct of any aircraft operations during the period specified for special renewal.

8.105 PROGRAMS FOR PROBLEMATIC USE OF SUBSTANCES

(a) The Authority shall have a continuous program of identification of, and assistance to, license holders who may be involved in problematic use of substances and removed from their safety critical functions.

(b) As authorised by Section 1.075, the Authority shall coordinate biochemical testing of licenses holders—

(1) Involved in accidents and serious incident where a contributing factor may be decreased or erratic performance; and

(2) When there is a reasonable suspicion that the license holders are under the influence of a substance.

(c) The Authority shall assist organisations in implementation of the biochemical testing authorised under Section 1.075 of these Regulations to license holders prior to employment, at intervals and at random

(d) The return of license holders to the safety-critical functions may be considered after successful treatment or, in cases where no treatment is necessary, after cessation of the problematic use of substances and upon determination that the person's continued performance of the function is unlikely to jeopardize safety

SUBPART D: PHYSICAL & MENTAL STANDARDS

8.110 APPLICABILITY

(a) This Section prescribes the physical medical standards required for the applicants for all medical certificates.

8.115 RELIABLE EXAMINATION METHODS & S T A N D A R D S

(a) The methods of examination used to evaluate the standards of this section shall be only those prescribed by the Authority in order to guarantee reliable and standardized testing.

8.120 PHYSICAL & MENTAL R E Q U I R E M E N T S

(a) An applicant shall not suffer from any disease or disability which could render that applicant likely to become suddenly unable either to operate an aircraft safely or to perform assigned duties safely.

(b) No person may hold or be issued a medical certificate that suffers from any physical or mental abnormality such as would entail a degree of functional incapacity which is likely to interfere with the safe performance of duties or the safe operation of an aircraft.

(c) In general, an applicant shall be required to be free from any—

(1) Abnormality, congenital or acquired; or
(2) Active, latent, acute or chronic disability; or
(3) Wound, injury or sequelae from operation; or
(4) Effect or side-effect of any prescribed or non-prescribed therapeutic, diagnostic or preventive medication taken.

(d) Those conditions due to a transient condition may be assessed as temporarily unfit.

8.125 MENTAL STANDARDS

(a) No person may hold or be issued a medical certificate who has an established medical history or clinical diagnosis such as might render the applicant unable to safety exercise the privileges of the licence applied for or held.

(b) The established medical history or clinical diagnosis restriction of paragraph (a) shall include—

(1) An organic mental disorder;
(2) A mental or behavioural disorder due to use of psycho-active substances; this includes dependence syndrome induced by alcohol or other psychoactive substances;
(3) Schizophrenia or a schizotypal or delusional disorder;
(4) A mood (affective) disorder;
(5) A neurotic, stress-related or somatoform disorder;
(6) A behavioural syndrome associated with physiological disturbances or physical factors;
(7) A disorder of adult personality or behaviour, particularly if manifested by repeated overt acts;
(8) Mental retardation;
(9) A disorder of psychological development;
(10) A behavioural or emotional disorder, with onset in childhood or adolescence; or
(11) A mental disorder not otherwise specified.

(c) 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.

8.130 VISUAL REQUIREMENTS: GENERAL

(a) An applicant shall have—
  (1) Normally functioning eyes and adnexae,
  (2) Normal fields of vision,
  (3) Normal binocular function,
    (i) Reduced stereopsis, abnormal convergence not interfering with near vision, and ocular misalignment where the fusional reserves are sufficient to prevent asthenopia and diplopia need not be disqualifying
  (4) No active pathological condition, acute or chronic, nor sequelae of surgery or trauma of the eyes or their adnexa which is likely to jeopardise flight safety or to reduce proper visual function to an extent that would interfere with the safe exercise of the applicant's licence and rating privileges.

8.135 VISION TESTING REQUIREMENTS

(a) The corrected and uncorrected visual acuity must be measured and recorded at each examination.

Note: Applicants who use contact lenses may not need to have their uncorrected visual acuity measured at each re-examination provided the history of their contact lens prescription is known.

(b) There are no limits to uncorrected visual acuity.

(c) The test for visual acuity must comply with the following—
  (1) For a visual acuity test in a lighted room, use a level of illumination that corresponds to ordinary office illumination (30-60 cd per square meter).
  (2) Visual acuity shall be measured by means of a series of optotypes of Landolt rings, or similar optotypes, placed at a distance of 6 m from the candidate, or 5 m as appropriate.

(d) The Authority, at its discretion, may require a separate ophthalmic report before issuance of a medical certificate.

(e) Conditions which indicate a need to obtain an ophthalmic report include—
  (1) A substantial decrease in the uncorrected visual acuity,
  (2) Any decrease in best corrected visual acuity, and
  (3) The occurrence of eye disease, eye injury or eye surgery.

8.140 ACCEPTABILITY OF CORRECTING LENSES

(a) An applicant may meet the visual acuity fitness for near or distant vision by using correcting lenses.

(b) Correcting spectacles may be used, provided that—
  (1) Not more than one pair of correcting spectacles is used to demonstrate compliance with visual acuity requirements;
  (2) Single-vision near correction lenses (full lenses of one power only, appropriate to reading) may not be used for both near and distance vision; and
  (3) In order to read the instruments and a chart or manual held in the hand, and to make use of distant vision through the windscreen without removing the lenses, the spectacles may be, as appropriate—
    (i) "lookover;"
    (ii) bifocal, or
    (iii) trifocal.

(c) An applicant may use contact lenses to meet the distance vision acuity requirement provided that the lenses are—
  (1) Monofocal;
  (2) Non-tinted; and
  (3) Well tolerated.

(d) An applicant that is issued a medical certificate that requires correcting lenses or spectacles shall have a limitation placed on that document requiring them, while exercising the privileges of this certificate, to (as appropriate)—

(1) Wear the distant-correction lenses at all times,

(2) Have readily available and use the near-correction spectacles as necessary to accomplish near vision functions; and

(3) Have a second pair of suitable spectacles (distant- and/or near-correction, as appropriate) available for immediate use.

8.145 DISTANCE VISION REQUIREMENTS

(a) An applicant shall have a distant visual acuity, with or without correcting lenses of at least—

(1) *Specifically for Class 1 or 3 applicants*, 6/9 (20/30), with binocular visual acuity of 6/6 (20/20) or better.

(2) *Specifically for Class 2 applicants,* 6/12 (20/40), with binocular visual acuity of 6/9 (20/30) or better.

(b) An applicant with a large refractive error shall use contact lenses or high-index spectacle lenses.

(c) An applicant whose uncorrected distant visual acuity in either eye is worse than 6/60 shall provide a full ophthalmic report prior to initial medical evaluation and every 5 years thereafter.

(d) An applicant who has undergone surgery affecting the refractive status of the eye shall be assessed as unfit unless they are free from those sequelae which are likely to interfere with the safe exercise of their licence and rating privileges.

8.150 NEAR VISION REQUIREMENTS

(a) An applicant shall meet the following minimum visual standards for near visual acuity to read, with or without corrective lenses, an—

(1) N14 chart (N14 refers to "Times Roman" font) chart or its equivalent at a distance of 100 cm, and

(2) N5 chart (N5 refers to "Times Roman" font) at a distance of 30 to 50 cm as selected by the applicant.

(b) If this requirement is met only by the use of near correction spectacles, the applicant may be assessed as fit, but should be cautioned that single-vision near correction significantly reduces distant visual acuity.

(c) If these near-vision requirements are met only by the use of near-correction and the applicant also needs distant-correction, the applicant shall be assessed as fit by demonstrating that one pair of spectacles is sufficient to meet both distant and near visual requirements.

(d) When required to obtain or renew correcting lenses, the applicant should advise the AME conducting the medical examination of the new prescription, including revised reading distances for the—

(1) *Specifically for Class 1 and Class 2 applicants,* visual flight deck tasks relevant to the types of aircraft in with the applicant is likely to function.

(2) *Specifically, for Class 3 applicants*, duties the applicant is to perform.

8.155 COLOUR PERCEPTION REQUIREMENTS

(a) The applicant shall demonstrate the ability to perceive readily those colours the perception of which is necessary for the safe performance of duties.

(b) The applicant shall be able to correctly identify a series of pseudoisochromatic plates (tables) in daylight or in artificial light of the same colour temperature such as that provided by Illuminant "C" or "D_{65}" as specified by the International Commission on Illumination (CIE).

(c) The use of a different method of examination than provided in paragraph (b) to guarantee reliable testing of colour perception must approved by the Authority.

(d) An applicant failing to obtain a satisfactory score in such a test may nevertheless be assessed as fit provided the applicant is able to readily and correctly identify aviation coloured lights displayed by means of a recognized colour perception lantern in a special test conducted by the Authority.

(e) An applicant unable to satisfactorily complete the special medical test provided in paragraph (c) shall only be eligible for a Class 2 medical assessment with the following restriction: “Valid for Day Operations Only.”

(f) No person shall wear sunglasses during the exercise of their privileges in aviation unless those glasses are non-polarizing and of a neutral gray tint.

8.160 AUDITORY REQUIREMENTS

(a) An applicant shall not have any hearing defect that is likely to jeopardise flight safety or interfere with the safe performance of duties in exercising the privileges of the licence.

Note: Hearing requirements are established in addition to the ear examinations conducted during the medical examination for the physical and mental requirements

(b) An applicant shall demonstrate acceptable hearing performance sufficient for the safe exercise of their licence and rating privileges by—

(1) Pure-tone audiometry tests at the first issuance of the assessment and—

(i) *Specifically for Class 1 applicants,* not less than once every five years up to the age of 40 years, thereafter not less than once every two years.

(ii) *Specifically for Class 2 applicants,* not less than once every two years after the age of 50 years.

(iii) *Specifically for Class 3 applicants,* not less than once every four years up to the age of 40 years, thereafter not less than once every two years

(2) For the years where audiometry is not required, the applicant shall be tested in a quiet room using spoken and whispered voice tests.

(i) Applicants who are unable to hear an average conversational voice in a quiet room, using both ears, at a distance of 2 m from the examiner and with the back turned to the examiner, shall be assessed as unfit.

(c) The applicant, when tested on a pure-tone audio-meter shall not have a hearing loss, in either ear separately, of more than 35 dB at any of the frequencies 500, 1 000 or 2000 Hz, or more than 50 dB at 3000 Hz.

(d) An applicant with a hearing loss greater than the above may be declared fit provided that the applicant has normal hearing performance against a background noise that reproduces or simulates that—

(1) *Specifically for Class 1 and Class 2 applicants*, reproduces or simulates the masking properties of flight deck noise upon speech and beacon signals

(2) *Specifically for Class 3 applicants,* that experienced in a typical air traffic control working environment.

(e) Alternatively, a practical hearing test may be used if conducted in—

(1) *Specifically for Class 1 and Class 2 applicants,* flight in the cockpit of an aircraft of the type for which the applicant's licence and ratings are valid.

(2) *Specifically, for Class 3 applicants*, an air traffic control environment representative of the one for which the applicant's licence and ratings are valid.

8.165 CARDIOVASCULAR: GENERAL

(a) An applicant shall not have any abnormality of the heart, congenital or acquired, which is likely to interfere with the safe exercise of the applicant's licence and rating privileges

(b) An applicant with an established medical history of cardiac issues shall be assessed as unfit unless their cardiac condition has been investigated and evaluated in accordance with best medical practice and assessed not likely to interfere with the safe exercise of their licence or rating privileges.

(c) The following cardiac issues are specifically included in this section—

(1) Coronary bypass grafting; or

(2) Angioplasty (with or without stenting); or

(3) Other cardiac intervention; or

(4) Abnormal cardiac rhythm; or

(5) Any other potentially incapacitating cardiac condition.

8.170 BLOOD PRESSURE & CIRCULATION

(a) An applicant shall not have—

(1) Systolic and diastolic blood pressures outside normal limits; or

(i) The use of drugs for control of high blood pressure is disqualifying except for those drugs the use of which are compatible with the safe exercise of the applicant's licence and rating privileges.

(2) A significant functional or structural abnormality of the circulatory tree.

Note: The presence of varicosities does not necessarily entail unfitness.

8.175 ELECTRO-CARDIOGRAM EXAMINATION

(a) An applicant shall be required to have an electrocardiographic examination—

Note: The purpose of routine electrocardiography is case finding. It does not provide sufficient evidence to justify disqualification without further thorough cardiovascular investigation.

(1) *Specifically for Class 1 applicants*—
(i) At the first application; then
(ii) Every 2 years after reaching the 30th birthday; and
(iii) Every year after reaching the 50th birthday.

(2) *Specifically for Class 2 and 3 applicants*—
(i) At the first examination after reading the age of 40; and
(ii) After the age of 50 years, every two years.

8.180 NEUROLOGICAL REQUIREMENTS

(a) An applicant shall not have any neurological disorder, disturbance of consciousness, or neurological condition which is likely to jeopardise flight safety.

(b) An applicant shall not have an established medical history or clinical diagnosis of any of the following neurological conditions—
(1) Epilepsy;
(2) Any disturbance of consciousness without satisfactory medical explanation of cause; or
(3) Progressive or non-progressive disease of the nervous system, the effects of which are likely to interfere with the safe exercise of the applicant's licence and rating privileges.

(c) The applicant shall not have suffered any head injury, the effects of which could interfere with the safe exercise of the applicant's licence and rating privileges.

8.185 RESPIRATORY CAPABILITY

(a) Unless their condition has been adequately investigated and evaluated in accordance with best medical practice and is assessed not likely to cause incapacitating symptoms or otherwise interfere with the safe exercise of their licence and rating privileges, applicants with the following shall be assessed as unfit—
(1) Disability of the lungs or any active disease of the structures of the lungs, mediastinum or pleura.
(i) Applicants with chronic obstructive pulmonary disease shall be assessed as unfit unless the applicant's condition has been investigated and evaluated in accordance with best medical practice and is assessed not likely to interfere with the safe exercise of the applicant's licence or rating privileges.
(ii) Applicants with asthma causing significant symptoms or likely to cause incapacitating symptoms shall be assessed as unfit.
(iii) The use of drugs for control of asthma shall be disqualifying except for those drugs, the use of which is compatible with the safe exercise of the applicant's licence and rating privileges.
(2) Active pulmonary tuberculosis.
(i) Applicants with quiescent or healed lesions, known to be tuberculous or presumably tuberculous in origin, may be assessed as fit.

8.190 RADIOGRAPHY (XRAY) EVALUATION

(a) *Specifically for Class 1 and 2 applicants*, a radiography evaluation shall be accomplished during the initial

chest examination.

(b) Periodic chest radiography is not required unless it is a necessity in cases where asymptomatic pulmonary disease can be expected.

8.195 VESTIBULAR & RESPIRATORY SYSTEM

(a) The applicant shall not have any abnormality or disease of the ear or related structures which is likely to interfere with the safe exercise of the applicant's licence and rating privileges.

(b) *Specifically for Class 1 and 2 applicants*, there shall be—.

(1) No disturbance of vestibular function;

(2) No significant dysfunction of the Eustachian tubes; and

(3) No unhealed perforation of the tympanic membranes.

(i) A single dry perforation of the tympanic membrane need not render the applicant unfit.

(c) The applicant shall not have any malformation nor any disease of the nose, buccal cavity or upper respiratory tract which is likely to interfere with the safe exercise of the applicant's licence and rating privileges.

(d) *Specifically, for Class 1 and 2 applicants*, there shall be no nasal obstruction.

8.200 BONES, MUSCLES & TENDONS

(a) Applicants shall not possess any abnormality of the bones, joints, muscles, tendons or related structures which is likely to interfere with the safe exercise of their licence and rating privileges shall be assessed as unfit.

Note: The sequelae after lesions affecting the bones, joints, muscles or tendons and certain anatomical defects will normally require functional assessment to determine fitness.

8.205 ENDOCRINE SYSTEM

(a) Applicants with the following medical conditions will be assessed as unfit—

(1) Metabolic, nutritional or endocrine disorders likely to interfere with safe exercise of their licence and rating privileges.

(2) Insulin-treated diabetes mellitus.

(3) Applicants with non-insulin-treated diabetes shall be assessed as unfit unless the condition is shown to be satisfactorily controlled by diet alone or by diet combined with oral anti-diabetic medication, the use of which is compatible with the safe exercise of the applicant's licence and rating privileges.

8.210 GASTROINTESTINAL & DIGESTIVE T R A C T

(a) Unless their condition has been adequately investigated and evaluated in accordance with best medical practice and is assessed not likely to interfere with the safe exercise of their licence and rating privileges, applicants with the following shall be assessed as unfit—

(1) Significant impairment of function of the gastrointestinal tract or its adnexae.

(2) *Specifically for Class 1 and Class 2,* hernias that might give rise to incapacitating symptoms.

(3) Sequelae of disease or surgical intervention on any part of the digestive tract or its adnexae, likely to cause incapacity during the exercise of privileges, in particular obstructions due to stricture or compression.

(4) A major surgical operation on the biliary passages of the digestive tract or its adnexae which has involved a total or partial excision or a diversion of any of these organs that may cause incapacity during the exercise of privileges.

Note: A medical assessor having access to the details of the operation concerned may determine that the effects of the operations are not likely to cause incapacitation during the exercise of the privileges of the applicable licence.

8.215 KIDNEYS & URINARY TRACT

(a) Unless their condition has been adequately investigated and evaluated in accordance with best medical practice and is assessed not likely to interfere with the safe exercise of their licence and rating privileges, applicants with the following shall be assessed as unfit—

(1) Renal or genito-urinary disease—

(i) Urine shall form part of the medical examination and abnormalities shall be adequately investigated.

(2) Any sequelae of disease or surgical procedures on the kidneys and the genito-urinary tract likely to cause incapacity, in particular any obstructions due to stricture or compression.

(3) Nephrectomy, unless the condition is well compensated.

8.220 LYMPHATIC GLANDS OR DISEASE OF THE BLOOD

(a) Unless their condition has been adequately investigated and evaluated in accordance with best medical practice and is assessed not likely to interfere with the safe exercise of their licence and rating privileges, applicants with the following shall be assessed as unfit—

(1) Diseases of the lymphatic system; and/or

(2) Diseases of the blood.

Note: Sickle cell trait or other haemoglobinopathic traits are usually compatible with a fit assessment.

8.225 GYNAECOLOGICAL DISORDERS

(a) Applicants with gynaecological disorders that are likely to interfere with the safe exercise of their licence and rating privileges shall be assessed as unfit.

8.230 PREGNANCY

(a) Applicants who are pregnant shall be assessed as unfit unless obstetrical evaluation and continued medical supervision indicate a low-risk uncomplicated pregnancy

(1) *Specifically for Class 1 and 2 applicants,* a fit assessment for a low-risk uncomplicated pregnancy should be limited to a supervised period from the end of the 12th week until the end of the 26th week of gestation.

(2) *Specifically for Class 3 applicants*, a fit assessment for a low-risk uncomplicated pregnancy should be limited to a supervised period until the end of the 34th week of gestation.

(3) During the gestational period, precautionary restrictions requiring the provision for the timely relief of an air traffic controller in the event of early onset of labour or other complications.

(b) Following confinement or termination of pregnancy the applicant shall not be permitted to exercise the privileges of her licence until she has undergone re-evaluation in accordance with best medical practice and it has been determined that she is able to safely exercise the privileges of her licence and ratings.

8.235 SPEECH DEFECTS

(a) Applicants with stuttering or other speech defects sufficiently severe to cause impairment of speech communication shall be assessed as unfit.

8.240 ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

(a) Applicants who are seropositive for human immunodeficiency virus (HIV) shall be assessed as unfit unless full investigation determines that it is not likely to interfere with the safe exercise of the applicant's licence or rating privileges

Note: Evaluation of applicants who are seropositive for human immunodeficiency virus (HIV) requires particular attention to their mental state, including the psychological effects of the diagnosis.

(a) If any provision of these Regulations, orders, notices or proclamations made thereunder 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 for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(b) Any who contravenes any provision of these Regulations shall be guilty of an offence and shall on conviction be liable for each offence and/or each flight to a fine not exceeding the amount specified in Appendix 1 to this regulation.

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APPENDICES

APPENDIX 1 TO 7.700: ADMINISTRATIVE FINES

SECTION	PARTICULARS	FINES (RWANDAN FRANCS)	
		INDIVIDUAL	CORPORATE
8.025	Validity of Licences	1,000,000	3,000,000
8.030	Decrease in medical fitness	1,000,000	3,000,000
8.075	Curtailment of privileges of pilots	600,000	1,500,000
8.055	Aviation medical examiner submission of signed medical evaluation report	600,000	3,000,000
8.070	Issue of Medical Certificate	600,000	3,000,000
8.060	Medical confidentiality	1500,000	5,000,000
8.075	Prohibition of medical certification	1500,000	5,000,000
8.080	Medical requirements	1500,000	5,000,000
8.105	Use of psychoactive substances	1500,000	5,000,000
8.125	Drug and alcohol testing and reporting	1500,000	5,000,000

End of RCAR Part 8

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Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA IX W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX IX TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE IX D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 9

Approved Training Organizations

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SUBPART A: GENERAL

9.001 CITATION & APPLICABILITY

(a) These regulations may be cited as Civil Aviation (Approved Training Organizations) Regulations

(b) This Part prescribes the requirements of Rwanda for—

(1) Obtaining approval for the conduct of required aviation training by organisations; and

(2) Maintaining and amending the basis for that approval.

(c) This Part is applicable to—

(1) Persons seeking licences under these Regulations; and

(2) Organisations that provide the required training and qualification of aviation personnel; and

(3) Persons that administer the required training and qualification on behalf of the organisations.

(d) Approved training for flight crew, aircraft maintenance personnel, cabin crew, dispatchers and air traffic controllers shall be conducted with an approved training organisation.

(e) Civil Aviation Technical Standards (Instruments and Equipment) published by the Authority are also applicable for operations in the airspace of Rwanda and operations of Rwanda-registered aircraft.

9.005 DEFINITIONS

(a) All definitions applicable to this Part are contained in Part 1 (Appendix 1 to 1.015).

9.010 ACRONYMS & ABBREVIATIONS

(a) The following acronyms are used in this Part—

IFR – Instrument Flight Rules
AME = Aircraft Maintenance Engineer
AOC = Air Operator Certificate
AOC holder = The holder of an AOC certificate
ATO = Aviation Training Organization
ATO Certificate Holder = The holder of an ATO certificate

9.015 STUDENT ATTENDANCE

(a) The ATO certificate holder may not require any student to attend classes of instruction more than 8 hours in any consecutive 24 hour period or more than 6 total days or 40 hours in any period of 7 calendar days.

SUBPART B: ATO CERTIFICATE

9.020 APPLICABILITY

(a) This Subpart prescribes the requirements that are applicable to the certificate issued to an Approved Training Organisation.

9.025 CERTIFICATE REQUIRED

(a) No person may operate an aviation training organisation providing training to other organisations without, or in violation of, an ATO certificate and training specifications issued under this Part.

(b) Except for an organisation approved by the Authority for training its own flight crews, no organisation may conduct training, testing, or checking in flight simulation training devices without, or in violation of, the certificate and training specifications required by this Part.

9.030 CONTENTS OF AN ATO CERTIFICATE

(a) The ATO certificate will consist of two documents—
  (1) A certificate for public display signed by the Authority, and
  (2) Training specifications containing the terms, conditions, and authorizations applicable to the ATO certificate.

(b) The ATO certificate will contain—
  (1) The organisation's name and location (main place of business);
  (2) The date of issue and period of validity for each page issued;
  (3) The terms of approval, including—
    (i) Authorised locations of operations; and
    (ii) Training specifications, as applicable:

    See Appendix 1 to 9.030 for the contents of training specifications.

  (4) Other authorizations, approvals and limitations issued by the Authority in accordance with the standards which are applicable to the training conducted by the ATO certificate holder.

9.035 DURATION OF CERTIFICATE

(a) Except as shown in paragraph (b), the Authority will issue an ATO certificate which expires, unless surrendered, suspended, or revoked—
  (1) On the last day of the 24th calendar month from the month the certificate was issued;
  (2) Except as provided in paragraph (b), on the date that any change in ownership of the ATO occurs;
  (3) On the date of any significant change in the ATO certificate holder's facilities; or
  (4) Upon notice by the Authority that the ATO certificate holder has failed to maintain the required facilities, aircraft, or personnel for more than 60 calendar days.

(b) A change in the ownership of an ATO does not terminate that ATO certificate holder's certificate if, within 30 calendar days, the new ATO certificate holder—
  (1) Notifies the Authority in writing; and
  (2) Makes no significant change in the management, facilities, operating personnel, or approved training courses which requires re-certification.

9.040 APPLICATION FOR ORIGINAL ATO CERTIFICATION

(a) An applicant for an ATO certificate and training specifications shall apply at least 60 calendar days before the beginning of any proposed training.

(b) Each applicant for an ATO certificate and training specification shall provide the application in the correct form and manner prescribed by the Authority.

See Appendix 1 to 9.040 for certificate information needed by the Authority.

(c) The Authority will issue to an applicant who meets the requirements—
  (1) An ATO certificate containing all business names included on the application under which the ATO certificate holder may conduct operations and the address of each business office used by the organisation; and
  (2) Training specifications issued by the Authority to the ATO certificate holder, outlining the pertinent authorisations.

(d) The Authority may issue an ATO certificate to an applicant—
  (1) For an ATO inside or outside of Rwanda; and
  (2) Whose business office or primary location, or both are located inside or outside Rwanda.

9.045 AMENDMENT OF AN ATO CERTIFICATION

(a) At any time, the Authority may amend an ATO certificate—
  (1) On the Authority's own initiative, under applicable Rwanda legislation; or
  (2) Upon timely application by the ATO certificate holder.

(b) The ATO certificate holder shall submit an application to amend an ATO certificate at least 30 calendar days prior to the applicant's proposed effective amendment date, unless a different submission period is acceptable to the Authority.

9.050 RENEWAL OF AN ATO CERTIFICATE

(a) The training organization shall make the application for an renewal of an ATO certificate at least 30 days prior to the date of expiration of their ATO.

(b) The training organization applying to the Authority for renewal of an ATO certificate shall submit an application—
  (1) In a form and manner prescribed by the Authority; and
  (2) Containing any information, the Authority requires the applicant to submit.

9.055 DISPLAY OF CERTIFICATE

(a) The holder of an ATO certificate shall display that certificate in a location that is normally accessible to the public and that is not obscured.

9.060 CERTIFICATE PRIVILEGES

(a) The ATO certificate holder may advertise and conduct approved training courses in accordance with the certificate and any ratings that it holds.

9.065 LOSS OF CERTIFICATE PRIVILEGES

(a) The Authority may deny, suspend, revoke, or terminate a certificate under this Part if the Authority finds that the ATO certificate holder—
  (1) Does not meet, or no longer meets, the requirements of this Part for the certificate and/or ratings held;
  (2) Employs or proposes to employ a person who controlled or was previously employed in a management or supervisory position in an organisation that had its certificate revoked, suspended, or terminated within the previous 36 calendar months; or
  (3) Application provided was incomplete or inaccurate, or contained fraudulent or false information.

(b) An ATO certificate holder whose certificate has been surrendered, suspended, revoked, or terminated shall promptly—
  (1) Remove all indications, including signs, wherever located, that the ATO was certified by the Authority;
  (2) Notify all advertising agents, and advertising media employed by the ATO certificate holder to cease all advertising indicating that the organisation is certified by the Authority; and
  (3) Return the certificate to the Authority within five working days after being notified that the certificate is suspended, revoked, or terminated.

SUBPART C: CERTIFICATION

9.070 APPLICABILITY

(a) This Subpart prescribes the general requirements that are applicable to the certification of an Approved Training Organisation.

9.075 INITIAL CERTIFICATION REQUIRED

(a) Prior to the issuance of an ATO certificate, the applicant must be originally certificated in accordance with the system of certification prescribed by the Authority.

(b) The approval of an organisation as an ATO by the Authority shall be dependent upon the applicant demonstrating compliance with the requirements of this Part.

(c) The Authority may issue an applicant an ATO certificate and training specifications if the applicant demonstrates compliance with the requirements of this Part.

9.080 NO AOC RELATIONSHIP REQUIRED

(a) An applicant may request evaluation, qualification, and continuing evaluation for qualification of flight simulation training devices without—

(1) Holding an AOC certificate; or

(2) Having a specific relationship to an AOC holder.

9.085 [RESERVED]

9.090 TRAINING PROGRAM APPROVALS

(a) The applicant for an ATO certificate or added authority shall apply to the Authority for training program approval.

(b) The applicant for training program approval shall indicate in the application—

(1) Which courses are part of the core curriculum and which courses are part of the speciality curriculum;

(2) Which requirements of Parts 5, 8, 11, 14 or 18 would be satisfied by the curriculum or curricula; and

(3) Which requirements of these regulation would not be satisfied by the curriculum or curricula.

(c) The applicant may apply for a training program that allows an alternative means of compliance with the experience requirements established by Part 8 or Part 14, provided that the ATO demonstrates a level of competency at least equivalent to that provided by the minimum experience requirements for personnel not receiving such approved training.

(d) The applicant may apply for a training program for a multi-crew pilot licence, provided that the training provides a level of competency in multi-crew operations at least equal to that met by holders of a commercial pilot licence, instrument rating and type rating for an aeroplane certificated for operation with a minimum crew of at least two pilots.

(e) The training program established by the ATO certificate holder shall include training in knowledge and skills related to human performance.

9.095 TRAINING PROGRAM CURRICULUM REQUIREMENTS

(a) The applicant shall ensure that each training program curriculum submitted to the Authority for approval meets the applicable requirements and contains—

(1) A syllabus for each proposed curriculum;

(2) Minimum aircraft and flight training equipment requirements for each proposed curriculum;

(3) Minimum instructor and evaluator qualifications for each proposed curriculum;

(4) A curriculum for initial training and continuing training of each instructor or evaluator employed to instruct in a proposed curriculum; and

(5) For each curriculum that provides for the issuance of a licence or rating in fewer than the minimum hours prescribed by Part 8—

(i) A means of demonstrating the ability to accomplish such training in the reduced number of hours; and

(ii) A means of tracking student performance.

9.100 CURRICULUM

(a) The Authority may approve the following courses of instruction for licensing, rating and special preparation to an applicant who meets the prescribed requirements for implementation of the curriculum—

A training curriculum that prepares a pilot for operations that does not require a licence or rating is considered a special preparation course, for example: agricultural application.

(1) Private pilot;
(2) Commercial pilot;
(3) Instrument rating;
(4) Multi-crew pilot;
(5) Airline transport pilot;
(6) Flight instructor;
(7) Ground instructor;
(8) Additional aircraft category or class rating;
(9) Aircraft type rating;
(10) Flight engineer;
(11) Cabin crew member;
(12) Aircraft Maintenance Engineer
    (i) Airframe ratings;
    (ii) Powerplant ratings; and
    (iii) Avionics ratings
(13) Aviation repair specialist;
(14) Parachute rigger;
(15) Test pilot;
(16) Any preparation or recurrent curriculum required for AOC holders;
(17) Any preparation curriculum for aerial work;
(18) Any other training curriculum approved by the Authority.

(b) The Authority may approve an applicant as a Level 2 ATO for any course for licensing or for any rating for which the applicant can show an effective curriculum and for which the Authority has qualified the flight training simulation media.

(c) The Authority may approve an applicant for a special course of instruction provided the course will contain features that are beneficial to Rwanda' aviation community.

(d) To the greatest extent possible, training curriculums shall be competency-based, including at least the competency units with quantifiable competency elements.

9.105 DEVIATIONS OR WAIVERS

(a) The Authority may issue an applicant deviations or waivers from any of the requirements of this Part.

(b) The applicant for a deviation or waiver under this section shall provide information acceptable to the Authority that shows—
(1) Justification for the deviation or waiver; and
(2) That the deviation or waiver will not adversely affect the quality of instruction or evaluation.

SUBPART D: SURVEILLANCE & ON-GOING VALIDATION

9.110 APPLICABILITY

(a) This Subpart prescribes the general requirements that are applicable to the on-going validation of an Approved Training Organisation.

9.115 INSPECTIONS & OBSERVATIONS

(a) The Authority may, at any time, inspect an ATO to determine the organisation's compliance with this Part.

(b) The ATO certificate holder and personnel shall allow the authorized representative of the Authority unrestricted access to all locations, equipment, documents and personnel, including all training in progress, in the accomplishment of these inspections and observations.

(c) The continued validity of the original certification approval shall depend upon the ATO certificate holder being in compliance with the requirements of this Part.

9.120 MONITORING OF TRAINING & CHECKING ACTIVITIES

(a) To enable adequate supervision of its training and checking activities, the ATO certificate holder shall forward to the Authority at least 48 hours prior to the scheduled activity the dates, report times and report location of all—

(1) Training for which a curriculum is approved in the ATO certificate holder's training program;
(2) End of course knowledge tests; and
(3) Skill tests, including proficiency, competency and line checks.

(b) Failure to provide the information required by paragraph (a) may invalidate the training or check and the Authority may require that it be repeated for observation purposes.

(c) The Authority may approve a reduced prior notification requirement if it will not interfere with the proper surveillance of such activities.

9.125 CONTINUOUS QUALIFICATION

(a) The ATO certificate holder shall not provide training to a student who is enrolled in an approved course of training unless each requirement for instructors, evaluators, facilities and equipment continuously meets the requirements and the standards specified in the organisation's training specifications.

9.130 QUALITY OF TRAINING

(a) The ATO certificate holder shall provide training at a level of competency at least equal to that provided by the minimum experience requirements for personnel not receiving such approved training.

(b) The ATO certificate holder should ensure that the quality of the trainees graduated demonstrate a consistent level of knowledge and performance.

9.135 MANDATORY REVISIONS TO TRAINING PROGRAMS

(a) After an ATO certificate holder begins operations under an approved training program, the Authority may require revisions to that training program if it determines that the organisation is not meeting the provisions of its approved training program.

(b) If the Authority requires an ATO to make revisions to an approved training program and the ATO certificate holder does not make those required revisions within 30 calendar days, the Authority may suspend, revoke, or terminate the organisation's certificate.

9.140 CHANGES REQUIRING NOTICE TO THE AUTHORITY

(a) The ATO certificate holder shall notify the Authority prior to any of the following changes—

(1) The accountable manager;
(2) Management personnel required by this Part;

(3) The instructional and evaluation staff; and

(4) The housing, training facilities and equipment, procedures, curricula, and work scope that could affect the approval.

(b) The Authority may prescribe the conditions under which the ATO certificate holder may operate during such changes unless the Authority determines that the approval should be suspended.

(c) The Authority may suspend an ATO certificate for failure to make these required notifications.

9.145 [RESERVED]

SUBPART E: ATO ADMINISTRATION

9.150 APPLICABILITY

(a) This Subpart prescribes the general requirements that are applicable to the on-going administration of an Approved Training Organisation.

9.155 MANAGEMENT PERSONNEL REQUIRED FOR ATO ORGANISATIONS

(a) The ATO certificate holder shall have an accountable manager, acceptable to the Authority, who has corporate authority for ensuring that it is in compliance with the requirements for an ATO.

(b) When providing approved training, the ATO certificate holder shall have qualified personnel, with proven competency in civil aviation, available and serving in the following positions or their equivalent—

(1) Manager of Training;

(2) Chief Instructor (for each speciality of training provided);

(3) Quality Assurance.

(c) The Authority may approve positions or numbers of positions, other than those listed, if the ATO certificate holder is able to show that it can perform the operation with the highest degree of safety under the direction of fewer or different categories of management personnel due to—

(1) The kind of training curriculum involved;

(2) The number of aircraft used; and

(3) Other complexities of operation.

9.160 CHIEF INSTRUCTOR RESPONSIBILITIES

(a) The instructor serves under the supervision of the chief instructor or the assistant chief instructor who is present at the facility when the training is given.

(b) During flight training in an aircraft, the ATO certificate holder shall ensure that the chief instructor or an assistant chief instructor is available—

(1) At the aerodrome, or

(2) By telephone, radio, or other electronic means.

(3)

9.165 PRINCIPAL BUSINESS OFFICE

(a) An ATO certificate holder shall maintain a principal business office that is physically located at the address shown on the ATO certificate.

(b) The principal business office may not be shared with, or used by, another person who holds an ATO certificate.

9.170 SATELLITE LOCATIONS

(a) The ATO certificate holder may conduct training in accordance with a training program approved by the Authority at a satellite location if—

(1) The facilities, equipment, personnel, and course content of the satellite location meet the applicable requirements;

(2) The instructors and evaluators at the satellite ATO are under the direct supervision of management personnel of the ATO certificate holder's principal location;

(3) The ATO certificate holder has in place procedures for ensuring that the training at the satellite location meets the same level of quality that is possible at the principal location.

(4) The ATO certificate holder notifies the Authority in writing that a particular satellite location is to begin operations at least 30 calendar days prior to proposed commencement of operations at that location; and

(5) The ATO certificate holder's training specifications reflect the name and address of the satellite location and the approved courses offered at that location.

9.175 CHANGE IN LOCATION

(a) An ATO certificate holder may not make any change in the organisation's location unless the change is approved by the Authority in advance.

(b) If the organisation desires to change an authorised location, the ATO certificate holder shall notify the Authority, in writing, at least 30 calendar days before the date of the relocation.

(c) The Authority may prescribe the conditions under which the ATO may operate while it is changing its location or housing facilities.

9.180 TRAINING & PROCEDURES MANUAL

(a) The ATO certificate holder shall provide a training and procedures manual for the use and guidance of personnel concerned.

(b) This manual may be issued in separate parts and shall contain at least the information prescribed by the Authority.

See Appendix 1 to 9.180 regarding contents of the training and procedures manual.

(c) The ATO certificate holder shall ensure that the training and procedures manual is amended as necessary to keep the information contained therein up to date.

(d) The ATO certificate holder shall furnish copies of all amendments to the training and procedures manual to all organisations or persons to whom the manual has been issued.

9.185 ADHERENCE TO THE APPROVED CURRICULUM

(a) The ATO certificate holder and his personnel shall adhere to the approved curriculum.

(b) The ATO certificate holder may not change its approved curriculum unless the change is approved by the Authority in advance.

9.190 ADVERTISING LIMITATIONS

(a) The ATO certificate holder may not—

(1) Make any statement relating to the ATO certificate and training specifications that is false or designed to mislead any person contemplating enrolment in that ATO; or

(2) Advertise that the ATO is certified unless it clearly differentiates between courses that have been approved under this Part and those that have not been approved under this Part.

9.195 SAFETY MANAGEMENT SYSTEM

(a) The ATO certificate holder shall have a safety management system acceptable to the Authority which implements requirements and framework specified in Part 30.

(b) The ATO certificate holder's safety management system shall clearly define lines of safety accountability throughout the operator's organisation, including a direct accountability for safety on the part of senior management.

(c) The ATO certificate holder shall maintain a quality assurance system, as a part of the Safety Management System which ensures that training and instructional practices comply with all relevant requirements.

(d) To meet the requirement of paragraph (a), the ATO certificate holder may contract for the services of a quality auditing organisation that is acceptable to the Authority. Those services shall be implemented applying acceptable practices and at intervals will ensure that the quality of the training remains consistent with the minimum standards of this Part.

SUBPART F: ATO CERTIFICATE HOLDER RECORDS

9.200 APPLICABILITY

(a) This Subpart prescribes the general requirements that are applicable to the records of an Approved Training Organisation.

9.205 STUDENT RECORDS

(a) The ATO certificate holder shall maintain, in current status, a detailed record for each student that contains all contents prescribed by the Authority.

See Appendix 1 to 9.205 regarding contents of students records.

(b) The Authority does not consider a student's logbook as sufficient for the records required by paragraph (a).

9.210 TRAINING & CHECKING STAFF RECORDS

(a) The ATO certificate holder shall maintain a system for recording the qualifications and training of instructor and examining staff to indicate that each person has met the applicable requirements of this Part.

See Appendix 1 to 9.210 for the contents of the training and checking staff records.

9.215 RECORDS RETENTION

(a) The detailed student records shall be retained for a minimum period of 24 calendar months after completion of the training.

(b) The required records of the ATO training and checking staff shall be retained for a minimum period of 24 calendar months after the instructor or examiner ceases to perform a function for the training organisation.

(c) The records required by this Part shall be stored at a location acceptable to the Authority in facilities adequate for that purpose.

9.220 PROVISION OF RECORDS

(a) The ATO certificate holder shall provide to a student, upon request and at a reasonable time, a copy of his or her training records.

(b) The ATO certificate holder shall provide the records required by this section to the Authority upon request, within a reasonable time.

9.225 CREDIT FOR PRIOR INSTRUCTION OR EXPERIENCE

(a) Upon enrolment of a student, the ATO certificate holder may credit a student with instruction or previous experience in accordance with the methods prescribed by the Authority.

See Appendix 1 to 9.225. regarding crediting of previous experience.

See Appendix 2 to 9.225 regarding transfer privileges.

9.230 GRADUATION CERTIFICATES & TRANSCRIPTS

(a) The ATO certificate holder shall issue upon completion of training a graduation certificate to each student who completes its approved course of training.

(b) That graduation certificate shall contain the contents prescribed by the Authority.

See Appendix 1 to 9.230. regarding contents of graduation certificates

(c) The ATO certificate holder may not issue a graduation certificate to a student, or recommend a student for a licence or rating, unless the student has—

(1) Completed the training specified in the approved course of training; and

(2) Passed the required final tests

9.235 TRANSCRIPTS

(a) Upon request, the ATO certificate holder shall provide a transcript of a student's grades to each student who is graduated from that ATO or who leaves it before being graduated.

(b) The ATO certificate holder shall include in the transcript required by paragraph (a)—

(1) The curriculum in which the student was enrolled;

(2) Whether the student satisfactorily completed that curriculum;

(3) The final grades the student received; and

(4) An authentication by an official of the organisation.

SUBPART G: PERSONNEL

9.240 APPLICABILITY

(a) This Subpart prescribes the general requirements that are applicable to the training and checking personnel employed by an Approved Training Organisation.

9.245 GENERAL REQUIREMENTS FOR ATO PERSONNEL

(a) The ATO certificate holder shall employ the necessary personnel to plan, perform and supervise the training to be conducted.

(b) The competence of instructional personnel shall be in accordance with procedures approved by the Authority and to a level acceptable to the Authority.

(c) The ATO certificate holder shall ensure that all instructional personnel receive initial and continuation training appropriate to their assigned tasks and responsibilities.

(d) When the ATO certificate holder has been authorised to conduct the testing required for the issuance of a licence or rating, the testing shall be conducted by personnel—

(1) Authorised by the Authority; or

(2) Designated by the ATO in accordance with criteria approved by the Authority.

9.250 INSTRUCTOR & EVALUATOR PERSONNEL

(a) The personnel used by the ATO certificate holder to provide instruction and evaluation shall—

(1) Be at least 18 years of age;

(2) Have demonstrated language proficiency equal to Level 4 in the language used for the instruction.

(b) The ATO certificate holder shall have and maintain for each proposed curriculum a sufficient number of instructors who meet the prescribed qualifications to perform the duties to which they are assigned;

(c) Each ATO certificate holder shall have a sufficient number of evaluators to provide required checks and tests to graduation candidates for 7 calendar days following training completion for any curriculum leading

to airman licences or ratings, or both;

(d) The persons listed in this Section may serve in more than one position for the ATO certificate holder, provided that person is qualified for each position.

(e) To meet the requirements of this Section, the ATO certificate holder may employ no more than 50 per cent of these persons on a part-time basis.

(f) The persons required by this Section shall be approved by the Authority prior to the use of their services by the ATO certificate holder.

9.255 DESIGNATION OF AN ATO INSTRUCTOR

(a) The ATO certificate holder shall designate each instructor, in writing, for each approved course, prior to that person functioning as an instructor in that course.

(b) Prior to initial designation, each flight and simulator flight instructor shall complete the prescribed requirements.

9.260 ATO INSTRUCTOR PRIVILEGES & LIMITATIONS

(a) The ATO certificate holder may allow an instructor to provide—

(1) Instruction for each curriculum for which that instructor is qualified;

(2) Testing and checking for which that instructor is qualified; and

(3) Instruction, testing, and checking intended to satisfy the requirements of this Part.

(b) The ATO certificate holder whose instructor or evaluator is designated in accordance with the requirements to conduct training, testing, or checking inflight may allow its instructor or evaluator to give endorsements required by Parts 5, 8, 11, 14 or 18 if that instructor or evaluator is authorized by the Authority to instruct or evaluate in a curriculum that requires such endorsements.

(c) The ATO certificate holder may not allow an instructor to—

(1) Excluding briefings and debriefings, conduct more than 8 hours of instruction in any 24-consecutive-hour period, or more than 6 days total or 40 hours in any period of 7 calendar days;

(2) Provide flight training equipment instruction unless that instructor meets the applicable requirements; or

(3) Provide flight instruction in an aircraft unless that instructor—

(i) Meets the prescribed requirements;

(ii) Holds a flight instructor licence;

(iii) Holds pilot licences and ratings applicable to the category, class, and type of that aircraft;

(iv) If instructing or evaluating in an aircraft inflight, while occupying a required crew member seat, holds at least a valid second class medical certificate; and

(v) Meets the recency of experience requirements of Part 10.

(4) Provide training in aircraft or aircraft component maintenance, unless that instructor—

(i) Holds an AME licences with ratings appropriate to the subjects;

(ii) Have 5 total years of experience in the maintenance and inspection of aircraft and components, of which at least 2 total years of practical experience;

9.265 INSTRUCTOR QUALIFICATIONS (LEVEL 1 OR LEVEL 2)

(a) The ATO certificate holder shall have adequate personnel, including licenced flight instructors, licenced ground instructors, and holders of a commercial pilot licence with a lighter-than-air rating, if applicable, and a chief instructor who is qualified and competent to perform the duties assigned in each approved training course.

(b) The ATO certificate holder may allow instructors and evaluators to meet recency of experience requirements through the use of a flight simulation training device if that training device is used in an approved course.

(c) Each instructor for ground or flight training shall hold a flight instructor licence, ground instructor licence, or

commercial pilot licence with a lighter-than-air rating, as appropriate, with ratings for the approved training course and any aircraft used in that course.

9.270 ATO INSTRUCTOR TRAINING & TESTING REQUIREMENTS

(a) Except as provided in paragraph (c), prior to designation and every 12 calendar months beginning the first day of the month following an instructor's initial designation, the ATO certificate holder shall ensure that each instructor meets the following requirements—

(1) Each instructor shall satisfactorily complete an approved course of ground instruction in at least—
- (i) The fundamental principles of the learning process;
- (ii) Elements of effective teaching, instruction methods, and techniques;
- (iii) Instructor duties, privileges, responsibilities, and limitations;
- (iv) Training policies and procedures;
- (v) Human factors considerations as applied to specific technical specialities; and
- (vi) Evaluation of trainees.

(2) Each instructor shall satisfactorily demonstrate to an authorised evaluator knowledge of, and proficiency in, instruction in a representative segment of each curriculum for which that instructor is designated.

(3) Each instructor who instructs in a flight simulation training device shall satisfactorily complete an approved course of training in the operation of the training device, and an approved course of ground instruction, applicable to the training courses the instructor is designated to instruct, which shall include—
- (i) Proper operation of flight simulation training device controls and systems;
- (ii) Proper operation of environmental and fault panels;
- (iii) Limitations of simulation; and
- (iv) Minimum equipment requirements for each curriculum.

(4) Each flight instructor who provides training in an aircraft shall satisfactorily complete an approved course of ground instruction and flight training in an aircraft, flight simulation training device, which shall include—
- (i) Performance and analysis of flight training procedures and manoeuvres applicable to the training courses that the instructor is designated to instruct;
- (ii) Technical subjects covering aircraft subsystems and operating rules applicable to the training courses that the instructor is designated to instruct;
- (iii) Emergency operations;
- (iv) Emergency situations likely to develop during training; and
- (v) Appropriate safety measures.

(5) Each instructor who instructs inflight training equipment shall pass a knowledge test and annual proficiency check—
- (i) In the flight training equipment in which the instructor will be instructing; and
- (ii) On the subject matter and manoeuvres of a representative segment of each curriculum for which the instructor will be instructing.

(6) Each instructor shall have participated in an approved line-observation program, and that—
- (i) Was accomplished in the same aircraft type as the aircraft represented by the flight simulator in which that instructor is designated to instruct; and
- (ii) Included line-oriented flight training of at least 1 hour of flight during which the instructor was the sole manipulator of the controls in a flight simulator that replicated the same type aircraft for which that instructor is designated to instruct.

(7) In addition to the requirements of paragraphs (a)(1) through (a)(5), each ATO certificate holder shall ensure that each instructor who instructs in a flight simulation training device that the Authority has approved for all training and all testing for the airline transport pilot licensing test, aircraft type rating test, or both, has met at least one of the prescribed requirements.

(b) The Authority will consider completion of a curriculum required by paragraph (a) or (b) taken in the calendar month before or after the month in which it is due as taken in the month in which it was due for the purpose of computing when the next training is due.

(c) The Authority may give credit for the requirements of paragraph (a) or (b) to an instructor who has satisfactorily completed an instructor training course for an AOC holder if the Authority finds such a course equivalent to the requirements of paragraph (a) or (b).

9.275 ATO EVALUATOR REQUIREMENTS

(a) Except as provided by paragraph (c), the ATO certificate holder shall ensure that each person authorised as an evaluator—
  (1) Is approved by the Authority;
  (2) Is in compliance with the prescribed requirements;
  (3) Prior to designation, satisfactorily completes a curriculum within 12 calendar months that includes the following—
    (i) Evaluator duties, functions, and responsibilities;
    (ii) Methods, procedures, and techniques for conducting required tests and checks;
    (iii) Evaluation of pilot performance; and
    (iv) Management of unsatisfactory tests and subsequent corrective action; and
  (4) If evaluating in-flight training equipment, satisfactorily pass a knowledge test and annual proficiency check in a flight simulator or aircraft in which the evaluator will be evaluating.

(b) For the purpose of computing when evaluator training is due, the Authority will consider that an evaluator who satisfactorily completes a curriculum required by paragraph (a)(3) in the calendar month before or the calendar month after the month in which it was due, to have taken it in the month it was due.

(c) The Authority may give credit for the requirements of paragraph (a)(3) to an evaluator who has satisfactorily completed an evaluator training course for an AOC holder if the Authority finds such a course equivalent to the requirements of paragraph (a)(3).

SUBPART H: FACILITIES & EQUIPMENT

9.280 APPLICABILITY

(a) This Subpart prescribes the general requirements that are applicable to the facilities and equipment of an Approved Training Organisation

9.285 ACCEPTABLE FACILITIES

(a) The ATO certificate holder's facilities and working environment shall be—
  (1) Appropriate for the task to be performed; and
  (2) Acceptable to the Authority.

(b) The ATO certificate holder shall provide facilities, equipment, and material equal to the standards currently required for the issue of the certificate and rating that it holds.

(c) The ATO certificate holder have, or have access to, the necessary information, equipment, training devices and material to conduct the courses for which the organisation is approved.

(d) The ATO certificate holder may not make a substantial change in facilities, equipment, or material that have been approved for a particular curriculum, unless that change is approved by the Authority in advance.

(e) The ATO certificate holder shall have a technical library adequate for the level of training conducted.

9.290 CLASSROOM & BRIEFING FACILITIES

(a) The ATO certificate holder shall show that the classrooms and briefing facilities—

(1) Used for instructional purposes are heated, lighted, and ventilated to conform to local building, sanitation, and health codes;
(2) Are not routinely subject to significant distractions caused by flight operations and maintenance operations at the aerodrome; and
(3) Include audio and visual training equipment appropriate to the training conducted, including computer-projected documents.

(b) The ATO certificate holder conducting pilot flight training shall show that it has continuous use of a briefing area located at each aerodrome at which training flights originate that is—
(1) Adequate to shelter students waiting to engage in their training flights;
(2) Arranged and equipped for the conduct of pilot briefings; and
(3) For an ATO with an instrument rating course or commercial pilot course, equipped with adequate communication to sources of weather and flight planning information

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9.295 ACCEPTABLE FLIGHT SIMULATION DEVICES

(a) Flight simulation training devices shall be qualified according to requirements prescribed by the Authority.

(b) The use of flight simulation training devices shall be approved by the Authority to ensure that they are appropriate to the task.

9.300 FLIGHT SIMULATION TRAINING DEVICES

(a) When approved by the Authority, the ATO certificate holder shall have available exclusively, for adequate periods of time and at a location approved by the Authority, adequate flight training equipment and courseware, including at least one flight simulation training device suitable for the approved curriculum.

(b) The ATO certificate holder shall show that each flight simulation training device used for training, testing, and checking will be or is specifically qualified and approved by the Authority for—
(1) Each manoeuvre and procedure for the make, model, and series of aircraft, set of aircraft, or aircraft type simulated, as applicable; and
(2) Each curriculum or training course in which the flight simulation training device is used, if that curriculum or course is used to satisfy any requirement of these regulations.

(c) The ATO certificate holder shall ensure, prior to use, that the approval required by this Section includes—
(1) The set of aircraft or type aircraft;
(2) If applicable, the particular variation within type for which the training, testing, or checking is being conducted; and
(3) The particular manoeuvre, procedure, or crew member function to be performed.

9.305 USE OF SIMULATORS & TRAINING DEVICES

(a) Each aeroplane simulator and other training device that is used for training shall—
(1) Be specifically approved by the Authority for—
(i) The AOC holder;
(ii) The type aeroplane, including type variations, for which the training or check is being conducted;
(iii) The particular manoeuvre, procedure, or crew member function involved;
(2) Maintain the performance, functional, and other characteristics that are required for approval;
(3) Be modified to conform with any modification to the aircraft or component being simulated that results in changes to performance, functional, or other characteristics required for approval;
(4) Be given a daily functional pre-flight check before use; and
(5) Have a daily discrepancy log kept by the appropriate instructor or evaluator at the end of each training

or skill test.

(b) Unless otherwise authorised by the Authority, the ATO certificate holder shall ensure that each component on a light simulator or flight training device used by an ATO is operative if the component is essential to, or involved in, the training, testing, or checking of airmen.

9.310 AERODROME REQUIREMENTS

(a) The ATO certificate holder of Level 1 authority shall maintain continuous use of each aerodrome at which training flights originate, and that the aerodrome has an adequate runway and the necessary equipment.

See Appendix 1 to 9.310 for specific runway and equipment requirements.

9.315 AIRCRAFT REQUIREMENTS

(a) An ATO certificate holder shall ensure that each aircraft used for flight instruction and solo flights—
  (1) Has the appropriate Rwanda certificate of airworthiness or the foreign equivalent;
  (2) Is maintained and inspected in accordance with the requirements of Part 4; and
  (3) Is equipped as provided in the training specifications for the approved course for which it is used.
  (4) Except as provided in paragraph (d), is at least a two-place aircraft with engine power controls and flight controls that are easily reached and that operate in a conventional manner from both pilot stations.

(b) An ATO certificate holder may use aeroplanes with controls such as nose-wheel steering, switches, fuel selectors, and engine air flow controls that are not easily reached and operated in a conventional manner by both pilots for flight instruction if the ATO certificate holder determines that the flight instruction can be conducted in a safe manner considering the location of controls and their non-conventional operation, or both.

(c) Each ATO certificate holder shall ensure that each aircraft used in a course involving IFR operations is equipped and maintained for IFR operations.

(d) The Authority may approve aircraft with a restricted airworthiness certificate for use in the agricultural aircraft operations, external-load operations, test pilot, and special operations courses, if its use for training is not prohibited by the aircraft's operating limitations

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9.320 AME INSTRUCTIONAL EQUIPMENT

(a) An applicant for, or holder of, an ATO certificate with approved AME courses shall have and maintain the following instructional equipment as is appropriate to the rating sought—
  (1) Various kinds of airframe structures, airframe systems and components, powerplants, and powerplant systems and components (including propellers), of a quantity and type suitable to complete the practical projects required by its approved curricula.
  (2) At least one aircraft of a type acceptable to the Authority.

(b) The required equipment need not be in an airworthy condition, and if damaged prior to use by the ATO, shall have been repaired enough for complete assembly.

(c) An applicant for, or holder of, an ATO certificate with an AME rating shall have airframes, powerplants, propellers, appliances, and components thereof, to be used for instruction and from which students will gain practical working experience, and shall insure that the airframes, powerplants, propellers, appliances, and components thereof be sufficiently diversified as to show the different methods of construction, assembly, inspection, and operation when installed in an aircraft for use.

(d) Each applicant for, or holder of, an ATO certificate with an AME rating shall ensure that it maintains a sufficient number of units of the material so that no more than eight students will work on any one unit at one time.

(e) Each applicant for, or holder of, an ATO certificate with an AME rating using an aircraft for instructional purposes that does not have retractable landing gear and wing flaps, shall provide training aids, or operational mock-ups of the retractable landing gear and wing flaps which are acceptable to the Authority.

(f) An applicant for an ATO certificate with an AME rating, or and applicant seeking an additional AME rating, shall have at least the facilities, equipment, and materials appropriate to the rating sought.

(g) An applicant for, or holder of, an ATO certificate with an AME rating shall maintain, on the premises and under the full control of the ATO, an adequate supply of material, special tools, and shop equipment used in construction and maintenance of aircraft, as is appropriate, to the approved curriculum of the ATO, in order to assure that each student will be properly instructed.

(h) An applicant for, or holder of, an ATO certificate with an AME rating shall ensure that the required special tools and shop equipment are in satisfactory working condition for instructional and practice purposes.

See appendix 1 to 9.320: facilities for ame courses

9.325 OTHER TRAINING EQUIPMENT REQUIREMENTS

(a) The ATO certificate holder that is approved for Cabin Crew training curriculums shall have displays, mock-ups and simulation that is appropriate to the approved curriculum.

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APPENDICES

APPENDIX 1 TO 9.030: CONTENTS OF TRAINING SPECIFICATIONS

(a) The contents of the training specifications issued by the Authority will contain—

(1) Authorization for the ATO certificate holder to function as a Level 1, 2 or 3 ATO.
(2) The type of training authorized, including approved courses;
(3) The category, class, and type of aircraft that may be used for training, testing, and checking;
(4) For each flight simulation training device, the make, model, and series of aircraft or the set of aircraft being simulated and the qualification level assigned, or the make, model, and series of rotor craft, or set of rotor craft being simulated and the qualification level assigned;
(5) For each flight simulation training device subject to qualification evaluation by the Authority, the identification number assigned by the Authority;
(6) The name and address of each satellite ATO, and the approved courses offered at each satellite ATO;
(7) Authorised deviations or waivers from this Part; and
(8) Any other items the Authority may require or allow.

APPENDIX 1 TO 9.040: APPLICATION FOR ATO CERTIFICATE

(b) Each applicant for an ATO certificate and training specification shall provide to the Authority the following information—

(1) A statement showing that the minimum qualification requirements for each management position are met or exceeded.
(2) A statement acknowledging that the applicant may notify the Authority within 10 working days of any change made in the assignment of persons in the required management positions.
(3) The proposed training specifications requested by the applicant.
(4) The proposed evaluation authorization.
(5) A description of the flight training equipment that the applicant proposes to use.
(6) A description of the applicant's training facilities, equipment, and qualifications of personnel to be used, and proposed evaluation plans.
(7) A training program curriculum, including syllabi, outlines, courseware, procedures, and documentation to support the required items upon request by the Authority.
(8) A description of a record keeping system that will identify and document the details of training, qualification, and licensing of students, instructors, and evaluators.
(9) A description of quality control measures proposed.
(10) A method of demonstrating the applicant's qualification and ability to provide training for a licence or rating in fewer than the minimum hours prescribed in Part 8 if the applicant proposes to do so.

APPENDIX 1 TO 9.100: TRAINING COURSE CONTENTS

(a) The Level 1 or Level 2 ATO certificate holder shall ensure that each training course contains—

(1) A description of each flight simulation training device used for training;
(2) A listing of the aerodromes at which training flights originate and a description of the facilities, including pilot briefing areas that are available for use by the students and personnel at each of those aerodromes;
(3) A description of the type of aircraft including any special equipment used for each phase of training.
(4) The minimum qualifications and ratings for each instructor assigned to ground or flight training; and
(5) A training syllabus that includes—
(i) The prerequisites for enrolling in the ground and flight portion of the course that include the pilot licence and rating (if required by this Part), training, pilot experience, and pilot knowledge;

(ii) A detailed description of each lesson, including the lesson's objectives, standards, and planned time for completion;
(iii) Course learning objectives;
(iv) Stage learning objectives and standards; and
(v) A description of the checks and tests to be used to measure learning after each stage of training.

(b) A Level 1 ATO certificate holder may—
(1) Include training in a flight simulation training device, provided it is representative of the aircraft for which the course is approved, meets the requirements of this paragraph, and the training is given by an authorised instructor; and
(2) Permit a student to credit training in a flight simulator that meets the requirements for a maximum of 25 percent of the total flight training hour requirements of the approved course.

APPENDIX 1 TO 9.180: CONTENTS OF TRAINING & PROCEDURES MANUAL

(a) Manual administration—
(1) Management introductory policy
(2) Revision summary
(3) List of pages (page control)
(4) Table of contents
(5) Procedures for revision of manual
(6) Method for identification of revisions within the manual
(7) Description of page layout including page numbering, display of revision number
(8) Description of header and paragraph structure and numbering
(9) Glossary of terms and abbreviations)

(b) ATO organization and management—
(1) Organization chart showing management positions and relationships to instructors, evaluators and trainees
(2) Duties and responsibilities of the Accountable Manage
(3) Duties and responsibilities of the Manager of Training
(4) Duties and responsibilities of a Chief Instructor
(5) Safety and Quality Assurance manager
(6) Duties and responsibilities of instructors
(7) Duties and responsibilities of evaluators
(8) Duties and responsibilities of the simulation of maintenance personnel.
(9) Listing of management and supervisory personnel, including contact numbers, emails and addresses.
(10) Listing of instructors and general qualifications
(11) Listing of evaluators and general qualifications

(c) Training Approvals
(1) Copy of current Training Specifications (with approvals)
(2) Copy of each course summary and course curriculum outline

(d) Training Administration
(1) Procedures for notifying the Authority of the intent to conduct and dates of approved training
(2) Procedures for notifying the Authority of the intent to conduct, and dates for specific checking or testing events.
(3) Instructions for accommodating access and inspections of the Authority

(4) Policy and instructions for notifying the Authority of changes relating to approved training.
(5) Procedures for scheduling and publishing of training sessions.
(6) Procedures for requesting additional training authorizations
(7) Instructions for application for renewal of ATO certificate and/or course curriculums.
(8) Procedures for assessment and crediting previous training and experience
(9) Instructions for completion of the graduation certificate
(10) Procedures for providing a transcript of training records to the trainee
(11) Policies and procedures for retention of records
(12) Security procedures for trainee training and qualification records
(13) Security procedures for instructor and evaluator training and qualification records.
(14) Security procedures for original documents approved by the Authority

(e) Description of Training facilities
(1) Location and address of principal business office
(2) Location and address of primary training facilities
(3) Location and address of all satellite training facilities
(4) Pictorial layout of training facilities and rooms
(5) Description of technical library and self-study areas and equipment
(6) Description of classrooms and classroom training equipment
(7) Description and number of briefing areas and equipment
(8) Description of aerodrome(s) which will be used for flight training
(9) Pictorial description of operating areas which will be used for flight training
(10) Description of other areas such as simulator bays and emergency demonstrations
(11) Description of areas that are suitable to maintenance training functions.

(f) Flight Simulation and/or Aircraft Equipment
(1) Listing the aircraft approved for use by the training organization
(2) Listing of the approved simulators and the approved maneuvers and procedures
(3) Listing of all aviation maintenance mockups and other training aids

(g) Training of Trainees
(1) Limitations to trainee ground training periods each day
(2) Restrictions to instructor training and rest periods
(3) Procedures for suspending trainees from training program

(h) Flight Training
(1) Limitations to trainee flight training periods each day
(2) Procedures for supervision of training flights
(3) Procedures for transfer of control between instructor and trainee

(i) Checking and Testing of Trainees
(1) General procedures for conducting each authorized skill tests
(2) Evaluator conduct of progress checks
(3) Evaluator conduct of practical knowledge (oral) tests
(4) Evaluator conduct of applicable skill (performance) tests
(5) Limitations to the length of skill tests for best and/or flight training periods
(6) Procedures for continuing skill tests when at least one event has been unsatisfactory
(7) Procedures for terminating skill tests before completion
(8) Procedures for re-testing of trainees

(j) Instructor and Evaluator Qualification
  (1) Curriculum for qualification of instructors
  (2) Curriculum for qualification of evaluators
  (3) Standardization of
  (4) Procedures for safe conduct of training and checking in the aircraft

(k) Training Development Policies & Procedures
  (1) Instructions for development of curriculums and curriculum segments
  (2) Instructions for development of course summaries
  (3) Instructions for development of training outcomes
  (4) Instructions for determining prerequisites
  (5) Instructions for development of lesson plans
  (6) Instructions for development of instructional objectives
  (7) Instructions for development of instructor presentations
  (8) Instructions for development of trainee exercises and scenarios for competency-based training
  (9) Instructions for development of knowledge tests and question development.

(l) Quality Control
  (1) Procedures for auditing instructor performance
  (2) Procedures for assessment of lesson quality
  (3) Procedures for assessment of end-of-course quality
  (4) Procedures for correcting quality control issues

(m) Safety Management System
  (1) Safety Policies relating to safety management and quality assurance
  (2) Checklists and instructions for audit of ATO training records
  (3) Checklists and instructions for audit of training course documentation
  (4) Checklists and instructions for auditing of conduct of training
  (5) Procedures for received and addressing reported hazards.
  (6) Procedures for identification of hazards and assessment of risk
  (7) Procedures for safety promotion

APPENDIX 1 TO 9.205: CONTENTS OF STUDENT RECORDS

(a) The student records maintained by the ATO certificate holder shall contain—
  (1) The name of the student;
  (2) A copy of the student's licence, if any, and medical certificate, if required;
  (3) The name of the course and the make and model of flight training equipment used, if applicable;
  (4) The student's prerequisite experience, including any prior instruction credited and the authenticated transcript of grades from a ATO previously attended;
  (5) Course time completed;
  (6) The date the student graduated, terminated training, or transferred to another ATO;
  (7) The student's performance on each lesson and the name of the instructor providing instruction;
  (8) A current progress record for each student showing the practical projects or laboratory work completed or to be completed for each subject;
  (9) The date and result of each knowledge test and end-of-course practical test and the name of the evaluator conducting the test(s); and

  (10) The number of hours of additional training that was accomplished after any unsatisfactory practical test.

APPENDIX 1 TO 9.210: CONTENTS OF ATO STAFF QUALIFICATION RECORDS

(a) The records maintained by the ATO certificate holder for the instructor shall contain—
  (1) The name of the instructor and/ or evaluator;
  (2) A copy of the instructor/evaluator's licence, if any, and medical certificate, if required;
  (3) A resume of previous and current experience;
  (4) A qualification and training history applicable to the instruction or evaluation provided;
  (5) The records of the training required to prepare the instructor/evaluator for the duties to be performed by the ATO certificate holder.
  (6) The approval from the Authority for that instructor/evaluator to be used by the ATO certificate holder.
  (7) Scope of training/evaluation that may be provided by the instructor/evaluator;

APPENDIX 1 TO 9.225: CREDITING PAST EXPERIENCE & INSTRUCTION

(a) The ATO shall apply the following guidelines when giving a student credit for past experience—
  (1) Instruction satisfactorily completed at—
    (i) An accredited university, college, or junior college;
    (ii) An accredited vocational, technical, trade or high school;
    (iii) A military technical school; or
    (iv) An ATO.
  (2) Previous aviation maintenance experience comparable to required curriculum subjects—
    (i) By determining the amount of credit to be allowed by documents verifying previous experience; and
    (ii) By giving the student a test equal to the one given to students who complete the comparable required curriculum subject at the ATO.
  (3) Credit to be allowed for previous instruction—
    (i) By an entrance test equal to one given to the students who complete a comparable required curriculum subject at the crediting ATO;
    (ii) By an evaluation of an authenticated transcript from the student's former ATO; or in the case of an applicant from a military school, only on the basis of an entrance test.

APPENDIX 2 TO 9.225: CREDITING OF PREVIOUS PILOT & AME TRAINING

(a) A Level 1 ATO certificate holder receiving a student from another Level 1 ATO may credit that student's previous experience towards the curriculum requirements of a course subject to the following conditions—
  (1) If the credit is based upon the prescribed requirements of this Part, the gaining ATO certificate holder may credit that student not more than 50 percent of the curriculum requirements;
  (2) If the credit is not based upon this Part, the gaining ATO certificate holder may credit that student not more than 25 percent of the curriculum requirements;

(b) The receiving ATO certificate holder shall determine the amount of course credit to be credited under paragraph (1) or paragraph (2), based on a proficiency test or knowledge test, or both, of the student.

(c) The receiving ATO certificate holder may grant credit for training specified in paragraph (a)(1) or paragraph (2) only if the previous provider of the training has certified the kind and amount of training provided, and the result of each stage check and end-of-course test, if applicable, given to the student.

(d) An AME training course holder may evaluate and grant credit for an entrant's previous training provided—

(1) The AME training course holder determines that the training is verifiable and comparable to portions of the training program.
(2) The individual requesting credit passes an examination given by the AME training course holder, which is equivalent to those examinations given by the AME training course holder for the same subject in the training program.

APPENDIX 1 TO 9.230: CONTENTS OF GRADUATION CERTIFICATE

(a) The ATO certificate holder shall include in each graduation certificate—
(1) The name of the ATO and the certificate number;
(2) The name of the graduate to whom it was issued;
(3) The approved curriculum title;
(4) The date of graduation;
(5) A statement that the student has satisfactorily completed each required stage of the approved course of training including the tests for those stages;
(6) An authentication by an official of the ATO; and
(7) A statement showing the cross-country flight training that the student received in the course of training, if applicable.
(8) is required, of the same type replicated by the approved flight simulator in which that instructor is designated to instruct;
(9) Each instructor shall have participated in an approved line-observation program, and that—
(i) Was accomplished in the same aircraft type as the aircraft represented by the flight simulator in which that instructor is designated to instruct; and
(ii) Included line-oriented flight training of at least 1 hour of flight during which the instructor was the sole manipulator of the controls in a flight simulator that replicated the same type aircraft for which that instructor is designated to instruct.

APPENDIX 1 TO 9.310: AERODROME REQUIREMENTS

(a) For the original authorization, the ATO certificate holder shall show that the aerodrome at which training flights originate has the following—
(1) At least one runway or takeoff area that allows training aircraft used by the ATO certificate holder to safely make a normal takeoff and landing at the aircraft's maximum certified takeoff gross weight;
(2) The performance calculation to establish the maximum safe performance requirement for this runway shall be determined using the following performance conditions—
(i) Headwind component is not more than 5 knots;
(ii) Temperatures equal to the mean high temperature for the hottest month of the year in the operating area;
(iii) If applicable, with the powerplant operation, and landing gear and flap operation recommended by the manufacturer; and
(iv) In the case of a takeoff—
(A) With smooth transition from liftoff to the best rate of climb speed without exceptional piloting skills or techniques; and
(B) Clearing all obstacles in the takeoff flight path by at least 50 feet.
(3) A wind direction indicator that is visible from the end of each runway at ground level.
(4) A traffic direction indicator when—
(i) The aerodrome does not have an operating control tower; and
(ii) Traffic and wind advisories are not available.

(5) Except as provided in paragraph (a)(5), permanent runway lights if that aerodrome is to be used for night training flights.

Adequate non-permanent lighting or shoreline lighting for an aerodrome or seaplane base for night training flights in seaplanes, if approved by the Authority.

APPENDIX 1 TO 9.320: FACILITIES FOR AME COURSES

(a) An applicant for, and holder of, an ATO certificate shall have facilities the Authority determines are appropriate for the maximum number of students expected to be taught at any time, as follows—

(1) An enclosed classroom.

(2) Suitable facilities arranged to assure proper separation from the working space, for parts, tools, materials, and similar articles.

(3) Suitable area for application of finishing materials, including paint spraying.

(4) Suitable areas equipped with washtank and degreasing equipment with air pressure or other adequate cleaning equipment.

(5) Suitable facilities for running engines.

(6) Suitable area with adequate equipment, including benches, tables, and test equipment, to disassemble, service, and inspect—

(i) Ignition systems, electrical equipment, and appliances;

(ii) Carburettors and fuel systems; and

(iii) Hydraulic and vacuum systems for aircraft, aircraft engines, and their appliances.

(7) Suitable space with adequate equipment, including tables, benches, stands, and jacks, for disassembling, inspecting, and rigging aircraft.

(8) Suitable space with adequate equipment for disassembling, inspecting, assembling, troubleshooting, and timing engines.

End of RCAR Part 9

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Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA X W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX X TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE X D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 10

Operations of Aircraft

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SUBPART A: GENERAL

10.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as Civil Aviation (Operations of Aircraft) Regulations.

(b) This Part prescribes the requirements for—

(1) Operations conducted by airman licensed in Rwanda while operating aircraft registered in Rwanda.

(2) Operations of foreign registered aircraft by Rwanda AOC holders.

(c) This Part is applicable to operators of aircraft in—

(1) Aerial work;

(2) Commercial air transport; or

(3) General aviation.

(d) This Part is applicable to pilots and other persons performing duties required by these Regulations.

(e) For operations outside of Rwanda, all Rwanda pilots and operators shall comply with these requirements unless compliance would result in a violation of the laws of the foreign State in which the operation is conducted.

(f) Where a particular requirement is applicable only to a particular segment of aviation operations, it will be identified by a reference to those particular operations, such as “commercial air transport” or “small non-turbojet aero planes.”

(g) Civil Aviation Technical Standards published by the Authority shall also be applicable to the operations of aircraft.

10.003 SPECIFIC APPROVALS

(a) The pilot-in-command shall not conduct operations for which a specific approval is required by this Part unless such approval has been issued by the State of Registry.

(b) Specific approvals issued by the Authority shall follow a specific layout and contain at least the information required to clearly indicate the approval that is granted, any applicable limitation(s) and, if applicable, the expiration date.

10.005 DEFINITIONS

(a) The definitions applicable to this Part are consolidated in Part 1, Appendix 1 to 1.015.

10.010 ACRONYMS

(a) The following acronyms are used in this Part—

ADS – Automatic Dependent Surveillance
AFM – Aircraft Flight Manual
AGL – Above Ground Level
AOC – Air Operator Certificate
AOM – Aircraft Operating Manual
ATC – Air Traffic Control
ATSU – Air Traffic Service Unit
CAT – Category
CG – Center of Gravity
DH – Decision Height
ETA – Estimated Time of Arrival
EDTO – Extended Diversion Time Operations
FL – Flight Level

ft – Feet
IFR – Instrument Flight Rules
IMC – Instrument Meteorological Conditions
LOC – Localizer
LVTO – Low Visibility Take Off
kph – Kilometres Per Hour
km – Kilometre
m – Meter
MDA – Minimum Decent Altitude
MEA — Minimum En Route Altitude
MEL – Minimum Equipment List
MMEL – Master Minimum Equipment List
MNPSA – Minimum Navigation Specifications Airspace
MOCA — Minimum Obstruction Clearance Altitude
MSL – Mean Sea Level
nm – Nautical Mile
NOTAM – Notice to Airmen
RFM – Rotorcraft Flight Manual
RVR – Runway Visibility Range
RVSM – Reduced Vertical Separation Minimum
PBE – Protective Breathing Equipment
PBC = Performance-Based Communications
PBN = Performance-Based Navigation
PBS = Performance-Based Surveillance
PIC – Pilot In Command
SIC – Second In Command
SCA – Senior Cabin crew member
sm – Statute Miles
VFR – Visual Flight Rules
VMC – Visual Meteorological Conditions

SUBPART B: AIRCRAFT REQUIREMENTS

10.015 AIRCRAFT REGISTRATION & MARKINGS

(a) No person may operate a Rwanda-registered aircraft unless it—
  (1) Has a valid Certificate of Aircraft Registration issued by the Authority; and
  (2) Displays the proper markings prescribed in Part 2.

(b) No person may operate an aircraft in Rwanda unless it—
  (1) Has a valid Certificate of Aircraft Registration issued by the State of Registry which has not expired; and
  (2) Displays registration markings in accordance with ICAO Annex 7.

10.020 CIVIL AIRCRAFT AIRWORTHINESS

(a) No person may operate a civil aircraft unless it has—
  (1) A valid Certification of Airworthiness issued by the State of Registry; and

(2) Been maintained in an airworthy condition and released to service under a system of maintenance acceptable to the State of Registry.

(b) No person may operate an aircraft unless, before take-off, it has been determined to be in condition for safe flight.

(c) The PIC shall discontinue a flight as soon as practicable when an unairworthy mechanical, electrical or structural condition occurs.

10.025 Operational Restrictions: Certificate of Airworthiness

(a) No person may operate an aircraft except—

(1) As provided in the terms of the airworthiness certificate or equivalent document issued by the State of Registry;

(2) Within the approved operating limitations contained in its flight manual; and

(3) Within the mass limitations imposed by compliance with the applicable noise certificate, unless otherwise authorised in exceptional circumstances for a certain aerodrome or a runway where there is no noise disturbance problem, by the competent authority of the State in which the aerodrome is situated.

(b) No person may operate an aircraft with a Special Certificate of Airworthiness except as provided in the limitations issued with that certificate.

1.030 Aircraft instruments & Equipment

(a) No person may operate an aircraft unless it is equipped with the instruments and equipment requirements of Part 6 appropriate to the type of flight operation conducted and the route being flown.

(b) No person may operate an aircraft unless the owner, or in the case where it is leased, the lessee, has available at all times for immediate communication to rescue coordination centres, lists containing information on the emergency and survival equipment carried on board the aircraft.

(c) The information shall include, as applicable, the—

(1) Number, colour and type of life rafts and pyrotechnics;

(2) Details of emergency medical supplies, water supplies; and

(3) Type and frequencies of the emergency portable radio equipment.

10.035 Inoperative instruments & Equipment

(a) No person may take-off in an aircraft with inoperative instruments or equipment installed, except as authorised by the Authority.

(b) No person may take-off in a multi-engine aircraft with inoperative instruments and equipment installed unless the following conditions are met—

(1) An approved Minimum Equipment List exists for that aircraft.

(2) The Authority has approved the MEL for use for the specific aircraft and AOC holder.

(3) The approved Minimum Equipment List must—

(i) Be prepared in accordance with the most current Master Minimum Equipment List issued by the State of Design;

(ii) Be prepared in accordance with the limitations specified in paragraph (c) of this Section; and

(iii) Provide for the operation of the aircraft with certain instruments and equipment in an inoperative condition.

(4) Records identifying the inoperative instruments and equipment and the information required by paragraph (b)(3)(ii) of this Section must be available to the pilot.

(5) The aircraft is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the specific operating provisions authorising use of the Minimum Equipment List.

(c) The following instruments and equipment may not be included in the Minimum Equipment List—
  (1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the aircraft is type certificated and which are essential for safe operations under all operating conditions.
  (2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.
  (3) Instruments and equipment required for specific operations under Parts 7, 9, 10, 11, 12 or 28.

(d) An aircraft with inoperative instruments or equipment may be operated under a Special Flight Permit issued under Part 4.

See Appendix 1 to 10.035 for specific limitation on inoperative instruments and equipment.

10.040 Civil Aircraft Flight Manual, Marking & Placard Requirements

(a) No person may operate a civil aircraft unless there is available in the aircraft—
  (1) A current, appropriate Approved Flight Manual; or
  (2) An AOM approved by the Authority for the AOC holder; or
  (3) If no appropriate Approved Flight Manual exists, approved manual material, markings and placards, or any combination thereof which provide the PIC with the necessary limitations for safe operation.

(b) Placards, listings, instrument markings or combination thereof, containing those operating limitations prescribed by the State of Registry for visual presentation shall be displayed in the aircraft.

(c) Each person operating a civil aircraft shall cause the appropriate Approved Flight Manual to be updated by implementing changes made mandatory by the State of Registry.

10.045 Required aircraft & Equipment Inspections

(a) Unless otherwise authorised by the Authority, no person may operate a Rwanda civil aircraft unless it has had the following inspections and evidence of those inspections are carried on the aircraft—
  (1) An annual inspection within the past 12 calendar months;
  (2) For remuneration or hire operations, a 100-hour inspection;
  (3) For IFR operations, an altimeter and pitot-static system inspection in the past 24 calendar months;
  (4) For transponder equipped aircraft, a transponder check within the past 12 calendar months;
  (5) For ELT-equipped aircraft, an ELT check within the past 12 calendar months; and
  (6) For IFR aircraft, a VOR receiver check within the past 30 days or an alternative method prescribed by the Authority.
  (7) For aircraft equipped with flight and cockpit voice recorders, operational checks and evaluations of recordings shall be conducted to ensure their serviceability at intervals prescribed by the Authority.

(b) The requirements for these inspections are contained in Part 4.

(c) Aircraft maintained under an alternate maintenance and inspection program approved by the Authority, as specified in Part 4, may not have current annual or 100-hour inspections in their maintenance records. An alternate maintenance and inspection program include—
  (1) A manufacturer's recommended program;
  (2) Instructions for continued airworthiness; or
  (3) A program designed by the operator and approved by the Authority.

10.050 Documents to be Carried on Aircraft: All Operations

(a) No person may operate a civil aircraft unless it has within it the current and approved documents appropriate to the operations to be conducted—
  (1) Properly displayed registration certificate issued to the owner;

(2) Properly airworthiness certificate;
(3) Properly displayed aircraft noise certificate;
(4) Appropriate Approved Flight Manual;
(5) Normal, abnormal and emergency checklists;
(6) Pilot operating handbook (or aircraft operating manual);
(7) Performance and Mass and Balance tables or graphs;
(8) Aircraft radio license (if radio is installed and being used by the crew);
(9) Current and suitable charts for—
  (i) The route of the proposed flight; and
  (ii) All routes along which it is reasonable to expect that the flight may be diverted;
(10) Air-ground signals and essential information for search and rescue services over which the aircraft will be flown; and
(11) Third-party liability insurance certificate.

(b) An operations manual shall be carried on the aircraft for all operations involving commercial air transport and aircraft subject to the requirements of Part 28.

(c) Maintenance records or related documents, other than a valid certificate of airworthiness, shall not be carried in the aircraft during normal flight operations.

10.051 Additional Documents Applicable to International Flights

(d) No person may operate a civil aircraft for flights across international borders unless it has within it the additional documents necessary for such flights, including—
(1) A general declaration for customs;
(2) List of passenger names and points of embarkation and destination, if applicable;
(3) Filed ATC flight plan;
(4) Aircraft journey log (or equivalent document);

Refer to Appendix 1 to 10.033 for the required contents of the Journey Logbook.

(5) An aircraft radio licence;
(6) The procedures and visual signals relation to interception of aircraft;
(7) An English translation of the aircraft noise certificate (or equivalent document); and
(8) Any other documentation that may be required by the Authority or States concerned with a proposed flight.

10.055 Additional Document Requirements: Commercial Air Transport

(a) No person may operate a civil aircraft for commercial air transport unless it has within it the additional documents necessary for such flights, including—
(1) Aircraft Technical Log;
(2) Aircraft Load Manifest;
(3) Operational Flight Plan;
(4) NOTAMS briefing documentation;
(5) Meteorological information;
(6) Part(s) of the Operations Manual relevant to operation(s) conducted;
(7) Aircraft Operating Manual acceptable to the State of the Operator;
(8) MEL approved by the State of the Operator;
(9) An English translation of a certified true copy of—
  (i) The AOC; and

(ii) The operations specifications containing pertinent authorisations, conditions and limitations for the fleet of aircraft operated;

(10) Bomb search checklist;

(11) Least risk location instruction in the event a bomb is found; and

(12) Forms for complying with the reporting requirements of the Authority and the AOC holder.

SUBPART C: FLIGHT CREW REQUIREMENTS

10.059 APPLICABILITY

(a) This Subpart provides the flight crew requirements to ensure that they are qualified and current for flight operations.

10.060 COMPOSITION OF THE FLIGHT CREW

(b) The number and composition of the flight crew may not be less than the minimum numbers specified in the—

(1) Flight manual or other documents associated with the airworthiness certificate; and

(2) The operator's operations manual.

(c) A co-pilot is required for IFR commercial air transport operations, unless the Authority has issued a deviation.

(d) When a separate flight engineer's station is incorporated in the design of an aeroplane, the flight crew shall include at least one flight engineer especially assigned to that station, unless the duties associated with that station can be satisfactorily performed by another flight crew member, holding a flight engineer licence, without interference with regular duties.

(e) The flight crews shall include flight crew members in addition to the minimum numbers specified in the flight manual or other documents associated with the certificate of airworthiness when necessitated by considerations related to the—

(1) Type of aeroplane used;

(2) Type of operations involved; and

(3) Duration of flight between points where flight crews are exchanged.

10.063 [RESERVED]

10.065 FLIGHT CREW QUALIFICATIONS

(a) The PIC and, where applicable, the operator shall ensure for each flight crew member that—

(1) Their licences have been issued or rendered valid by the State of Registry and contain the appropriate category, class and type ratings;

(2) They have completed the recency of experience requirements of this Part; and

(3) They are competent to perform the crew duties they have been assigned.

(b) No person may operate or perform duties in a civil aircraft that require a licence unless the licence authorising the privileges to conduct that operation were issued in accordance with the specifications of Part 7 and/or, where applicable, the Standards of Annex 1 of the International Civil Aviation Organisation.

10.070 WHEN AIRCRAFT TYPE RATING IS REQUIRED

(a) Except as provided in paragraph (b) of this Section, no person may operate any of the following civil aircraft as PIC unless that person's licence has been endorsed for the aircraft type—

(1) Large aircraft, other than lighter-than-air.

(2) Turbine-engined aero planes.

(3) Helicopters and powered lift;

(4) Aircraft certificated for operation with a minimum crew of at least two pilots.
(5) Any aircraft considered necessary by the Authority.

(b) The Authority may give a special authorisation in writing to authorise a pilot to operate an aircraft requiring a class and/or type rating in place of issuing that rating in accordance with this Part provided—
(1) The Authority has determined that an equivalent level of safety can be achieved through the operating limitations on the authorisation;
(2) The applicant shows that compliance with paragraph (a) of this Section or Part 7 is impracticable for the flight or series of flights;
(3) The operations—
(i) Are for the purpose of training, testing or specific special purpose non-revenue, non-passenger carrying flight (e.g. ferry flight);
(ii) Are within Rwanda, unless, by previous agreement with the Authority, the aircraft is flown to an adjacent contracting State for maintenance;
(iii) Are not for compensation or hire unless the compensation or hire involves payment for the use of the aircraft for training or taking a skill test; and
(iv) Involve only the carriage of flight crew members considered essential for the flight.
(4) The authorisation is limited in validity to the time need to complete the specific flight or series of flights

10.075 Flight crew Licences Required

(a) No person may act as PIC or in any other capacity as a required flight crew member of a civil aircraft of—
(1) Rwanda registry, unless he or she carries in their personal possession the appropriate and current licence issued in accordance with Part 7 for that flight crew position for the category, class and type of aircraft and a valid medical certificate.
(2) Foreign registry, unless he or she carries in their personal possession a valid and current licence for that type of aircraft issued to them by the State in which the aircraft is registered.

(b) No person may act as a flight crew member of a foreign registered aircraft operated by a Rwanda AOC holder unless they have been issued a Rwanda licence for the category, class and type of aircraft.

(c) No person may act as a flight engineer of a civil aircraft of Rwanda registry unless he or she has a flight engineer licence with appropriate ratings issued in accordance with Part 7.

10.077 Radio Operator License

(a) For international operations, the flight crew shall include at least one member who holds a valid license or endorsement, issued or rendered valid by the State of Registry, authorizing operation of the type of radio transmitting equipment to be used.

10.078 Language proficiency

(b) No person may use the aircraft radio for aeronautical radiotelephony unless their licenses has been endorsed for at least Level 4 language proficiency (as specified in Part 7) for the language to be used.

(c) The PIC shall ensure that all flight crew member licenses are endorsed for language proficiency in the language used for aeronautical radiotelephony communications.

(d) The PIC shall ascertain that the common language used by the crew for the operation of the aircraft is adequate for those operations.

(e) Operators shall ensure that flight crew members demonstrate the ability to speak and understand the language used for aeronautical radiotelephony communications as specified in Section 7.205.

10.080 Medical certificate Required

(a) The following persons must have a current and valid medical certificate as specified in Section 7.735 in order to exercise the privileges of their licences in operations of aircraft—
  (1) Pilots; and
  (2) Flight engineers.

(b) No person may serve in aviation unless that person has in their personal possession a valid airman medical certificate.

10.085 Airman: Limitations on Use of Services

(a) No person may serve as an airman, nor may any person use an airman in commercial air transport unless that person is qualified for the operations for which they are to be used in accordance with Part 14.

(b) No person may operate a civil aircraft in aerial work unless that person is qualified for the specific operation and in the specific type of aircraft used.

10.087 Category, Class & Type Rating required

(a) No person may act as the PIC of an aircraft unless that person holds the appropriate category, class, and type rating (if a class rating and type rating is required) for the aircraft to be flown, except where the pilot is the sole occupant of the aircraft, or—
  (1) Is receiving training for the purpose of obtaining an additional pilot licence or rating that is appropriate to that aircraft while under the supervision of an authorised instructor; or
  (2) Has received training required by these Parts that is appropriate to the aircraft category, class, and type rating (if a class or type rating is required) for the aircraft to be flown, and has received the required endorsements from an authorised instructor.

(b) A pilot may not act as PIC of an aircraft that is carrying another person, or is operated for remuneration or hire, unless that pilot holds a category, class, and type rating (if a class and type rating is required) that applies to the aircraft.

10.090 Rating Required for IFR Operations

(a) No person may operate a civil aircraft as the PIC in the following situations unless that person's pilot licence has been endorsed with an instrument or airline transport pilot (not limited to VFR) rating for the category, class and, if required, type of aircraft—
  (1) In flight conditions where the proximity to clouds and minimum visibility is less than those prescribed for VFR (Visual Flight Rules);
  (2) In IMC (instrument meteorological conditions);
  (3) On an ATS clearance for operations in IFR (Instrument Flight Rules);
  (4) Conducting Special VFR Operations at night in Class G airspace; or
  (5) Inter-island flight at night within Rwanda airspace.

(b) No person may perform the duties of a co-pilot in any of the situations described in paragraph (a) of this Section when a co-pilot is required, unless that person's pilot licence has been endorsed with an instrument rating for the category of aircraft.

10.095 Special Authorisation Required for Category II/III Operations

(a) Except as shown in paragraph (b) of this Section, no person may act as a pilot crew member of a civil aircraft in a Category II/III operation unless—
  (1) In the case of a PIC, he or she holds a current Category II or III pilot authorisation for that type aircraft.
  (2) In the case of an co-pilot, he or she is authorised by the State of Registry to act as co-pilot in that aircraft in Category II/III operations.

(b) An authorisation is not required for individual pilots of an AOC holder that has operations specifications approving Category II or III operations, but no pilot for an AOC may act as a pilot crew member in a Category II/IIII operation unless current and qualified for the operation conducted.

10.096 Additional Training Requirements For Pilot in Command

(a)Complex Aircraft. No person may act as PIC of a complex aeroplane, high-performance aeroplane, or a pressurised aircraft capable of flight above 7500 m (25,000 ft) MSL, or an aircraft that the Authority has determined requires aircraft type-specific training, unless the person has—

(1) Received and logged ground and flight training from an authorised instructor in the applicable aeroplane type, or in an approved flight simulator or approved flight training device that is representative of that, and has been found proficient in the operation and systems of that aeroplane; and

(2) Received a one-time endorsement in the pilot's logbook from an authorised instructor who certifies the person is proficient to operate that aircraft.

(b) Additional training required for operating tail wheel aero planes. No person may act as PIC of a tail wheel aeroplane unless that person has—

(1) Received and logged flight training from an authorised instructor in a tail wheel aeroplane on the manoeuvres and procedures, to include at least—

(i) Normal and crosswind take-offs and landings;

(ii) Wheel landings (unless the manufacturer has recommended against such landings); and

(iii) Go-around procedures

(2) Received an endorsement in the person's logbook from an authorised instructor who found the person proficient in the operation of a tail wheel aeroplane for the manuevers and procedures specified in (b)(1).

10.096 Special training Requirements

(c) The pilot-in-command of an aeroplane equipped with an airborne collision avoidance system (ACAS II) shall ensure that each flight crew member has been appropriately trained to competency in the use of ACAS II equipment and the avoidance of collision.

Note: Additional guidance regarding ACAS training is provided in Appendix 1 to 10.097

10.100 Pilot Logbooks

(a) Each pilot shall show the aeronautical training and experience used to meet the requirements for a licence or rating, or recency of experience, by a reliable record that is acceptable to the Authority.

(b) Each PIC shall carry his or her logbook on all general aviation international flights.

(c) A student pilot shall carry his or her logbook, including the proper flight instructor endorsements, on all solo cross-country flights.

(d) Upon the request of an authorised representative of the Authority or a law enforcement officer, the pilot shall provide their logbook to that person.

10.101 Contents of Pilot Logbook

(a) Each person shall enter the following information for each flight or lesson logged—

(1) General—

(i) Date.

(ii) Total flight time.

(iii) Location where the aircraft departed and arrived, or for lessons in an approved flight simulator or an approved flight training device, the location where the lesson occurred.

(iv) Type and identification of aircraft, approved flight simulator, or approved flight training device, as appropriate.
(v) The name of a safety pilot, if required.

(2) Type of pilot experience or training—
(i) Solo.
(ii) PIC.
(iii) Co-pilot.
(iv) Flight and ground training received from an authorised instructor.
(v) Training received in an approved flight simulator or approved flight training device from an authorised instructor.

(3) Conditions of flight—
(i) Day or night.
(ii) Actual instrument.
(iii) Simulated instrument conditions in flight, an approved flight simulator, or an approved flight training device.

10.102 Logging & Crediting of Flight Time

(a) *Logging of pilot time*. The pilot shall, at a minimum and in accordance with the requirements of Appendix 1 to 10.102, log the—
(1) Training and experience used to meet the eligibility requirements for a license, rating and/or authorisation prescribed by Part 7 of these Regulations; and
(2) The experience required to show recent flight experience prescribed by Parts 10, 11 or 14 of these Regulations.

(b) *Crediting of pilot time*. The pilot shall be authorised to credit the logged flight time toward a higher grade of pilot license as prescribed in Appendix 2 of 10.102.

10.105 Pilot Currency: Take-off & Landings

(a) No person may act as PIC of an aircraft carrying passengers, nor of an aircraft certified for more than one required pilot flight crew member unless, within the preceding 90 days that pilot has—
(1) Made 3 take-offs and landings as the sole manipulator of the flight controls in an aircraft of the same category and class and if a type rating is required, of the same type.
(2) *For a tailwheel aeroplane*, made the 3 take-offs and landings in a tailwheel aeroplane with each landing to a full stop.
(3) *For night operations*, made the 3 take-offs and landings required by paragraph (a)(1) at night.

(b) No person may act as the co-pilot of an aircraft subject to the applicability of Part 28 unless the pilot has complied with the take-off and landing requirements of paragraph (a) of this Section.

(c) A pilot who has not met the recency of experience for take-offs and landings shall satisfactorily complete a requalification curriculum acceptable to the Authority.

(d) Requirements of paragraphs (a) and (b) of this Section may be satisfied in a flight simulator approved by the Authority.

10.110 Pilot Currency: IFR Operations

(a) No person may act as PIC under IFR, nor in IMC, unless he or she has, within the preceding 6 calendar months—
(1) Logged at least 6 hours of instrument flight time including at least 3 hours in flight in the category of aircraft; and
(2) Completed at least 6 instrument approaches.

(b) No person may act as PIC for an aeroplane subject to Part 28 unless, with the previous 7 calender months, they have completed an instrument proficiency check acceptable to the Authority.

(c) A pilot who has completed an instrument competency check with an authorised representative of the Authority retains currency for IFR operations for 6 calendar months following that check.

10.115 PILOT CURRENCY: GENERAL AVIATION OPERATIONS

(a) No person may act as pilot of an aircraft type certified for more than one pilot or subject to the applicability of Part 28 unless, since the beginning of the preceding 12 calendar months, he or she has passed a proficiency check in the specific type of aircraft with an authorised representative of the Authority.

(b) No person may act as PIC of an aircraft type certified for a single pilot unless, since the beginning of the 24 calendar months, he or she has passed a proficiency check with an authorised representative of the Authority.

(c) The proficiency check shall include the maneuvers and procedures listed in the appropriate Skill Test Standards prescribed by the Authority.

10.120 ADDITIONAL COMMERCIAL AIR TRANSPORT QUALIFICATIONS

(a) All aviation personnel involved in commercial air transport shall also conform to—

(1) The initial and continuing qualification requirements of Part 14, and

(2) The requirements of Part 15 for maximum duty and flight time and minimum rest periods.

10.125 PILOT PRIVILEGES & LIMITATIONS

(a) A pilot may conduct operations only within the general privileges and limitations of the type of valid licence that he as been issued by the Authority.

10.130 AIRLINE TRANSPORT PILOT PRIVILEGES

(a) When qualified and current for the aircraft category, class and type being operated, the holder of an airline transport pilot licence may—

(1) Act as PIC (or co-pilot) of the aircraft in commercial air transportation certificated for operation with more than one pilot after completing the additional requirements of Part 12;

(1) Exercise the privileges accorded to a commercial pilot;

(2) Not give flight instruction unless also the holder of a specific authorisation from the Authority;

(3) Unless limited to VFR operations only, exercise the privileges accorded to an instrument rating for that category of aircraft; and

(4) When appropriate, exercise the privileges accorded to a private pilot.

(b) When the holder of an airline transport pilot licence in the aeroplane category has previously held only a multi-crew pilot licence, the privileges of the licence shall be limited to multi-crew operations unless the holder has met the appropriate requirements established in Sections 7.305 through 7.320. Any limitation of privileges shall be endorsed on the licence.

10.133 MULTI-CREW PILOT PRIVILEGES

(a) The holder of a multi-crew pilot licence may exercise—

(1) Commercial pilot privileges while acting as a co-pilot of an aeroplane required to be operated with a co-pilot; and

(2) Instrument rating privileges during a multi-crew flight operation.

(b) The holder of a multi-crew pilot license may make application to the Authority to act the PIC of an aeroplane certificated for single-pilot operation only after completion of the requirements of Part 7 for the exercise of—

(1) Commercial pilot privileges;

(2) Instrument rating privileges; or

(3) Private pilot privileges.

(c) The Authority may exercise the option to issue one or more of the authorisations for these privileges by—

(1) A endorsement on the holder's multi-crew pilot licence; or

(2) The separate issuance of a commercial or private pilot license with the appropriate ratings.

10.135 Commercial Pilot Privileges & Limitations: General

(a) When qualified and current for the aircraft category, class and type being operated, the holder of a commercial pilot licence may receive remuneration and exercise the following privileges—

(1) To act as pilot-in-command or co-pilot of an aircraft within the appropriate aircraft category engaged in operations other than commercial air transportation;

(2) *For commercial air transport,* after completing Part 12 qualification requirements—

(i) To act as pilot-in-command of an aircraft within the appropriate aircraft category and certificated for single-pilot operation; or

(ii) to act as co-pilot of an aircraft within the appropriate aircraft category that is required to be operated with a co-pilot;

(3) For the airship category, to pilot an airship under IFR; and

(4) To exercise all the privileges of the holder of a private pilot licence in an aircraft within the appropriate aircraft category;

(5) When appropriate, exercise the privileges accorded to a private pilot within the appropriate aircraft category.

(b) Before exercising the commercial pilot privileges at night, the licence holder shall have received dual instruction in aircraft within the appropriate category of aircraft in night flying, including take-off, landing and navigation.

(c) A commercial pilot shall not give flight instruction for a license or rating unless also the holder of an appropriate flight instructor licence and rating.

10.137 Instrument Rating Privileges

(a) When qualified and current for IFR operations in the aircraft category and class being operated the holder of an instrument rating may act as a required pilot for flights IFR flights in—

(1) General aviation;

(2) Aerial work operations; and

(3) Commercial Air Transport as the—

(i) PIC (or co-pilot) of an aircraft with a maximum gross weight of up to 5700 kg after completing the additional requirements of Part 14.

(ii) Co-pilot of an aircraft with a maximum gross weight of more than 5700 kg after completing the additional requirements of Part 14.

(b) The holder of an instrument rating shall not exercise those privileges in a multi-engined aircraft unless they have demonstrated their instruments skills in a multi-engined aircraft, including engine-out operations, as required by Section 7.215.

(c) The holder of an instrument rating for one category may not exercise instrument privileges in another category of aircraft, unless they have completed the requirements in each category.

10.140 Private Pilot Privileges & Limitations: Required Crew Member

(a) When qualified and current for the aircraft category, class and type being operated, or, in the case of gliders, the launch method, the holder of a private pilot licence may operate that aircraft as the pilot in command or the co-pilot carrying passengers or property engaged in non-revenue flights as provided in this Section.

(b) A private pilot may not act as a required crew member of an aircraft carrying passengers or property for compensation or hire or for the purpose of flight instruction.

(c) A private pilot may act as a required crew member of an aircraft in connection with any business or employment if the—

(1) Pilot holds the required category, class and type ratings;
(2) Flight is only incidental to that business or employment; and
(3) Flight is for commercial air transport purposes as defined in Part 1 of these Regulations.

(d) A private pilot may receive remuneration or valuable consideration for only the sharing of expenses for a flight, provided that a private pilot may not pay less than the pro-rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, aerodrome expenditures, or rental fees.

(e) Before exercising the private pilot privileges at night, the licence holder shall have received dual instruction in aircraft within the appropriate category of aircraft in night flying, including take-off, landing and navigation.

(f) A private pilot with a glider category rating may serve as the PIC—

(1) If the license holder has documented operational experience in the launching method used; and
(2) *If passengers are to be carried*, a minimum of 10 hours of total flight time as the pilot of a glider.

(g) A private pilot with a lighter-than-air category rating may serve as PIC only on the type (gas or hot-air) of balloon for which he has documented operational experience.

10.145 STUDENT PILOT: GENERAL LIMITATIONS

(a) A student pilot may not act as PIC of an aircraft—

(1) That is carrying a passenger;
(2) That is carrying property for compensation or hire;
(3) That is operated for compensation or hire;
(4) In furtherance of a business;
(5) On an international flight, unless by special or general arrangement between the States concerned;
(6) With a flight or surface visibility of less than 3 statute miles during daylight hours or 5 statute miles at night;
(7) When the flight cannot be made with visual reference to the surface; or
(8) In a manner contrary to any limitations placed in the pilot's logbook by an authorised instructor.

(b) A student pilot may not act as a required pilot flight crew member on any aircraft for which more than one pilot is required by the aircraft type certificate or by these Part under which the flight is conducted, except when receiving flight training from an authorised instructor on board an airship, and no person other than a required flight crew member is carried on the aircraft.

10.146 STUDENT PILOT: SOLO FLIGHT LIMITATIONS

(a) A student pilot may not operate an aircraft in solo flight unless that pilot has been trained and satisfactorily demonstrated the knowledge and proficiency requirements of—

(1) Section 7.260 for solo flight and,
(2) For solo cross-country flights, Section 7.265, and
(3) Been so endorsed in his or her logbook by a flight instructor.

(b) A student pilot may not operate an aircraft in solo flight unless that student pilot has received within the 90 calendar days preceding the date of the flight an endorsement from an authorised instructor for the specific make and model aircraft to be flown made—

(1) On his or her student pilot licence; and
(2) In the student's logbook.

(c) A student pilot may not operate an aircraft in solo flight at night.

(d) A student pilot may not operate an aircraft in solo cross-country flights of more than 40 km (25 sm) unless the flight planning has been reviewed by a flight instructor and pilot's logbook has been endorsed by the instructor for the flight(s) as provided in Section 7.265.

10.147 FLIGHT INSTRUCTOR PRIVILEGES & LIMITATIONS

(a) A flight instructor is authorised within the limitations of that person's flight instructor licence and ratings, and pilot licence and ratings, to give training and endorsements that are required for, and relate to—
  (1) A student pilot licence, including the supervision of solo flights;
  (2) A pilot licence;
  (3) A flight instructor licence;
  (4) A ground instructor licence;
  (5) An aircraft category, class or type rating;
  (6) An instrument rating;
  (7) A flight review, operating privilege, or recency of experience requirement;
  (8) A skill test; and
  (9) A knowledge test.

(b) Except as provided in this Section, no person other than the holder of a flight instructor licence with appropriate rating may—
  (1) Give training required to qualify a person for solo flight and solo cross-country flight;
  (2) Endorse an applicant for a pilot, flight instructor, or ground instructor licence or rating issued under this Part;
  (3) Endorse a pilot logbook to show training given; or
  (4) Endorse a student pilot licence and logbook for solo operating privileges.

(c) Provided that the flight instructor—
  (1) Holds at least the licence and rating for which instruction is being given, in the appropriate aircraft category;
  (2) Holds the licence and rating necessary to act as the pilot-in-command of the aircraft on which the instruction is given; and
  (3) Has the authorisation of the Authority as either—
    (i) A valid flight instructor license; or
    (ii) An endorsement of flight instructor privileges entered on the holder's pilot licence.

(d) In order to carry out instruction for the multi-crew pilot licence, the flight instructor shall have also met all the instructor qualification requirements.

(e) The following license holders shall not give flight instruction unless their license is endorsed by the Authority for this purpose—
  (1) The holder of a commercial pilot licence with a lighter-than-air rating, provided the training is given in a lighter-than-air aircraft;
  (2) The holder of an airline transport pilot licence with appropriate ratings, provided the training is conducted in accordance with an approved training program approved under Part 14;
  (3) A person who is qualified in accordance with Part 9, provided the training is conducted in accordance with an approved training program; or
  (4) The holder of a ground instructor licence in accordance with the privileges of the licence.

Note: See Appendix 1 of 10.147 for expanded flight instructor record-keeping requirements.

Note: See Appendix 2 of 10.147 for expanded flight instructor limitations.

10.148 Flight Engineer Privileges & Limitations

(a) No person may act as a flight engineer of an aircraft unless he or she has a flight engineer licence with appropriate ratings.

(b) When qualified and current for the category and type of aircraft operated, the holder of a flight engineer licence with the appropriate rating is authorised to perform those duties on those aircraft that require a flight engineer for the operation of the aircraft under the type certificate.

(c) A flight engineer in commercial air transport operations must also be qualified and current in accordance with Part 14 requirements.

(d) The Authority may exercise the option to enter the types of aircraft on which the holder of a flight engineer licence is authorised to exercise the privileges of that licence, shall be either entered on the licence or recorded elsewhere in a manner acceptable to the Authority.

Subpart D: Crew Member Duties & Responsibilities

10.150 Authority & Responsibility of the PIC

(a) The PIC shall be responsible for the operation, safety and security of the aircraft and for the safety of all persons and cargo on board when the—

(1) Doors are closed, if installed; and

(2) The aircraft is ready to move for the purpose of taking off until the moment if finally comes to rest at the end of the flight with the primary propulsion units shut down and any propellers or rotor blades have stopped turning.

(b) The PIC of an aircraft shall have final authority as to the operation of the aircraft while he or she is in command.

(c) The PIC of an aircraft shall, whether manipulating the controls or not, be responsible for the operation of the aircraft in accordance with the rules of the air, except that the PIC may depart from these rules in emergency circumstances that render such departure absolutely necessary in the interests of safety.

(d) Nothing in these Regulations shall relieve the pilot-in-command of an aircraft from the responsibility of taking such action, including collision avoidance manoeuvres based on resolution advisories provided by ACAS equipment, as will best avert collision

10.155 Designation & Assignment of Crew Members

Pilot in Command

(a) For each flight, a PIC shall be designated, in writing or computer assignment, by—

(1) AOC holders for commercial air transport operations;

(2) Aerial work operators; and

(3) Operators subject to the requirements of Part 28 of these Regulations.

Other Flight Crew Members

(b) The PIC shall ensure that qualified flight crew members are assigned to each required flight crew position and are at their station before initiating the pre-start checklists.

Cabin Crew Members

(c) The PIC shall ensure that qualified cabin crew members are assigned to each required cabin crew position and are at their station before initiating the pre-start checklists, but may delegate that responsibility to the senior cabin crew member where more than 2 cabin crew members are required.

Operator Responsibility

(d) No operator may assign a crew member that is not qualified to perform the necessary duties and functions—

(1) That are required for their assigned station; and

(2) In an emergency or in a situation requiring emergency evacuation.

Presumption of Qualification

(e) The PIC may presume that the crew members assigned by an AOC holder are qualified to perform the necessary duties and functions of their assigned station.

10.160 Compliance with Local Regulations

(a) All persons shall comply with the relevant laws, Regulations and procedures of the States in which the aircraft is operated.

(b) If an emergency situation which endangers the safety of the aircraft or persons necessitates the taking of action which involves a violation of local regulations or procedures, the PIC shall—

(1) Notify the appropriate local authority without delay;

(2) Submit a report of the circumstances, if required by the State in which the incident occurs; and

(3) Submit a copy of this report to the Authority.

(c) Each PIC shall submit reports specified in paragraph (b) of this Section to the Authority within 10 days in the form prescribed.

10.165 Operational Control

(a) The PIC shall have responsibility for operational control for all general aviation and aerial work operations.

(b) For commercial air transport operations, the operational control requirements of Part 16 shall apply.

10.170 Fitness of Flight Crew Members

(a) No person may act as PIC or in any other capacity as a required flight crew member when they are aware of any decrease in their medical fitness which might render them unable to safely exercise the privileges of his or her licence.

(b) The PIC shall be responsible for ensuring that a flight is not—

(1) Commenced if any flight crew member is incapacitated from performing duties by any cause such as injury, sickness, fatigue, the effects of alcohol or drugs; or

(2) Continued beyond the nearest suitable aerodrome/heliport if a flight crew members' capacity to perform functions is significantly reduced by impairment of faculties from causes such as fatigue, sickness or lack of oxygen.

10.175 Problematic Use of Psychoactive Substances

(a) No person whose function is critical to the safety of aviation (safety-sensitive personnel) shall undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

(b) No such person shall engage in any kind of problematic use of substances.

(c) No person may act or attempt to act as a crew member of a civil aircraft—

(1) Within 8 hours after the consumption of any alcoholic beverage;

(2) While under the influence of alcohol; or

(3) While using any psychoactive substance or drug that affects the person's faculties in any way contrary to safety.

(d) A crew member shall, on request of a law enforcement officer or the Authority, yield to a test to indicate the presence of alcohol or psychoactive substances in the blood at any time—

(1) Up to 8 hours before acting as a crew member,

(2) Immediately after attempting to act as a crew member, or

(3) Immediately after acting as a crew member.

Note: See Appendix 1 of 10.175 for additional requirements regarding alcohol and psychoactive substances.

10.180 Crew Member Use of Seat Belts & Shoulder Harnesses

(a) Each crew member shall have his or her seat belts fastened during take-off and landing and all other times when seated at his or her station.

(b) Each crew member occupying a station equipped with a shoulder harness shall fasten that harness during take-off and landing.

(c) Each occupant of a seat equipped with a combined safety belt and shoulder harness shall have the combined safety belt and shoulder harness properly secured about that occupant during take-off and landing and be able to properly perform assigned duties.

(d) At each unoccupied seat, the safety belt and shoulder harness, if installed, shall be secured so as not to interfere with crew members in the performance of their duties or with the rapid egress of occupants in an emergency.

10.185 Flight Crew Members at Duty Stations

(a) Each required flight crew member shall remain at the assigned duty station during take-off and landing and critical phases of flight.

(b) Each flight crew member shall remain at his or her station during all other phases of flight unless—

(1) Absence is necessary for the performance of his or her duties in connection with the operation;

(2) Absence is necessary for physiological needs, provided one qualified pilot remains at the controls at all times; or

(3) The crew member is taking a rest period and a qualified relief crew member replaces him or her at the duty station.

See Appendix 1 to 10.185 for specific requirement pertaining to qualified relief crew members.

10.190 Required Crew Member Equipment

(a) Each crew member involved in night operations shall have a portable light at his or her station.

(b) Each pilot crew member shall have at his or her station an aircraft checklist containing at least the pre-take-off, after take-off, before landing and emergency procedures.

(c) Each pilot crew member shall have at his or her station current and suitable charts to cover the route of the proposed flight and any route along which it is reasonable to expect that the flight may be diverted.

(d) Each pilot crew member wearing sunglasses will ensure that any sunglasses worn during the exercise of airman privileges are non-polarizing and of a neutral gray tint.

10.193 Required Corrective Lenses

(a) Each flight crew member assessed as fit to exercise the privileges of a licence subject to the use of suitable correcting lenses, shall use those lenses or have them immediately available when performing as a required crew member.

(b) Each flight crew member assessed as fit to exercise the privileges of a licence subject to the use of suitable correcting lenses, shall have a spare set of the correcting spectacles readily available when performing as a required crew member in commercial air transport.

(c) If near correction for distances other than those tested for the medical certificate are necessary for visual flight deck tasks relevant to the types of aircraft in which the applicant is likely to function, the applicant shall obtain and use such lenses in the medical evaluation.

10.195 Compliance with Checklists

(a) The PIC and the operator shall ensure that the flight crew—
  (1) Has checklists for each phase of flight and emergencies available in the cockpit;
  (2) Uses these checklists prior to, during and after each phase of flight and emergencies; and
  (3) Complies with the approved checklist procedures in detail when operating the aircraft.

(b) All members of the flight crew shall use the checklists prior to, during and after all phases of operations and in an emergency to ensure compliance with the—
  (1) Operating procedures contained in the aircraft operating manual; and
  (2) The flight manual; or
  (3) Other documents associated with the certificate of airworthiness; and
  (4) Otherwise in the operations manual.

(c) The design and utilisation of checklists shall observe Human Factors principles.

10.200 Search & Rescue Information

(a) For all international flights, the PIC shall have on board the aircraft essential information concerning the search and rescue services in the areas over which they intend to operate the aircraft.

(b) Operators subject to the requirements of Parts 12 or 28 shall ensure that the pilot-in-command has available on board the aeroplane all the essential information concerning the search and rescue services in the area over which the aeroplane will be flown.

(c) This information shall contain the air-ground visual signals for search and rescue.

10.205 Production of Aircraft and Flight Documentation

(a) The PIC shall, within a reasonable time of being requested to do so by a person authorised by the Authority, produce to that person the documentation required to be carried on the aircraft.

10.210 Locking of Flight Deck Compartment Door: Commercial Air Transport

(a) The PIC shall ensure that the flight deck compartment door (if installed) is locked during passenger-carrying commercial air transport operations from the time all external doors are closed following embarkation until any such door is opened for disembarkation except when necessary to—
  (1) Permit access and egress by authorised persons; and
  (2) Provide for emergency evacuation.

(b) No person shall unlock the flight deck compartment door in flight unless they have used the means of monitoring the door area to identify persons requesting entry.

10.215 Admission to the Flight Deck: Commercial Air Transport

(a) No person may admit any person to the flight deck of an aircraft engaged in commercial air transport operations unless the person being admitted is—
  (1) An operating crew member;
  (2) A representative of the authority responsible for certification, licensing or inspection, if this is required for the performance of his or her official duties; or
  (3) Permitted by and carried out in accordance with instructions contained in the Operations Manual.

(b) The PIC shall ensure that—

(1) In the interest of safety, admission on the flight deck does not cause distraction and/or interference with the flight's operations; and
(2) All persons carried on the flight deck are made familiar with the relevant safety procedures.

10.220 Admission of Inspector to the Flight Deck

(a) Whenever, in performing the duties of conducting an inspection, an inspector from the Authority presents an Aviation Inspector's Credential issued by the Authority to the PIC, the PIC shall give the inspector free and uninterrupted access to the flight deck of the aircraft.

10.225 Duties During Critical Phases of Flight: Commercial Air Transport

(a) No flight crew member may perform any duties during a critical phase of flight except those required for the safe operation of the aircraft.

(b) No PIC may permit a flight crew member to engage in any activity during a critical phase of flight which could distract or interfere with the performance of their assigned duties.

10.227 Flight Deck Communications

(a) Each required flight crew member shall use a boom or throat microphone to communicate with each other and air traffic service below the transition area or 10,000 feet, whichever is lower.

10.230 Manipulation of the Controls: Commercial Air Transport

(a) No PIC may allow an unqualified person to manipulate the controls of an aircraft during commercial air transport operations.

(b) No person may manipulate the controls of an aircraft during commercial air transport operations unless he or she is qualified to perform the applicable crew member functions and is authorised by the AOC holder.

10.235 Responsibility for Required Documents

(a) The PIC shall ensure that all documents required for the specific flight operations are carried on board the aircraft as prescribed by Sections—
(1) 10.050;
(2) 10.051; and/or
(3) 10.055.

(b) For all international flights, the PIC shall ensure the completion of—
(1) Journey log book; and
(2) General declaration and its safekeeping and delivery.

Note: See Appendix 1 to 10.051 for the prescribed contents of a journey log book.

10.240 Aircraft Technical Logbook: Commercial Air Transport

(a) The PIC shall ensure that all portions of the technical logbook are completed at the appropriate points before, during and after flight operations.

10.245 Reporting Known or Suspected Defects of Aircraft

(a) The PIC shall ensure that all known or suspected defects to the aircraft occurring during flight time are—
(1) *For general aviation operations,* entered in the aircraft logbook and disposed of in accordance with the MEL or other approved or prescribed procedure.
(2) *For commercial air transport operations and aerial work operations*, entered in the aircraft maintenance records section of the technical log of the aircraft at the appropriate points before, during and at the end of that flight time.

(b) No person may allow or participate in the operation of an aircraft unless these defects are properly corrected or deferred in accordance with an approved MEL or manufacturer's technical data prior to the flight.

10.250 Reporting of Facility & Air Navigation Inadequacies

(a) Each crew member shall report, without delay, any inadequacy or irregularity of a facility or navigational aid observed in the course of operations to the person responsible for that facility or navigational aid.

(b) The operator shall ensure that any inadequacy of facilities observed in the course of operations is reported to the authority responsible for those facilities, without undue delay.

10.255 Reporting of Weather & Hazardous Conditions

(a) The flight crews should record and report on routine meteorological observation during departure and en-route and climb-out phases of the flight and special and other non-routine observations during any phase of the flight.

(b) When making a meteorological report in flight, a pilot should follow the procedures for recording and reporting such observations in a consistent manner.

(c) The PIC shall report to the appropriate ATC facility, without delay and with enough detail to be pertinent to the safety of other aircraft, any hazardous flight conditions encountered en route, including those associated with—

(1) Meteorological conditions;
(2) Volcanic activity; and
(3) Any other report prescribed by the Authority.

(d) The pilot-in-command shall report the runway braking action special air-report (AIREP) when the runway braking action encountered is not as good as reported.

10.257 Reporting of Possible Communicable Disease

(a) The PIC shall, upon identifying a suspected case(s) of communicable disease or other public health risk, on board the aircraft, promptly notify the ATS unit which the pilot is communicating, the following information—

(1) Aircraft identification;
(2) Departure aerodrome;
(3) Destination aerodrome;
(4) Estimated time of arrival;
(5) Number of persons on board;
(6) Number of suspected case(s) on board; and
(7) Nature of the public health risk, if known.

A communicable disease could be suspected if a person has a fever (temperature 38C (100F) or greater that is associated with signs or symptoms, such as appearing obviously unwell, persistent coughing, impaired breathing, persistent diarrhoea; persistent vomiting; skin rash, bruising or bleeding without previous injury, confusion of recent onset.

(b) After notifying the ATS unit, the PIC shall—

(1) Implement the operator's operations manual procedures for situations involving possible communicable diseases;
(2) Comply with the ATS instructions regarding selection of aerodromes and parking locations to facilitate the aerodrome procedures planned for such situations.

10.260 Reporting of Incidents

(a) *Air traffic report*. The PIC shall submit, without delay, an air traffic incident report whenever an aircraft in flight has been endangered by—

(1) A near collision with another aircraft or object;
(2) Faulty air traffic procedures or lack of compliance with applicable procedures by ATC or by the flight crew; or
(3) A failure of ATC facilities.

(b) *Birds*. In the event a bird constitutes an in-flight hazard or an actual bird strike the PIC shall, without delay—
(1) Inform the appropriate ground station whenever a potential bird hazard is observed; and
(2) Submit a written bird strike report after landing.

(c) *Dangerous Goods*. The PIC shall inform the appropriate ATC facility, if the situation permits, when an in-flight emergency occurs involving dangerous goods on board.

(d) *Unlawful Interference*. The PIC shall submit a report to the local authorities and to the Authority, without delay, following an act of unlawful interference with the crew members on board an aircraft.

(e) *Voluntary Incident Report*. All crew members should report incidents that occur during flight operations that, in their estimation, were potentially hazardous.

(f) *PBN Navigation Error Report.* The PIC shall submit a report to the Authority following any flight that involved a determination that navigation error occurred that exceeded the navigation specifications for the airspace being transited.

(g) *RVSM Heightkeeping Error Report.* The PIC shall submit a report to the Authority following any flight that involved a determination that a heightkeeping error occurred that exceeded the acceptable vertical tolerances prescribed for the airspace transited.

(h) PBC Communication Error report. The PIC shall submit a report to the Authority following any flight that received a observation that performance issued by a monitoring programmes established in accordance with Annex 11.

10.263 DANGEROUS GOODS INCIDENT OR ACCIDENT

(a) The PIC shall inform the appropriate ATC facility, if the situation permits, when an in-flight emergency occurs, involving dangerous goods on board.

(b) An operator who is involved in a dangerous goods incident and/or accident in the Rwanda must provide the Authority all the necessary information to allow the Authority take necessary accident mitigation action.

(c) A written report shall be prepared and sent by the operator (or his authorised representative) to the Authority within 24 hours of the occurrence.

10.265 ACCIDENT NOTIFICATION

(a) The PIC shall notify the nearest appropriate authority, by the quickest available means, of any accident involving his or her aircraft that results in serious injury or death of any person, or substantial damage to the aircraft or property.

(b) The PIC shall submit a report to the Authority of any accident which occurred while he or she was responsible for the flight.

(c) In the event that the pilot is incapacitated, the operator of the aircraft shall make this accident notification and complete the accident report.

10.270 OPERATION OF FLIGHT DECK VOICE & FLIGHT DATA RECORDERS

(a) The PIC shall ensure that whenever an aircraft has flight recorders installed, those recorders are operated continuously from the instant—
(1) *For a flight data recorder,* the aircraft begins its take-off roll until it has completed the landing roll, and
(2) *For a flight deck voice recorder,* the initiation of the pre-start checklist until the end of the securing aircraft checklist.

(b) The PIC may not permit a flight data recorder or flight deck voice recorder to be disabled, switched off or erased during flight, unless necessary to preserve the data for an accident or incident investigation.

(c) In event of an accident or incident, the PIC and the operator shall act to preserve the flight recorder records and recorded data and ensure their retention in safe custody pending their disposition as determined by the investigating Authority.

(d) The flight recorders shall not be reactivated before their disposition is determined by the investigating Authority.

10.275 Crew Member Oxygen: Minimum Supply & Use

(a) The PIC shall ensure that breathing oxygen and masks are available to crew members in sufficient quantities for all flights at such altitudes where a lack of oxygen might result in impairment of the faculties of crew members.

(b) No person may commence a flight where the minimum supply of crew oxygen on board the aircraft be less than that prescribed by the Authority for the intended altitudes and type of operations.

Note: The requirements for oxygen supply and use are prescribed in Part 6.

(c) The PIC shall ensure that all flight crew members, when engaged in performing duties essential to the safe operation of an aircraft in flight, use breathing oxygen continuously—

(1) At cabin altitudes exceeding 700 hpa (10,000 ft) for a period in excess of 30 minutes; and

(2) Whenever the cabin altitude exceeds 620 hpa (13,000 ft).

(d) One pilot at the controls of a pressurised aircraft in flight shall wear and use an oxygen mask—

(1) *For general aviation operations*, at flight levels above 350, if there is no other pilot at their duty station; and

(2) *For commercial air transport operations*, at flight levels above 250, if there is no other pilot at their duty station.

10.277 Wearing of Survival Suits

(a) *For commercial air transport helicopter operations Offshore*, a survival suit shall be worn by every occupant when the—

(1) Sea temperature is less than 10 degrees Centigrade; or

(2) Estimated rescue time exceeds the calculated survival time based on the sea state and ambient flight conditions.

(b) The flight crew may deviate from this requirement when the elevation and strength of the sun results in a high temperature hazard on the flight deck.

10.280 Portable Electronic Devices

(a) No PIC or SCA may permit any person to use, nor may any person use a portable electronic device on board an aircraft that may adversely affect the performance of aircraft systems and equipment unless—

(1) For IFR operations other than commercial air transport, the PIC allows such a device prior to its use; or

(2) For commercial air transport operations, the AOC holder makes a determination of acceptable devices and publishes that information in the Operations Manual for the crew members use; and

(3) The PIC informs passengers when use of the device is permitted.

10.281 Electronic Flight Bag [EFB]

(a) Where portable EFBs are used on board, the pilot-in-command and/or the operator/owner shall ensure that they do not affect the performance of the aeroplane systems, equipment or the ability to operate the aeroplane.

(b) Where EFBs are used on board an aeroplane the pilot-in-command and/or the owner/operator shall—
  (1) Assess the safety risk(s) associated with each EFB function;
  (2) Establish the procedures for the use of, and training requirements for, the device and each EFB function; and
  (3) Ensure that, in the event of an EFB failure, sufficient information is readily available to the flight crew for the flight to be conducted safely.

10.282 Carriage of Dangerous Goods

(a) No person shall load or cause to load any goods on an aircraft which that person knows or ought to know or suspect to be dangerous goods, unless this act is in conformance with the requirements of Part 18 regarding carriage of dangerous goods by air.

(b) No person shall carry dangerous goods unless the details of that information are included in the flight plan and proper notification has been made to both the appropriate authorities at the intermediate and destination aerodromes.

(c) No person shall carry dangerous goods in an aircraft registered in Rwanda or operated in Rwanda except—
  (1) With the written permission of the Authority and in accordance with the regulations and/or conditions set by the Authority in granting such permission; and
  (2) In accordance with the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the Council of International Civil Aviation Organisation and with any variations to those instructions that the Authority may from time to time mandate and provide notification of to ICAO.

10.283 Compliance with Security program

(a) The PIC shall be responsible for the security of the aircraft during its operation.

(b) No person shall commence a flight unless all requirements of the operator security program have been completed.

(c) Each operator shall establish, implement and maintain a written operator security program that meets the requirements of the national civil aviation security program and includes the accepted industry codes of practice for such programs.

10.284 Records of Emergency & Survival Equipment Carried

(a) The owner of the aircraft, or in the case where it is leased, the lessee, shall at all times have available for immediate communication to rescue co-ordination centres, lists containing information on the emergency and survival equipment carried on board any of their aircraft.

(b) This information shall include, as applicable, the—
  (1) Number, colour and type of life rafts and pyrotechnics;
  (2) Details of emergency medical supplies;
  (3) Water supplies; and
  (4) Type and frequencies of the emergency portable radio equipment.

(c) The PIC shall determine that this information is immediately available from the owner (or operator) before commencing flight overwater or remote areas.

Subpart E: All Passenger Carrying operations

10.285 Applicability

(a) This Subpart applies to all passenger-carrying operations in civil aircraft.

(e) Operators of aircraft with passenger seating capacity of more than 9 passengers shall also comply with the applicable passenger carrying requirements contained in Part13.

10.287 Unacceptable Conduct

(a) No person on board may interfere with a crew member in the performance of his or her duties.

(b) Each passenger shall fasten his or her seat belt and keep it fastened while the seat belt sign is lighted.

(c) No person on board an aircraft shall recklessly or negligently act or omit to act in such a manner as to endanger the aircraft or persons and property therein.

(d) No person may secrete himself or herself nor secrete cargo on board an aircraft.

(e) No person may smoke while the no-smoking sign is lighted.

(f) No person may smoke in any aircraft lavatory.

(g) No person may tamper with, disable or destroy any smoke detector installed in any aircraft lavatory.

10.290 Refueling with Passengers on Board: All Aircraft

(a) No PIC or operator may allow an aircraft to be refueled when passengers are embarking, on board or disembarking unless—

(1) The aircraft is manned by qualified personnel ready to initiate and direct an evacuation by the most practical and expeditious means available; and

(2) Two-way communication is maintained by the aeroplane's intercommunication system or other suitable means between the qualified personnel in the aircraft and the ground crew supervising the refuelling.

10.292 Refueling with Passengers on Board: Helicopters

(a) No person may allow a helicopter to be refuelled with AVGAS (aviation gasoline) or wide-cut type fuel or a mixture of these types of fuel, when passengers are on board.

(b) No person may allow a helicopter to be defueled at any time while passengers remain on board, or while passengers are embarking or disembarking.

(c) No person may allow a helicopter to be refueled when—

(1) Passengers are embarking, on board, or disembarking; or

(2) The rotors are turning.

(d) No person may allow a helicopter to be refuelled, rotors stopped or turning, when—

(1) passengers are embarking or disembarking; or

(2) when oxygen is being replenished.

(e) When the helicopter is refuelled with passengers on board, rotors stopped or turning, the flight crew and operator shall ensure that it is properly attended by sufficient qualified personnel, ready to initiate and direct an evacuation of the helicopter by the most practical, safe and expeditious means available. In order to achieve this the flight crew and operator shall ensure that—

(1) the passengers are briefed on what actions to take if an incident occurs during refueling;

(2) a constant two-way communication shall be maintained by the helicopter's inter-communication system or other suitable means between the ground crew supervising the refueling and the qualified personnel on board the helicopter; and

Note.— Caution needs to be exercised when using radios for this purpose due to the potential for stray currents and radio-induced voltages.

(3) during an emergency shutdown procedure, any personnel or passengers outside the helicopter are clear of the rotor area.

(4) doors on the refuelling side of the helicopter remain closed where possible, unless these are the only suitable exits;

(5) doors on the non-refuelling side of the helicopter remain open, weather permitting, unless otherwise specified by the RFM;
(6) fire-fighting facilities of the appropriate scale are positioned so as to be immediately available in the event of a fire;
(7) if the presence of fuel vapour is detected inside the helicopter, or any other hazard arises during refuelling, fuelling be stopped immediately;
(8) the ground or deck area beneath the exits intended for emergency evacuation be kept clear;
(9) seat belts should be unfastened to facilitate rapid egress; and
(10) with rotors turning, only ongoing passengers should remain on board.

(f) The operator shall establish procedures and specify conditions under which such refuelling may be carried out and these operational procedures shall specify that at least the precautions listed in paragraph (e) are taken.

10.295 Passenger Safety

(a) The PIC and operator shall ensure that—
(1) Each person on board occupies an approved seat or berth with their own individual safety belt and shoulder harness (if installed) properly secured about them during movement on the surface, take-off and landing.
(2) Each passenger shall have his or her seat belt or harness securely fastened at any other time the PIC determines it is necessary for safety, especially during turbulence or emergency.
(3) A safety belt provided for the occupant of a seat is not used during take-off and landing by more than one person who has reached his or her second birthday.
(4) All carry-on baggage is adequately and securely stowed for take-off and landing.
(5) All cargo carried in the passenger cabin is restrained through the use of straps or nets attached to the airframe.
(6) All crew members understand and are capable of performing their assigned emergency duties related to emergency evacuation and passenger safety.

10.300 Passenger Briefing

(a) The PIC shall ensure that crew members and passengers are made familiar, by means of an oral briefing or by other means, with the location, when and how to use the following items, if appropriate—
(1) Seat belts;
(2) Emergency exits;
(3) Life jackets or equivalent individual flotation devices;
(4) Oxygen dispensing equipment; and
(5) Other emergency equipment provided for individual use, including passenger emergency briefing cards.

(b) The PIC and operator shall ensure that all persons on board are aware of the locations and general manner of use of the principal emergency equipment carried for collective use.

(c) *For commercial air transport operation*s, the briefing shall contain all subjects approved by the Authority for the specific operations conducted as included in the pertinent Operations Manual.

(d) When cabin crew members are required because of the passenger capacity of the aircraft, the PIC and operator may delegate this responsibility, but shall ascertain that the proper briefing has been conducted prior to take-off.

10.305 Inflight Emergency Instruction

(a) In an emergency during flight, the PIC shall ensure that all persons on board are instructed in such emergency action as may be appropriate to the circumstances.

10.310 Passenger Oxygen: Minimum Supply & Use

(a) The PIC shall ensure that breathing oxygen and masks are available to passengers in sufficient quantities for all flights at such altitudes where a lack of oxygen might harmfully effect passengers.

(b) No person may commence a flight that is intended for operations above an altitude of 700 hpa (10,000 feet) unless the minimum supply of stored breathing oxygen carried on board the aircraft is—

(1) For non-pressurised aircraft—

(i) Sufficient for 10 per cent of the passengers for any period in excess of 30 minutes that the pressure in compartments occupied by them will be between 700 hPa and 620 hPa; and

(ii) Sufficient for any period that the atmospheric pressure in compartments occupied by them will be less than 620 hPa.

(2) For pressurised aircraft—

(i) Sufficient to supply all passengers, as is appropriate to the circumstances of the flight being undertaken, in the event of loss of pressurisation, for any period that the atmospheric pressure in any compartment occupied by them would be less than 700 hPa; and

(ii) In addition, when an aeroplane is operated at flight altitudes at which the atmospheric pressure is less than 376 hPa (24,000 feet); or

(iii) Which, if operated at flight altitudes at which the atmospheric pressure is more than 376 hPa and cannot descend safely within four minutes to a flight altitude at which the atmospheric pressure is equal to 620 hPa, there shall be no less than a 10-minute supply for the occupants of the passenger compartment.

Note: The requirements for oxygen storage and dispensing apparatus are prescribed in Part 6.

(c) The PIC shall require all passengers to use oxygen continuously at cabin pressure altitudes above 620 hpa. (15,000 ft)

10.315 Alcohol or Drugs

(a) No person may permit the boarding or serving of any person who appears to be intoxicated or who demonstrates, by manner or physical indications, that person is under the influence of drugs (except a medical patient under proper care).

Subpart F: Flight Plans

10.324 Applicability

(a) The rules of this Subpart are applicable to all operations of aircraft in the airspace of Rwanda and, for international flights, wherever they may be, to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown.

10.325 Submission of a Flight Plan

(a) Information relative to an intended flight or portion of a flight, to be provided to air traffic services units, shall be in the form of a flight plan.

(b) Prior to operating one of the following, a pilot shall file a VFR or IFR flight plan, as applicable, for—

(1) Any flight (or portion thereof) to be provided with air traffic control service;

(2) Any IFR flight within advisory airspace;

(3) Any flight within or into designated areas, or along designated routes, when so required by the appropriate ATC authority to facilitate the provision of flight information, alerting and search and rescue services;
(4) Any flight within or into designated areas, or along designated routes, when so required by the appropriate ATC authority to facilitate coordination with appropriate military units or with ATC facilities in adjacent states in order to avoid the possible need for interception for the purpose of identification; and
(5) Any flight across international borders.

(c) The PIC shall submit a flight plan before departure or during flight, to the appropriate ATC facility, unless arrangements have been made for submission of repetitive flight plans.

(d) Unless otherwise prescribed by the appropriate ATC authority, a pilot should submit a flight plan to the appropriate ATC facility—
(1) At least 1 hour before departure; or
(2) If submitted during flight, at a time which will ensure its receipt by the appropriate ATC facility at least ten minutes before the aircraft is estimated to reach—
(i) The intended point of entry into a control area or advisory area; or
(ii) The point of crossing an airway or advisory route.

10.330 Air Traffic Control Flight Plan: Commercial Air Transport

(a) No person may take-off an aircraft in commercial air transport if an ATC flight plan has not been filed, except as authorized by the Authority.

10.335 Contents of a Flight Plan

(a) Each person filing an IFR or VFR flight plan shall include in it the following information—
(1) Aircraft identification;
(2) Flight rules and type of flight;
(3) Number and type(s) of aircraft and wake turbulence category;
(4) Equipment;
(5) Departure aerodrome/heliport and alternate (if required);
(6) Estimated off-block time;
(7) Cruising speed(s);
(8) Cruising level(s);
(9) Route to be followed;
(10) Destination aerodrome/heliport and alternates, including those for ETDO (if required);
(11) Fuel endurance;
(12) Total number of persons on board;
(13) Emergency and survival equipment; and
(14) Other information.

(f) Whatever the purpose for which it is submitted, a flight plan shall contain information, as applicable, on relevant items up to and including “alternate aerodrome(s)” regarding the whole route or the portion thereof for which the flight plan is submitted.

(g) It shall, in addition, contain information, as applicable, on all other items when so prescribed by the appropriate ATS authority or when otherwise deemed necessary by the person submitting the flight plan.

10.340 Planned Reclearance (Re-Dispatch)

(a) No person shall commence a flight, if prior to departure it is anticipated that depending on fuel endurance decision may be taken request clearance to proceed to a revised destination aerodrome, unless the flight

plan submitted to the appropriate ATC unit contains information concerning the revised route (where known) and the revised destination.

(b) No person may plan to change destinations in flight unless there is adequate fuel on board to comply the required fuel requirements from the point of re-planning and ATC has been notified of the planned change and, in the case of IFR flight, an ATC clearance to the revised destination has been received.

(c) An AOC holder shall submit all pre-planned re-dispatch rationale to the Authority for approval in accordance with Part 12.

10.345 Changes to a Flight Plan

(a) When a change occurs to a flight plan submitted for an IFR flight or a VFR flight operated as a controlled flight, the pilot shall report that change as soon as practicable to the appropriate ATC facility.

(b) For VFR flights other than those operated as controlled flight, the PIC shall report significant changes to a flight plan as soon as practicable to the appropriate ATC facility.

(c) Where information submitted prior to departure regarding fuel endurance or total number of persons carried on board is incorrect at time of departure, this significant change shall be reported by the PIC.

10.350 Closing a Flight Plan

(a) The PIC shall make a report of arrival either in person, by radio or data link to the appropriate ATC facility at the earliest possible moment after landing at the destination aerodrome, unless ATS automatically closes a flight plan.

(b) When a flight plan has been submitted for a portion of a flight, but not the arrival at destination, the pilot shall close that flight plan en route with the appropriate ATC facility.

(c) When no ATC facility exists at the arrival aerodrome, the pilot shall contact the nearest ATC facility to close the flight plan as soon as practicable after landing and by the quickest means available.

(d) When communication facilities at the arrival aerodrome/heliport are known to be inadequate and alternate arrangements for the handling of arrival reports on the ground are not available, the following action shall be taken—

(1) Immediately prior to landing the pilot shall, if practicable, transmit to the appropriate air traffic services unit, a message comparable to an arrival report, where such a report is required.

(2) Normally this transmission shall be made to the aeronautical station serving the ATS unit in charge of the flight information region in which the aircraft is operated.

(e) Pilots shall include the following elements of information in their arrival reports—

(1) Aircraft identification;

(2) Departure aerodrome;

(3) Destination aerodrome/heliport (only in the case of a diversionary landing);

(4) Arrival aerodrome; and

(5) Time of arrival.

(f) Pilots and operators are cautioned that whenever an arrival report is required, failure to comply with these provisions may cause serious disruption in the air traffic services and incur great expense in carrying out unnecessary search and rescue operations

SUBPART G: FLIGHT PLANNING & PREPARATION

10.354 APPLICABILITY

(a) The rules of this Subpart are applicable to all operations of aircraft in the airspace of Rwanda and, for international flights, wherever they may be, to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown.

10.355 AIRCRAFT AIRWORTHINESS & SAFETY PRECAUTIONS

(a) The PIC may not commence a flight, or series of flights, in a civil aircraft until satisfied that—
  (1) The aircraft is airworthy, duly registered and that appropriate certificates (i.e. airworthiness, registration) are aboard the aircraft;
  (2) The instruments and equipment installed in the aircraft are appropriate, taking into account the expected flight conditions; and
  (3) Any necessary maintenance has been performed and a maintenance release, if applicable, has been issued in respect to the aircraft.

(b) *For commercial air transport operations*, before commencing the flight, the PIC shall certify by signing the aircraft technical log that he or she is satisfied that the requirements of paragraph (a) of this Section have been met for a particular flight.

10.360 ADEQUACY OF OPERATING FACILITIES

(a) No person may commence a flight unless it has been determined by every reasonable means available that the ground and/or water areas and facilities available and directly required for such flight and for the safe operation of the aircraft and the protection of the passengers, are adequate for the type of operation under which the flight is to be conducted and are adequately operated for this purpose, including communication facilities and navigation aids.

10.363 SELECTION OF VFR LANDMARKS

(a) No person may commence a flight under VFR unless it has been determined that the flight can be conducted by visual reference to landmarks spaced no greater that 110 km (60 nm) apart.

10.365 PRE-FLIGHT ACTION, INCLUDING WEATHER REPORTS & FORECASTS

(a) Before commencing a flight, the PIC shall be familiar with all available meteorological information appropriate to the intended flight.

(b) The PIC shall include, during preparation for a flight away from the vicinity of the place of departure, and for every flight under the instrument flight rules—
  (1) A study of available current weather reports and forecasts; and
  (2) The planning of an alternative course of action to provide for the eventuality that the flight cannot be completed as planned, because of weather conditions.

10.370 WEATHER LIMITATIONS FOR VFR FLIGHTS

(a) No person may commence a flight to be conducted in accordance with VFR unless available current meteorological reports, or a combination of current reports and forecasts, indicate that the meteorological conditions along the route, or that part of the route to be flown under VFR, will, at the appropriate time, allow VFR operations.

10.375 WEATHER LIMITATIONS FOR IFR FLIGHTS

(a) For IFR flight planning purposes, no person may commence an IFR flight unless the available information indicates that the weather conditions at the estimated time of arrival at the aerodrome of intended landing

and, where a destination alternate is required, at least one suitable destination alternate, will be at or above the—

(1) Minimum ceiling and visibility values for the standard instrument approach procedure to be used; or

(2) Minimum operating altitude, if no instrument approach procedure is to be used, that would allow a VMC decent to the aerodrome.

(b) *For commercial air transport operations and general aviation operations of large or turbojet aero planes,* no person may—

(1) take-off from the departure aerodrome unless the meteorological conditions, at the time of use, are at or above the operator's established aerodrome operating minima for that operation; and

(2) take-off or continue beyond the point of in-flight re-planning unless at the aerodrome of intended landing or at each alternate aerodrome to be selected in compliance with Sections 10.145 through 10.253, current meteorological reports or a combination of current reports and forecasts indicate that the meteorological conditions will be, at the estimated time of use, at or above the operator's established aerodrome operating minima for that operation.

(c) *For commercial air transport operations*: The weather at the destination does not have to be at or above the approach minima to release and commence a flight, as long as the designated alternate aerodrome meets the IFR weather selection criteria.

10.380 IFR Destination Alternate Aerodrome/Heliport/Landing Location

One Destination Alternate Normally Required

(a) Except as provided in paragraph (b), no person may commence a flight to be conducted in accordance with the instrument flight rules, unless at least one suitable destination alternate aerodrome shall be selected and specified in the—

(1) ATS flight plan; and

(2) *For commercial air transport*, the operational flight plan.

(b) A destination alternate aerodrome is not required to be selected when—

(1) The aerodrome is isolated; or

(2) For the duration of the flight from the departure aerodrome, or from the point of in-flight re-planning, to the destination aerodrome, a reasonable certainty exists that at the estimated time of use (taking into account all meteorological conditions and operational information relevant to the flight)—

(i) The approach and landing may be made under visual meteorological conditions as specified in paragraphs (d) and (e); and

(ii) Separate runways are usable at the estimated time of use of the destination aerodrome with at least one runway having an operational instrument approach procedure.

Two Destination Alternate Aerodromes Required

(c) Two destination alternate aerodromes shall be selected and specified in the operational and ATS flight plans when, for the destination aerodrome—

(1) Meteorological conditions at the estimated time of use will be below the operator's established aerodrome operating minima for that operation; or

(2) Meteorological information is not available.

Standard Instrument approach available

(d) No person may commence an IFR flight in an aircraft without at least one destination alternate aerodrome listed in the flight plan unless available current meteorological information indicates that the following meteorological conditions will exist from 1 hour before to 1 hour after the estimated time of arrival at the destination with a standard instrument approach—

(1) *For an aeroplane—*
  (i) A cloud base of at least 300 meters (1,000 ft) above the minimum associated with a standard instrument approach procedure for that aerodrome; and
  (ii) Visibility of at least 4.5 km more than the minimum associated with the procedure.

(2) For a helicopter—
  (i) A cloud base of at least 120 meters (400 ft) above the minimum associated with a standard instrument approach procedure for that aerodrome; and
  (ii) Visibility of at least 1.5 km more than the minimum associated with the procedure.

No standard instrument approach available

(e) No person may commence an IFR flight in an aircraft without at least one destination alternate aerodrome listed in the flight plan unless available current meteorological information indicates that the following meteorological conditions will exist from two hours before to two hours after the estimated time of arrival at the destination with a standard instrument approach—
  (1) A cloud base of at least 300 meters (1,000 feet) above the lowest minimum en-route altitude within 10 km of the aerodrome; and
  (2) Visibility of 8 kilometers at the aerodrome.

10.382 Additional Requirements for Isolated Aerodromes

(a) No person may commence an flight into an isolated aerodrome, unless a determination of the point of no return has been made and that PNR has been included in the flight plan remarks.

(b) No person may continue a flight to an isolated aerodrome past the point of no return unless a current assessment of meteorological conditions, traffic and other operational conditions indicate that a safe landing can be made at the estimated time of use.

10.385 IFR Alternate Aerodrome/Heliport Selection Criteria

Published Alternate Minima

(a) If alternate minimums are published, no PIC may designate an alternate aerodrome in an IFR flight plan unless the current available forecast indicates that the meteorological conditions at that alternate at the ETA will be at or above those published alternate minimums.

Alternate Minimums Not Published

(b) *If alternate minimums are not published,* and if there is no prohibition against using the aerodrome as an IFR planning alternate, each PIC shall ensure that the meteorological conditions at that alternate at the ETA will be at or above—
  (1) For a precision approach procedure, a ceiling of at least 180 m (600 ft) and visibility of not less than 3 km (2 sm); or
  (2) For a non-precision approach procedure, a ceiling of at least 240 m (800 ft) and visibility of not less than 3 km (2 sm).

Additional Limitations to Commercial Air Transport

(c) *For commercial air transport operations in aero planes*, the PIC shall ensure that the meteorological conditions at that alternate 1 hour before and after the ETA are forecast to be at or above—
  (1) For a Cat II and III approach, at least the published Category I minimums;
  (1) For a Cat I approach, at least the published non-precision minimums;
  (2) For a non-precision approach, at least 150 m (500 ft) above the published non-precision minimums;
  (3) For a circling approach, at least the circling approach minimums.

Two Destination Alternates Required

(d) Where two destination alternates are required, the meteorological forecasts for those aerodromes—
  (1) The first destination alternate should be forecast to be at or above the operating minima for use as a destination; and
  (2) The second at or above the operating minima for selection as an alternate.

Special Alternate Minima

(e) The Authority may approve more appropriate incremental values for the height of cloud base and visibility in lieu of those specified in paragraphs (b) and (c) if the operator can demonstrate that an adequate margin of safety is observed in determining whether or not an approach and landing can be safely carried out at each alternate aerodrome

(f) The Authority may approve a margin of time in lieu of the requirement of paragraph (c) if the operator can demonstrate that an adequate margin of safety will exist.

10.390 Offshore Alternates for Helicopter Operations

(a) No person may designate an offshore alternate landing site when—
  (1) It is possible to carry enough fuel to have an on-shore alternate landing site; or
  (2) A hostile environment exists.

(b) The selection of offshore alternates shall be exceptional cases, the details of which have been approved by the Authority, and should not include payload enhancement in IMC.

(c) Each person selecting an Offshore alternate landing site shall consider the following—
  (1) The offshore alternate may be used only after a point of no return;
  (2) The mechanical reliability of critical control systems and critical components shall be considered and taken into account when determining the suitability of the alternates;
  (3) One engine inoperative performance capability will be obtained prior to arrival at the alternate;
  (4) The helideck availability is guaranteed;
  (5) The weather information at the helideck shall be available from a source approved or accepted by the Authority; and
  (6) For IFR operations, an instrument approach procedure shall be prescribed and available; and
  (7) Whether the landing technique specified in the flight manual following control system failure precludes the selection of certain helidecks as alternate aerodromes.

10.395 Take-off Alternate Requirements

(a) No person may release or take-off an aircraft without a suitable take-off alternate specified in the operational flight plan if either meteorological conditions at the aerodrome/heliport of departure are below the operator's established aerodrome/heliport landing minima for that operation or it would not be possible to return to the aerodrome/heliport of departure for other reasons.

(b) Each operator shall ensure that each take-off alternate specified shall be located within the following flight time from the aerodrome/heliport of departure—
  (1) For aircraft with two engines, one hour of flight time at a one-engine-inoperative cruising speed, determined from the aircraft operating manual, calculated in ISA and still-air conditions using the actual take-off mass; or
  (2) For aircraft with three or more engines, two hours of flight time at an all-engine operating cruising speed, determined from the aircraft operating manual, calculated in ISA and still-air conditions using the actual take-off mass; or
  (3) For airplanes engaged in extended diversion time operations (EDTO) where an alternate aerodrome meeting the distance criteria of a) or b) is not available, the first available alternate aerodrome located

within the distance of the operator's approved maximum diversion time considering the actual take-off mass.

10.397 EN-ROUTE ALTERNATES

(a) No person may commence a flight without suitable en-route alternates along the route at which the aircraft would be able to land after experiencing an abnormal or emergency condition.

(b) Where required for extended diversion time operations by aero planes with two turbine engines, en-route alternate aerodromes shall be selected and specified in the operational and air traffic services (ATS) flight plans.

10.398 TIME CAPABILITY OF CARGO COMPARTMENT FIRE SUPPRESSION

(a) No person may plan a diversion time to an aerodrome where a safe landing could be made that exceeds the published cargo compartment fire suppression time capability of the aeroplane (when one is identified in the relevant aeroplane documentation) minus an operational safety margin of 15 minutes.

10.400 OPERATIONS BEYOND 60 MINUTES TO AN EN-ROUTE ALTERNATE AERODROME

(a) No person may conduct flight operations on a route where the nearest en-route alternate aerodrome is beyond—
  (1) 60 minutes in cruising flight; or
  (2) A threshold time approved by the Authority.

(b) Operators conducting operations beyond 60 minutes from a point on a route to an en-route alternate aerodrome shall ensure that—
  (1) For all airplanes—
    (i) En-route alternate aerodromes are identified; and
    (ii) The most up-to-date information is provided to the flight crew on identified en-route alternate aerodromes, including operational status and meteorological conditions;
  (2) For airplanes with two turbine engines, the most up-to-date information provided to the flight crew indicates that conditions at identified en-route alternate aerodromes will be at or above the operator's established aerodrome operating minima for the operation at the estimated time of use.

(c) In addition to the requirements in paragraph (b), all operators shall ensure that the following are taken into account and provide the overall level of safety intended by the provisions for—
  (1) Operational control and flight dispatch procedures;
  (2) Operating procedures; and
  (3) Training programs.

10.405 EXTENDED DIVERSION TIME OPERATIONS

(a) Unless specifically approved by the Authority (EDTO Approval), no person may operate, and no person may authorize operations of an airplane with two or more turbine engines over a route which contains a diversion time from any point on the route, calculated in ISA and still air conditions at the one-engine inoperative cruise speed for airplanes with two turbine engines and at the all-engine operating cruise speed for airplanes with more than two turbine engines, to an en-route alternate aerodrome exceeds the threshold time prescribed for such operations by the Authority.
  (1) The maximum diversion time, for an operator of a particular airplane type engaged in extended diversion time operations shall be approved by the Authority before such operations.
  (2) For airplanes engaged in EDTO, the required additional fuel shall include the fuel necessary to comply with the EDTO critical fuel scenario as established by the Authority

(b) No pilot may continue, and no person may authorise a flight to continue, beyond the threshold time unless the identified en-route alternate aerodromes have been re-evaluated for availability and the most up to date information indicates that, during the estimated time of use—

(1) Conditions at those aerodromes will be at or above the operator's established aerodrome operating minima for the operation; and

(2) If any conditions are identified that would preclude a safe approach and landing at that aerodrome during the estimated time of use, the PIC shall determine and implement an alternative course of action.

10.410 Fuel Supply: General Considerations

(a) No person may commence a flight without carrying enough usable fuel on the aircraft, to complete the planned flight safely and to allow for deviations from the planned operation.

(b) The amount of usable fuel to be carried shall, as a minimum, be based on—

(1) The following data—

(i) Current aircraft-specific data derived from a fuel consumption monitoring system, if available; or

(ii) If current aircraft-specific data is not available, data provided by the aircraft manufacturer; and—

(2) The operating conditions for the planned flight including—

(i) Anticipated aircraft mass;

(ii) Notices to Airmen;

(iii) Current meteorological reports or a combination of current reports and forecasts;

(iv) Air traffic services procedures, restrictions and anticipated delays;

(v) Procedures prescribed in the operations manual for loss of pressurization en route, where applicable;

(vi) Failure of one power-unit en route;

(vii) The effects of deferred maintenance items and/or configuration deviations; and

(viii) Any other conditions that may delay landing of the aircraft or increase fuel and/or oil consumption.

10.415 Minimum Fuel Supply for VFR Domestic Flights

VFR: Aero planes

(a) No person may commence a flight in an aeroplane under VFR unless, (considering the wind, forecast weather conditions and contingencies), the amount of fuel to be carried permits flight—

(1) To the aerodrome of intended landing; and

(2) Assuming normal cruising altitude, to have a final reserve fuel after that—

(i) *For day operations*, at least 30 minutes.

(ii) *For night operations*, at least 45 minutes.

VFR: Helicopters

(b) No person may commence a flight in a helicopter under VFR unless (considering the wind, forecast weather conditions and contingencies) there is enough fuel carried—

(1) To fly to the first point of planned landing; and

(2) Have a final reserve fuel to fly after that for—

(i) A period of 20 minutes at best range speed; and

(ii) Still have an additional amount of fuel equal to 10% of the total flight time calculated to provide for the increased consumption on the occurrence of potential contingencies.

10.416 IFR Fuel Requirements: Helicopters

(a) No person may commence a flight in an helicopter under IFR unless, (considering the wind, forecast weather conditions and contingencies), the amount of fuel and oil to be carried permits flight—

(1) When no alternate is required, to fly to and execute an approach at the heliport or landing location to which the flight is planned, and thereafter to have—

(i) A final reserve fuel to fly 30 minutes at holding speed at 450 m (1 500 ft) above the destination heliport or landing location under standard temperature conditions and approach and land; and

(ii) To an additional amount of fuel, sufficient to provide for the increased consumption on the occurrence of potential contingencies.

(2) When an alternate is required, to fly to and execute an approach, and a missed approach, at the heliport or landing location to which the flight is planned, and thereafter—

(i) To fly to and execute an approach at the alternate specified in the flight plan; and then

(ii) Have a final reserve fuel to fly for 30 minutes at holding speed at 450 m (1 500 ft) above the alternate under standard temperature conditions, and approach and land; and

(iii) To have an additional amount of fuel, sufficient to provide for the increased consumption on the occurrence of potential contingencies.

(3) Where the aerodrome/heliport of intended landing is an isolated heliport or landing location. Sufficient fuel shall be carried to enable the helicopter to fly to the destination to which the flight is planned and thereafter for a period that will, based on geographic and environmental considerations, enable a safe landing to be made.

10.418 IFR Fuel Requirements: General Aviation Piston-Engined aero PLANES

No destination alternate required or to isolated aerodrome

(a) No person may commence a flight under IFR in general aviation piston-engined aeroplane unless there is enough fuel supply (considering weather reports and forecasts and contingencies), to—

(1) Fly to the aerodrome of intended landing;

(2) Execute an instrument approach; and

(3) After that, have a final reserve fuel for at least 45 minutes at normal cruising altitude.

Destination alternate required

(b) No person may commence a flight under IFR in general aviation piston-engined aeroplane unless there is enough fuel supply (considering weather reports and forecasts and contingencies), to—

(1) Fly to the aerodrome of intended landing and execute an instrument approach; and

(2) Then to an alternate aerodrome, and

(3) After that, have a final reserve fuel for at least 45 minutes at normal cruising altitude

10.420 IFR Fuel Requirements: Large & Turbine AERO PLANES

(a) No person may commence a flight under IFR or for international operations unless, considering the wind and forecast weather conditions, the pre-flight calculation of usable fuel required and available fuel at take-off includes—

(1) *Taxi fuel,* which shall be the amount of fuel expected to be consumed before take-off;

(2) *Trip fuel*, which shall be the amount of fuel required to enable the airplane to fly from take-off or the point of in-flight re-planning until landing at the destination aerodrome/heliport taking into account the operating conditions of Section 10.410;

(3) *Contingency fuel,* which shall be the amount of fuel required to compensate for unforeseen factors. It shall be 5 per cent of the planned trip fuel or of the fuel required from the point of in flight re-planning based on the consumption rate used to plan the trip fuel but in any case shall not be lower than the

amount required to fly for five minutes at holding speed at 450 m (1 500 ft) above the destination aerodrome/heliport in standard conditions;

(4) *Destination alternate fuel*, which shall be—

(i) Where a destination alternate aerodrome/heliport is required, the amount of fuel required to enable the airplane to—

(A) Perform a missed approach at the destination aerodrome;

(B) Climb to the expected cruising altitude;

(C) Fly the expected routing;

(D) Descend to the point where the expected approach is initiated; and

(E) Conduct the approach and landing at the destination alternate aerodrome; or

(ii) Where two destination alternate aerodromes are required, the amount of fuel, as calculated), required to enable the airplane to proceed to the destination alternate aerodrome/heliport which requires the greater amount of alternate fuel; or

(iii) Where a flight is operated without a destination alternate aerodrome, the amount of fuel required to enable the airplane to fly for 15 minutes at holding speed at 450 m (1 500 ft) above destination aerodrome/heliport elevation in standard conditions; or

(iv) Where the aerodrome/heliport of intended landing is an isolated aerodrome—

(A) *For piston engine airplanes*, the amount of fuel required to fly for 45 minutes plus 15 per cent of the flight time planned to be spent at cruising level, including final reserve fuel, or two hours, whichever is less; or

(B) *For turbine engine airplanes*, the amount of fuel required to fly for two hours at normal cruise consumption above the destination aerodrome, including final reserve fuel;

(C) *For helicopters,* sufficient fuel shall be carried to enable the helicopter to fly to the destination to which the flight is planned and thereafter for a period that will, based on geographic and environmental considerations, enable a safe landing to be made.

(5) *Final reserve fuel,* which shall be the amount of fuel calculated using the estimated mass on arrival at the destination alternate aerodrome/heliport or the destination aerodrome, when no destination alternate aerodrome is required—

(i) *For piston engine airplanes*, the amount of fuel required to fly for 45 minutes, under speed and altitude conditions specified by the Authority; or

(ii) *For turbine engine airplanes and helicopters*, the amount of fuel required to fly for 30 minutes at holding speed at 450 m (1 500 ft) above aerodrome elevation in standard conditions;

(6) *Additional fuel,* which shall be the supplementary amount of fuel required if the minimum fuel as calculated is not sufficient to—

(i) Allow the aircraft to descend as necessary and proceed to an alternate aerodrome/heliport in the event of engine failure or loss of pressurisation, whichever requires the greater amount of fuel based on the assumption that such a failure occurs at the most critical point along the route—

(A) Fly for 15 minutes at holding speed at 450 m (1 500 ft) above aerodrome/heliport elevation in standard conditions; and

(B) Make an approach and landing;

(C) Allow an airplane engaged in EDTO to comply with the EDTO critical fuel scenario as established by the Authority;

(D) Meet additional requirements not covered above;

(7) *Discretionary fuel,* which shall be the extra amount of fuel to be carried at the discretion of the pilot-in-command.

(b) No person may commence or continue from the point of in-flight re-planning (re-dispatch) unless the usable fuel on board meets the requirements, if required.

10.423 In-Flight Changes & Re-Planning

(a) No person may use fuel after flight commencement for purposes other than originally intended during pre-flight planning unless they have performed a re-analysis and, if applicable, adjustment of the planned operation.

(b) No person may commence or continue from the point of in-flight re-planning unless the re-analysis required by paragraph (a) shows that the usable fuel on board meets the requirements of Sections 10.410, 10.415, 10.416, 10.418 or 10.420 as applicable to the aircraft used and type of operation.

10.425 In-Flight Fuel Management

(a) The pilot-in-command shall continually ensure that the amount of usable fuel remaining on board is not less than the fuel required to proceed to an aerodrome/heliport where a safe landing can be made with the planned final reserve fuel remaining upon landing.

(b) The pilot-in-command shall request delay information from ATC when unanticipated circumstances may result in landing at the destination aerodrome/heliport with less than the final reserve fuel plus any fuel required to proceed to an alternate aerodrome or the fuel required to operate to an isolated aerodrome.

(c) The pilot-in-command shall advise ATC of a minimum fuel state by declaring MINIMUM FUEL when, having committed to land at a specific aerodrome, the pilot calculates that any change to the existing clearance to that aerodrome/heliport may result in landing with less than planned final reserve fuel.

(d) The pilot-in-command shall declare a situation of fuel emergency by broadcasting MAYDAY MAYDAY MAYDAY FUEL, when the calculated usable fuel predicted to be available upon landing at the nearest aerodrome/heliport where a safe landing can be made is less than the planned final reserve fuel.

10.430 Aircraft Loading, Mass & Balance

(a) No person may commence a flight unless all loads carried are properly distributed and safely secured, taking into consideration the effect of the mass on centre of gravity and floor loading limitations.

(b) No person may commence a flight unless the calculations for the mass of the aircraft and centre of gravity location indicate that the flight can be conducted safely and in accordance with the aircraft limitations, taking into account the flight conditions expected.

(c) When load masters, load planners or other qualified personnel are provided by the AOC holder in a commercial air transport operation, the PIC may delegate these responsibilities, but shall ascertain that proper loading procedures are followed.

(d) Unless otherwise authorised by the Authority, the computations for the mass and balance shall be based on the AFM or RFM method for determination of the C.G. and the mass values used for these computations shall be based on the—

(1) Aircraft empty weight derived through a periodic weighing of the aircraft;
(2) Actual weights of the required crew, their equipment and baggage;
(3) Actual weights of the passengers, their baggage and cargo; and
(4) Actual weight of the usable fuel boarded.

(e) *For commercial air transport operations and general aviation operations subject to Part 28*, no person may commence a flight unless these mass and balance computations are accomplished by qualified persons and are also in conformance with the requirements of this Section and the additional mass and balance requirements of Part 17.

10.435 AIRCRAFT PERFORMANCE & OPERATING LIMITATIONS

(a) The detailed and comprehensive performance code of the State of Registry shall be the basis for any determination of aircraft performance.

(b) No person may commence a flight unless the calculations for the performance of the aircraft in all phases of flight indicate that the flight can be conducted safely taking into account the flight conditions expected and in accordance with the aircraft's designed operating limitations, contained in the flight manual, or its equivalent, will not be exceeded. This information should be based on the manufacturer's or other data, acceptable to the Authority, and should be included in the operations manual.

(c) No person may commence a flight unless the performance data is available for use inflight and, when applying performance data, each person performing calculations shall account for the aircraft configuration, environmental conditions, and the operation of any system or systems that may have an adverse effect on performance.

(d) No person may commence a flight that, given the aircraft's weight and assuming normal engine operation, cannot safely clear all obstacles during all phases of flight, including all points along the intended en route path or any planned diversions.

(e) No person may commence a flight without ensuring that the maximum allowable weight for a flight does not exceed the maximum allowable take-off or landing weight, or any applicable en route performance or landing distance limitations considering the—

(1) Condition of the take-off and landing areas to be used;
(2) Gradient of runway to be used (landplanes only);
(3) Pressure altitude;
(4) Ambient temperature;
(5) Current and forecast winds; and
(6) Any know conditions (e.g., atmospheric and aircraft configuration), such as density altitude, which may adversely affect performance.

(f) *For commercial air transport operations and general aviation operations subject to Part 28*, no person may commence a flight unless the performance computations are accomplished by qualified persons and are in conformance with the requirements of this Section and additional performance requirements of Part 17.

10.440 FLIGHT RELEASE REQUIRED: COMMERCIAL AIR TRANSPORT

(a) No person may commence a flight, or series of flights, under a flight following system without specific authority from the person authorised by the AOC holder to exercise operational control over the flight.

(b) No person may commence a passenger-carrying flight in commercial air transport for which there is a published schedule, unless a qualified person authorised by the AOC holder to perform operational control functions has issued a flight release for that specific flight or series of flights.

(c) No person may release or commence a commercial air transport flight or series of flights unless it has been determined to be in compliance with the additional requirements of Part 16 of these Regulations.

10.445 OPERATIONAL FLIGHT PLAN: COMMERCIAL AIR TRANSPORT

(a) No person may commence a flight, or series of flights, unless the operational flight plan has been signed by the PIC.

(b) A PIC may sign the operational flight plan only when the PIC and the person authorised by the operator to exercise operational control have determined that the flight can be safely completed.

(c) The operational flight plan shall include the routing and fuel calculations, with respect to the meteorological and other factors expected, to complete the flight to the destination and all required alternates.

(d) The PIC signing the operational flight plan shall have access to the applicable flight planning information for fuel supply, alternate aerodromes, weather reports and forecasts and NOTAMs for the routing and aerodrome.

(e) No person may continue a flight from an intermediate aerodrome/heliport without a new operational flight plan if the aircraft has been on the ground more than 4 hours.

10.450 Flight Planning Document Distribution & Retention: Commercial Air Transport

(a) For commercial air transport operations, the PIC shall complete and sign the following flight preparation documents before commencing a flight or series of flights—

(1) An operational flight plan, including NOTAMs and weather pertinent to the flight planning decisions regarding minimum fuel supply, en route performance, and destination and alternate aerodromes;

(2) A load manifest, showing the distribution of the load, centre of gravity, take-off and landing weights and compliance with maximum operating weight limitations, and performance analysis; and

(3) An applicable technical log page, if mechanical irregularities were entered after a previous flight, maintenance or inspection functions were performed or a maintenance release was issued at the departure aerodrome.

(b) No person may take-off an aircraft unless a copy of all flight preparation documents, signed by the PIC, are retained and available with a company representative at the point of departure, unless a different retention method has been approved by the Authority.

(c) The PIC shall carry a copy of the documents specified in paragraph (a) of this Section on the aircraft to the destination aerodrome.

(d) These documents will be retained by the AOC holder for at least 3 months using the location and methodology approved by the Authority.

Subpart H: Flight Rules For All Operations

10.470 Applicability & Compliance

(a) The flight rules of this Subpart are applicable to all operations of aircraft in the airspace of Rwanda and, for international flights, wherever they may be, to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown.

(b) All persons involved in the operation of an aircraft either in flight or on the movement area of an aerodrome shall ensure that it is operated in compliance with the applicable regulations and, in addition, when in flight, either with the—

(1) Visual flight rules; or

(2) Instrument flight rules.

(c) The holders of airman certificates issued by Rwanda will comply with these rules when flying outside Rwanda, except where these rules may differ with the other State, in which case compliance with the rules of the State being overflown is required.

10.475 Negligent or Reckless Operations of the Aircraft

(a) No person may operate an aircraft in a negligent or reckless manner so as to endanger life or property of others.

10.476 Unmanned or Remotely Piloted Aircraft

(a) A remotely piloted aircraft shall be operated in such a manner as to minimize hazards to persons, property or other aircraft and in accordance with the conditions specified in Part 27

(b) An unmanned free balloon shall be operated in such a manner as to minimize hazards to persons, property or other aircraft and in accordance with the conditions specified in Appendix 1 to 10.476.

10.477 Compliance with Local Regulations

(a) All pilots shall be familiar with the laws, regulations and procedures pertinent to the performance of their duties, prescribed for the—
  (1) Areas to be traversed;
  (2) The aerodromes to be used; and
  (3) The air navigation facilities relating to them.

(b) The PIC shall ensure that other members of the flight crew are familiar with such of these laws, regulations and procedures as are pertinent to the performance of their respective duties in the operation of the aeroplane

(c) All other members of the crew shall be familiar with the laws, regulations and procedures as are pertinent to the performance of their respective duties in the operation of the aircraft.

(d) The operator of the aircraft shall ensure that the crew members of the aircraft are familiar with the laws, regulations and procedures of the States where operations are conducted.

10.480 Operation of Aircraft on the Ground

Taxiing on the Movement Area

(a) No person may taxi an aircraft on the movement area of an aerodrome unless the person at the controls is an appropriately qualified pilot or—
  (1) Has been authorized by the owner, the lessee, or a designated agent;
  (2) Is fully competent to taxi the aircraft;
  (3) Is qualified to use the radio if radio communications are required; and
  (4) Has received instruction from a competent person in respect of aerodrome layout, and where appropriate, information on routes, signs, marking, lights, ATC signals and instructions, phraseology and procedures, and is able to conform to the operational standards required for safe aircraft movement at the aerodrome; and
  (5) When required, displays the required exterior lighting.

(b) No person may taxi an aircraft on the maneuvering area of a controlled aerodrome without clearance from the aerodrome control tower and shall comply with any instructions given by that unit.

Helicopter Rotors

(c) No person shall cause a helicopter rotor to be turned under power unless there is a qualified pilot at the controls.

(d) The operator shall provide appropriately specific training and procedures to be followed for all personnel, other than qualified pilots, who are likely to carry out the turning of a rotor under power for purposes other than flight.

Taxiing Under Guidance of Signalman

(e) No person shall guide an aircraft unless trained, qualified and approved by the appropriate authority to carry out the functions of a signalman.

(f) No pilot shall taxi an aircraft under the guidance of a signalman unless—
  (1) The standard marshalling signals to aircraft are provided in a clear and precise manner using the signals as prescribed by the Authority;

Note: Refer to AC 10-003 for the standard aircraft marshalling signals that correspond to those specified in ICAO Annex 2. Appendix 1.

(2) The signalman Is wearing a distinctive fluorescent identification vest to allow the flight crew to identify that he or she is the person responsible for the marshalling operation; and
(3) The signalman and all participating ground staff are using daylight-fluorescent wands, table-tennis bats or gloves for all signalling during daylight hours and illuminated wands at night or in low visibility.

10.482 TAKE-OFF & LANDING

(a) No person shall cause an aircraft to take-off or land at an aerodrome or heliport within Rwanda that is not licensed by the Government or a Government aerodrome for which permission for use has been received, if the purpose of the flight operation is—
(1) Commercial air transport with passengers;
(2) Flight instruction; or
(3) Solo flight by a student pilot.

(b) No person shall cause an aircraft to take-off or land at an aerodrome or heliport at night within Rwanda for the purpose of commercial air transport carrying passengers, unless there is adequate lighting to—
(1) Determine the landing direction; and
(2) Make a safe approach and landing.

(c) Except where specifically authorised by the Authority, no person shall cause an aircraft with a certificated passenger capacity of more than 20 passengers to take-off or land at an aerodrome or heliport within Rwanda for the purpose of commercial air transport carrying passengers, unless there is—
(1) Current runway analysis for obstacle clearance and stopping distance;
(2) Established communications with a qualified person on the surface to determine the—
(i) Prevailing approach and landing conditions; and
(ii) Status of runway surface.

(d) No person may cause a helicopter to take-off or land at an elevated—
(1) Heliport in a congested area unless it is operating in Performance Class 1.
(2) Heliport or helideck unless it is operating in Performance Class 1 or 2.

10.484 PRE-TAKEOFF INSPECTIONS

(a) No person may take-off an aircraft unless they have completed an inspection of the aircraft, in accordance with a published checklist, of the—
(1) Exterior for airworthiness; including the quantity and quality of the fuel onboard;
(2) Passenger cabin readiness and required equipment;
(3) Interior flight deck equipment, instruments and documents on the aircraft; and
(4) Pre-take-off setup of the flight deck instruments and controls.

10.485 TAKE-OFF CONDITIONS

(a) No person may take-off an aircraft, unless—
(1) According to the available information, the weather at the aerodrome and the condition of the runway intended to be used will allow for a safe take-off and departure; and
(2) The RVR or visibility in the take-off direction of the aircraft is equal to or better than the applicable minimum.

(b) No person may take-off an aircraft unless, in determining the length of the runway required and available, the loss, if any, of runway length due to alignment of the aeroplane prior to take-off has been determined.

10.487 Noise Abatement

(a) No person may take-off an aircraft at an aerodrome where a noise abatement departure is applicable to the aircraft without following those procedures, unless this action would not be considered safe or practical considering the existing conditions or performance limitations.

(b) Unless otherwise required by special circumstances at an aerodrome, each person shall use, any one aircraft type, the same noise abatement procedure and profiles at all aerodromes.

(c) No person may take-off or land an aircraft at a mass that exceeds the maximum demonstrated for that aircraft to comply with the noise certification standards, unless authorised by the competent authority of the State for a specific aerodrome or runway where there is no noise disturbance problem.

(d) The operator of a helicopter should ensure that take-off and landing procedures take into account the need to minimize the effect of helicopter noise.

10.490 Flight into Known or Expected Icing

(a) No person may take-off an aircraft or continue to operate an aircraft en route when the icing conditions are expected or encountered, without ensuring that the aircraft is certified for icing operations and has sufficient operational de-icing or anti-icing equipment.

(b) No person may take-off an aircraft in suspected or known ground icing conditions unless the aircraft has been inspected for icing and, if necessary, has been given appropriate de-icing/anti-icing treatment.

(c) No person may take-off an aircraft when frost, ice or snow is adhering to the wings, control surfaces, propellers, engine inlets or other critical surfaces of the aircraft which might adversely affect the performance or controllability of the aircraft. Accumulation of ice or naturally occurring contaminates shall be removed so that the aircraft is kept in an airworthy condition prior to take-off.

(d) *For commercial air transport operations*, no person may take-off an aircraft when conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft, unless the procedures approved for the AOC holder by the Authority are followed to ensure ground de-icing and anti-icing is accomplished.

10.493 Aircraft Operating Limitations

(a) No person may operate a civil aircraft without complying with the operating limitations specified in the approved AFM or RFM, markings and placards, or as otherwise prescribed by the certifying authority for the State of Registry.

10.494 Cruising Levels

(a) The cruising levels at which a flight or a portion of a flight is to be conducted shall be in terms of—

(1) *Flight levels*, for flights at or above the lowest usable flight level or, where applicable, above the transition altitude.

(2) *Altitudes,* for flights below the lowest usable flight level or, where applicable, at or below the transition altitude.

(b) Unless otherwise specified by the appropriate ATS facility, the cruising levels provided in Appendix 1 to 10.494 shall be used when selecting a cruising level appropriate to the aircraft track for VFR or IFR flight.

10.495 Altimeter Settings

(a) Each person operating an aircraft shall maintain the cruising altitude or flight level by reference to an altimeter set—

(1) Below the transition altitude to—

(i) The current reported QNH altimeter setting of a station along the route and within 160 km (100 nm) of the aircraft;

(ii) The current reported QNH altimeter setting of a nearby station, if there is not a station along the route; or

(iii) In the case of an aircraft not equipped with a radio, the elevation of the departure aerodrome or an appropriate altimeter setting available before departure; or

(2) At or above the prescribed transition altitude to the QFE altimeter setting of 1013.2 hPa (29.92" Hg).

10.500 MINIMUM SAFE ALTITUDES: GENERAL

(a) Except when necessary for take-off or landing, no person may operate an aircraft below the following altitudes—

(1) *Anywhere.* An altitude allowing, if a power unit fails, continuation of flight or an emergency landing without undue hazard to persons or property on the surface.

(2) *Over congested areas.* Over any congested area of a city, town, or settlement, or over any open-air assembly of persons, an altitude of 300m (1,000 feet) above the highest obstacle within a horizontal radius of 600m (2,000 feet) of the aircraft.

(3) *Over other than congested areas.* An altitude of 150m (500 feet) above the surface, except over open water or sparsely populated areas where the aircraft may not be operated closer than 150m (500 feet) to any person, vessel, vehicle, or structure.

(4) *Helicopters.* Except as restricted by Section 10.513, pilots of helicopters are not subject to the proximity restrictions provided they are operated in a manner that is not hazardous to persons and property on the surface.

(b) The PIC of a helicopter shall comply with any routes or altitudes for the area that are prescribed for helicopters by the Authority.

10.505 MINIMUM SAFE VFR ALTITUDES: COMMERCIAL AIR TRANSPORT OPERATIONS

(a) No person may operate an aeroplane in commercial air transport during the day, under VFR, at an altitude less than 1,000 feet above the surface or within 1,000 feet of any mountain, hill, or other obstruction to flight.

(b) No person may operate an aeroplane in commercial air transport at night, under VFR, at an altitude less than—

(1) 600 m (2,000 feet) above the highest obstacle within a horizontal distance of 8 km (5 sm) from the centre of the intended course, or

(2) In designated mountainous areas, less than 900 m (3,000 feet) above the highest obstacle within a horizontal distance of 8 km (5 sm) from the centre of the intended course.

10.510 AERODROME OPERATING MINIMA

(a) The pilot-in-command shall establish aerodrome operating minima in accordance with criteria specified by the State of Registry, for each aerodrome to be used in operations.

(b) No person may operate an aircraft to or from an aerodrome (or heliport) using an operating minima lower than those established by the State in which the aerodrome is located, except with specific approval of that State's civil aviation authority.

(c) The operating minima for 2D instrument approach operations using instrument approach procedures shall be determined by establishing a minimum descent altitude (MDA) or minimum descent height (MDH), minimum visibility and, if necessary, cloud conditions.

(d) The operating minima for 3D instrument approach operations using instrument approach procedures shall be determined by establishing a decision altitude (DA) or decision height (DH) and the minimum visibility or RVR.

10.513 Helicopter Operations & Heliports in Congested Hostile environment

(a) Except as specifically approved by the Authority, no person may operate a helicopter over a congested hostile environment or to or from a heliport in a congested hostile environment unless the operation conforms to requirements for Performance Class 1.

10.515 Diversion Decision

(a) Except as provided in paragraph (b) of this Section, the PIC shall land the aircraft at the nearest suitable aerodrome at which a safe landing can be made whenever an engine of an aircraft fails or is shut down to prevent possible damage.

(b) If not more than one engine of an aeroplane having three or more engines fails, or its rotation is stopped, the PIC may proceed to an aerodrome if he or she decides that proceeding to that aerodrome is as safe as landing at the nearest suitable aerodrome after considering the—

(1) Nature of the malfunction and the possible mechanical difficulties that may occur if flight is continued;
(2) Altitude, weight, and usable fuel at the time of engine stoppage;
(3) Weather conditions en route and at possible landing points;
(4) Air traffic congestion;
(5) Kind of terrain; and
(6) Familiarity with the aerodrome to be used.

10.520 Operating Near Other Aircraft

(a) No person may operate an aircraft so close to another aircraft as to create a collision hazard.

(b) No person may operate an aircraft in formation flight except by pre-arrangement with the PIC of each aircraft in the formation and, in controlled airspace, in accordance with the conditions prescribed in Section 10.637.

(c) No person may operate an aircraft carrying passengers for hire in formation flight.

10.521 Climb & Descent precautions

(a) Unless otherwise specified in an air traffic control instruction, the flight crew shall use a rate less than 8 m/sec or 1 500 ft/min (depending on the instrumentation available) throughout the last 300 m (1 000 ft) of climb or descent to the assigned level to avoid unnecessary airborne collision avoidance system (ACAS II) resolution advisories in aircraft at or approaching adjacent altitudes or flight levels.

10.525 Right-of-Way Rules: Aircraft in Flight

(a) *General*.

(1) Each pilot shall maintain vigilance so as to see and avoid other aircraft; and
(2) When a rule of this Section gives another aircraft the right-of-way, the pilot shall give way to that aircraft and may not pass over, under, or ahead of it unless well clear.
(3) The pilot of the aircraft with the right-of-way should maintain heading and speed except as necessary to avoid collision;
(4) Nothing in these rules shall relieve the PIC of an aircraft from the responsibility of taking such action, including collision avoidance manoeuvres based on resolution advisories proved by ACAS equipment, as will best avert collision.

(b) *In distress*. An aircraft in distress has the right-of-way over all other air traffic.

(c) *Converging*: When two aircraft of the same category are converging at approximately the same altitude (except head-on, or nearly so), the aircraft to the other's right has the right-of-way, except as follows—

(1) Power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
(2) Airships shall give way to gliders and balloons;

(3) Gliders shall give way to balloons; and
(4) Power-driven aircraft shall give way to aircraft which are seen to be towing other aircraft or objects.

(d) *Towing or refuelling*. An aircraft towing or refuelling other aircraft has the right-of- way over all other engine-driven aircraft, except aircraft in distress.

(e) *Approaching head-on*. When two aircraft are approaching each other head-on, or approximately so, and there is a danger of collision, each pilot of each aircraft shall alter heading to the right.

(c) *Overtaking—*
(1) Each aircraft that is being overtaken has the right-of-way and each pilot of an overtaking aircraft, whether climbing descending or in horizontal flight, shall alter heading to the right to pass well clear.
(2) No subsequent change to the relative position of the two aircraft shall absolve the pilot of the overtaking aircraft from this obligation until it is entirely past and clear.
(3) An overtaking aircraft is an aircraft that approaches another from the rear on a line forming an angle of less than 70 degrees with the plane of symmetry of the latter. In such a position with reference to the other aircraft at night it should be unable to see either of the aircraft left (port) or right (starboard) navigation lights.

(d) *Landing—*
(1) Aircraft, while on final approach to land or while landing, have the right-of-way over other aircraft in flight or operating on the surface. But the pilot may not take advantage of this rule to force an aircraft off the runway surface which has already landed and is attempting to make way for an aircraft on final approach
(1) The pilot of an aircraft in flight, or operating on the ground or water shall give way to aircraft landing or in the final stages of an approach to land.
(2) The pilot of an aircraft that is aware that another is compelled by emergency to land shall give way to that aircraft.
(3) When two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing—
(i) The pilot of an aircraft at the higher level shall give way to aircraft at the lower level.
(ii) But the pilot of the lower aircraft shall not take advantage of this rule to cut in front of or overtake the higher aircraft which is in the final stages of an approach to land.
(iii) Nevertheless, the pilot of a power-driven heavier-than-air aircraft shall give way to gliders.

10.529 RIGHT OF WAY RULES: AERODROME SURFACE MOVEMENT

(a) In case of danger of collision between two aircraft taxiing on the movement area of an aerodrome the following shall apply—
(1) When two aircraft are approaching head on, or approximately so, each pilot shall stop or where practicable alter the course aircraft to the right so as to keep well clear.
(2) When two aircraft are on a converging course, the pilot which has the other aircraft on his right shall give way.
(3) An aircraft which is being overtaken by another aircraft shall have the right-of-way and the pilot of the overtaking aircraft shall keep well clear of the other aircraft.

(b) The pilot of an aircraft taxiing on the manoeuvring area shall stop and hold at all runway-holding positions unless otherwise authorised by the aerodrome control tower.

(c) The pilot of an aircraft taxiing on the manoeuvring area shall stop and hold at all lighted stop bars and may proceed further when the lights are switched off.

(d) The pilot of an aircraft taxiing on the manoeuvring area of an aerodrome shall give way to aircraft—
(1) Taking off or about to take off; and

(2) Landing or in the final stages of an approach to landing.

10.530 RIGHT-OF-WAY RULES: WATER SURFACE OPERATIONS

(a) *General*. Each person operating an aircraft on the water shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation, and shall give way to any vessel or other aircraft that is given the right-of-way by any rule of this Section.

(b) *Converging*. When aircraft, or an aircraft and a vessel, are on crossing courses, the aircraft or vessel to the other's right has the right-of-way.

(c) *Approaching head-on*. When aircraft, or an aircraft and a vessel, are approaching head-on, or nearly so, each shall alter its course to the right to keep well clear.

(d) *Overtaking*. Each aircraft or vessel that is being overtaken has the right-of-way, and the one overtaking shall alter course to keep well clear.

(e) *Landing and taking off.* Aircraft landing on or taking off from the water shall, in so far as practicable, keep well clear of all vessels and avoid impeding their navigation.

(f) *Special circumstances*. When aircraft, or an aircraft and a vessel, approach so as to involve risk of collision, each aircraft or vessel shall proceed with careful regard to existing circumstances, including the limitations of the respective craft.

10.535 USE OF AIRCRAFT LIGHTS

(a) If an aircraft has red rotating beacon lights installed, the pilot shall switch those lights on prior to starting engines and display those lights at all times the engines are running.

(b) No person may operate an aircraft in the movement area of an aerodrome, on the water or in flight between the period from sunset to sunrise, or any other period prescribed by the appropriate authority, unless it displays—

(1) Anti-collision lights intended to attract attention to the aircraft; and

(2) Navigation lights intended to indicate the relative path of the aircraft to an observer.

(c) An aircraft is considered to be operating when it is taxiing or being towed or is stopped temporarily during the course of taxiing or being towed.

(d) The pilots of all aircraft in flight and fitted with anti-collision lights shall display such lights during all operations from take-off to landing.

(e) A pilot shall be permitted to switch off or reduce the intensity of any required flashing lights if they do or are likely to—

(1) Adversely affect the satisfactory performance of duties; or

(2) Subject an outside observer to harmful dazzle.

(f) Lights fitted for other purposes, such as landing lights, taxi lights, airframe floodlights, and logo lights may also be used to enhance aircraft conspicuity and attract attention to the aircraft, but no person may not display any lights that are likely to be mistaken for the navigation or anti-collision lights.

(g) No person may park or move an aircraft at night in, or in a dangerous proximity to, a movement area of an aerodrome, unless the aircraft—

(1) Is clearly illuminated;

(2) Has lighted navigation lights, or

(3) Is in an area that is marked by obstruction lights.

(h) No person may anchor an aircraft unless that aircraft—

(1) Has lighted anchor lights; or

(2) Is in an area where anchor lights are not required on vessels.

10.537 NIGHT OPERATIONS

(a) No person may operate the following aircraft in night operations within the airspace of Rwanda—
  (1) Gliders, or
  (2) Free Balloons.

(b) No person may operate single-engine aircraft in night cross-country operations within the airspace of Rwanda.

10.540 SIMULATED INSTRUMENT FLIGHT

(a) No person may operate an aircraft in simulated instrument flight unless—
  (1) That aircraft has fully functioning dual controls;
  (2) The other control seat is occupied by a safety pilot who holds at least a private pilot licence with category and class ratings appropriate to the aircraft being flown; and
  (3) The safety pilot has adequate vision forward and to each side of the aircraft, or a competent observer in the aircraft adequately supplements the vision of the safety pilot.

10.545 INFLIGHT SIMULATION

(a) No person may engage in simulated instrument flight conditions *during commercial air transport operations*.

(b) No person may simulate an abnormal or emergency situation—
  (1) When carrying passengers; or
  (2) During commercial air transport operations carrying passengers or cargo.

10.550 DROPPING, SPRAYING, TOWING

(a) Except under conditions prescribed by the Authority in Part 11, no pilot may take the following actions—
  (1) Dropping, dusting or spraying from an aircraft;
  (2) Towing of aircraft or other objects; or
  (3) Allowing parachute descents.

10.555 AEROBATIC FLIGHT

(a) No person may operate an aircraft in aerobatic flight—
  (1) Over any city, town or settlement;
  (2) Over an open air assembly of persons;
  (3) Within the lateral boundaries of the surface areas of Class B, C, D or E airspace designated for an aerodrome;
  (4) Below an altitude of 450 m (1,500 feet) above the surface; or
  (5) When the flight visibility is less than 5 km (3 sm).

(b) Each pilot of an aircraft shall, before commencing acrobatic maneuvers, contact the appropriate air traffic services unit for advice and/or clearance.

(c) No person may operate an aircraft in manoeuvres exceeding a bank of 60 degrees or pitch of 30 degrees from level flight attitude unless all occupants of the aircraft are wearing parachutes packed by a qualified parachute rigger in the past 12 calendar months.

10.560 FLIGHT TEST AREAS

(a) No person may flight-test an aircraft except—
  (1) As authorised by the Authority; and
  (2) Conducted over open water or sparsely populated areas having light traffic.

10.565 Danger, Prohibited & Restricted Areas

(a) No person may operate an aircraft in a danger area, restricted area or prohibited area, the particulars of which have been duly published, except—

(1) In accordance with the conditions of the restrictions; or

(2) By permission of the State over whose territory the areas are established.

10.570 Required Special Airspace Approvals (PBN, MNPS, RVSM, PBC)

(a) No person may operate in airspace or on routes for where PBN (RNP), MNPS, RVSM or PBC (RCP) performance specifications have been prescribed without a written approval issued by the Authority indicating—

(1) The navigation and communications capability of the aircraft satisfies the requirements specified for such operations;

(2) The operator has instituted appropriate procedures in respect of continued airworthiness (maintenance and repair) practices and program; and

(3) The operator has instituted appropriate flight crew procedures for operations in the authorised airspace.

(4) The approval is valid globally only when any operating procedures specific to a given region are stated in the operations manual or appropriate crew guidance.

Refer to Appendix 1 to 10.570 for additional requirements prescribed for Performance-Based Navigation.

Refer to Appendix 2 to 10.570 for additional requirements prescribed for Performance-Based Communications.

Refer to Appendix 3 to 10.570 for expanded requirements prescribed for RVSM operations.

(b) No person may operate an aircraft in airspace or on routes requiring a special authorisation by the Authority, except in accordance with the conditions of the procedures and restrictions required for this airspace.

(c) The operator and pilots involved shall provide an incident report in the form and manner prescribed by the Authority within 10 days of any deviation from the performance specifications of a route or airspace.

(d) The operator shall make application for one or more of these operational approvals in the form and manner prescribed by the Authority and complete the prescribed certification process 30 days prior to the intended operation.

10.571 Additional Operational Certification approvals

(a) Operators shall make application to the Authority and complete the certification process for the following approvals prior to operational use—

(1) Automatic Landing Systems;

(2) HUD (or equivalent) EVS, SVS, CVS, or any combination of these systems into a hybrid system;

(3) PBN variations, including RNP-APCH;

(4) ADS-C, including CPDLC;

(5) ADS-B-IN and -OUT;

(6) Performance-Based Surveillance (PBS);

(7) Electronic Flight Bag (EFB); and

(8) Other critical approvals identified by the Authority or by evolving international standards.

Refer to Appendix 1 to 10.571 for requirements regarding PBS approvals.

Refer to Appendix 2 to 10.571 for requirements regarding EFB approvals.

(b) The operator shall make application for these operational approvals in the form and manner prescribed by the Authority at least 30 days prior to the intended operation.

10.572 Heads-Up Displays, Vision & Imaging Systems

(a) Unless the installation and procedures are approved by the Authority, no person may operate an aircraft using an automatic landing systems, HUD or equivalent displays, EVS, SVS, CVS, or NVIS to—
  (1) Conduct descent or take-off in weather conditions below VFR minimums;
  (2) Conduct Instrument approach operations below Category I instrument approach minimums;
  (3) Reduce or satisfy visibility requirements;
  (4) Compensate for required ground facilities;
  (5) Conduct night operations to a site other than an aerodrome or heliport; or
  (6) Gain any other operational benefit related to these Regulations.

Refer to Appendix 1 to 10.572 for expanded requirements for these approvals.

(b) In consideration of the approval of operational credit(s) for operations with aircraft equipped with a HUD or equivalent displays, EVS, SVS or CVS, these approvals shall not affect the classification of the instrument approach procedure..

(c) The operator shall make application for one or more of these operational approvals in the form and manner prescribed by the Authority 30 days prior to the intended operation and complete the prescribed certification process prior to operational use.

10.575 OPERATIONS on or in the Vicinity of an Aerodrome

(a) Each pilot of an aircraft operated on or in the vicinity of an aerodrome shall, whether or not within an aerodrome traffic zone—
  (1) Observe other aerodrome traffic for the purpose of avoiding collision;
  (2) Conform with or avoid the pattern of traffic formed by other aircraft in operation;
  (3) Make all turns to the left, when approaching for a landing and after taking off, unless otherwise instructed;
  (4) Comply with any traffic patterns established by the authorities having jurisdiction over that aerodrome.
  (5) Land and take off into the wind unless safety, the runway configuration, or air traffic considerations determine that a different direction is preferable, and
  (6) Comply with traffic light signals when radio communication cannot be established.

(b) A helicopter shall avoid the flow of aero planes.

10.577 Operations in Certain Airspace

(a) No person may operate an aircraft in Class A airspace unless they are operating under IFR in accordance with an ATS clearance.

(b) No person may operate an aircraft in Class B, C, D or E airspace unless they establish two-way radio communications with the controlling ATS facility prior to entering and, while operating in that airspace—
  (1) Operate on an ATS clearance; and
  (2) Maintain two-way communications.

10.580 Aerodrome Traffic Pattern Altitudes: Turbojet or Large Aircraft

(a) When arriving at an aerodrome, the PIC of a turbojet or large aircraft shall enter the traffic pattern at least 1,500 feet AGL until further descent is required for landing.

(b) When departing, the PIC of a turbojet or large aircraft shall climb to 1,500 AGL as rapidly as practicable.

10.583 AEROPLANE OPERATING PROCEDURES FOR LANDING PERFORMANCE

(a) The PIC shall not continue an approach to land below 300 m (1 000 ft) above aerodrome elevation unless satisfied that, with the runway surface condition information available, the aeroplane performance information indicates that a safe landing can be made.

10.585 COMPLIANCE WITH VISUAL & ELECTRONIC GLIDE SLOPES

(a) The PIC of an aeroplane approaching to land on a runway served by a visual approach slope indicator shall maintain an altitude at or above the glide slope until a lower altitude is necessary for a safe landing.

(b) The PIC of a turbojet or large aeroplane approaching to land on a runway served by an ILS shall fly that aeroplane at or above the glide slope from the point of interception to the middle marker.

10.587 STABILIZED FINAL APPROACH

(a) The PIC of an aeroplane on final approach for landing will establish the aircraft in landing configuration (landing gear, flaps, airspeed, attitude and power) at or before 150 m (500 ft) above the elevation of the runway touchdown zone and maintain a stabilized configuration until the landing flare.

10.589 MAXIMUM AIRSPEEDS

(a) Unless otherwise authorised by ATS, no person may operate an aircraft at an airspeed greater than—

(1) 340 kph (180 knots) in the aerodrome traffic area.

(2) 400 kph (210 knots) while in an assigned holding pattern, unless authorised by ATS clearance for a higher airspeed.

(3) 475 kph (250 knots) between the surface and 3,000 m (10,000 ft). MSL.

10.590 RESTRICTION OR SUSPENSION OF OPERATIONS: COMMERCIAL AIR TRANSPORT

(a) If a PIC or an AOC holder knows of conditions, including aerodrome and runway conditions, that are a hazard to safe operations, that person shall restrict or suspend all commercial air transport operations to such aerodromes and runways as necessary until those conditions are corrected.

10.595 CONTINUATION OF FLIGHT

(a) No person may continue a flight towards the aerodrome of intended landing, unless the latest available information indicates that at the expected time of arrival, a landing can be effected at that aerodrome, or at least one alternate aerodrome, in compliances with the operating minima applicable to that flight.

10.597 CONTINUATION OF FLIGHT: COMMERCIAL AIR TRANSPORT

(a) No PIC may allow a flight to continue toward any aerodrome of intended landing where commercial air transport operations have been restricted or suspended, unless—

(1) In the opinion of the PIC, the conditions that are a hazard to safe operations may reasonably be expected to be corrected by the estimated time of arrival; or

(2) There is no safer procedure.

10.600 INTERCEPTION BY MILITARY OR GOVERNMENT AIRCRAFT

(a) No pilot may conduct an international flight unless the procedures and visual signals relating to actions to be taken when intercepted by military or government aircraft are readily available on the flight deck.

(b) When intercepted by a military or government aircraft, each PIC shall comply with the international standards when interpreting and responding to visual signals as prescribed by the Authority.

10.601 OVERWATER OPERATIONS OF HELICOPTERS

(a) No person may operate a helicopter over water beyond a safe forced landing distance from land unless—

(1) That helicopter has been certified for ditching, and

(2) Information about the ditching procedures and the sea state are available in the aircraft.

SUBPART I: OPERATIONS IN CONTROLLED FLIGHT

10.603 APPLICABILITY & COMPLIANCE

(a) The flight rules of this Subpart are applicable to all operations of aircraft in the airspace of Rwanda and, for international flights, wherever they may be, to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown.

(b) The holders of airman licenses issued by Rwanda shall comply with these rules when flying outside Rwanda, except where these rules may differ with the other State, in which case compliance with the rules of the State or region being overflown is required.

10.605 ATC CLEARANCES

(a) Each PIC shall obtain an ATC clearance prior to operating a controlled flight, or a portion of a flight as a controlled flight.

(b) Each PIC shall request an ATC clearance through the submission of a flight plan to an ATC facility.

(c) Whenever an aircraft has requested a clearance involving priority, each PIC shall submit a report explaining the necessity for such priority, if requested by the appropriate ATC facility.

(d) No person operating an aircraft on a controlled aerodrome may taxi on the manoeuvring area or any runway without clearance from the aerodrome control tower.

10.610 ADHERENCE TO ATC CLEARANCES

(a) When an ATC clearance has been obtained, no PIC may deviate from the clearance, except in an emergency, unless he or she obtains an amended clearance. This requirement does not prohibit a pilot from cancelling an IFR clearance when operating in VMC conditions or cancelling a controlled flight clearance when operating in airspace that does not required controlled flight.

(b) When operating in airspace requiring controlled flight, no PIC may operate contrary to ATC instructions, except in an emergency.

(c) Each PIC who deviates from an ATC clearance or instructions in an emergency, shall—

(1) Notify ATC of that deviation as soon as circumstances permit; and

(2) State that this action has been taken under emergency authority.

(d) A flight plan may cover only part of a flight, as necessary, to describe that portion of the flight or those manoeuvres which are subject to air traffic control. A clearance may cover only part of a current flight plan, as indicated in a clearance limit or by reference to specific manoeuvres such as taxiing, landing or take-off.

10.615 COMMUNICATIONS & COMMUNICATIONS FAILURE

Listening Watch

(a) Each person operating an aircraft on a controlled flight under VFR or IFR shall maintain a continuous air-ground voice communication watch on the appropriate communication channel or, and establish two-way communication as necessary with, the appropriate ATS unit, except as may be prescribed by the appropriate ATS authority in respect of aircraft forming part of aerodrome traffic at a controlled aerodrome.

SELCAL or similar automatic signalling devices may be used to satisfy the requirement to maintain a continuous listening watch.

The requirement for an aircraft to maintain air-ground voice communication watch remains in effect after CPDLC has been established.

Communications Failure: General

(b) If a communication failure precludes compliance with paragraph (a), the pilot shall comply with the voice communication failure procedures of Annex 10, Volume II, and with such of the following procedures as are appropriate.

(c) In event of communications failure, the pilot shall attempt to establish communications with the appropriate air traffic control unit using all other available means.

(d) In addition, the pilot shall, when forming part of the aerodrome traffic at a controlled aerodrome, shall keep a watch for such instructions as may be issued by visual signals.

Communications Failure: Visual Meteorological Conditions

(e) If in visual meteorological conditions, the PIC shall—

(1) Continue to fly in visual meteorological conditions; land at the nearest suitable aerodrome; and report its arrival by the most expeditious means to the appropriate air traffic services unit; or

(2) If considered advisable, complete an IFR flight in accordance with paragraph (f).

Communications Failure: Instrument Meteorological Conditions

(f) If in instrument meteorological conditions or when the pilot of an IFR flight considers it inadvisable to complete the flight in VMC, the PIC shall—

(1) Unless otherwise prescribed on the basis of regional air navigation agreement, in airspace where radar is not used in the provision of air traffic control, maintain the last assigned speed and level, or minimum flight altitude if higher, for a period of 20 minutes following the aircraft's failure to report its position over a compulsory reporting point and thereafter adjust level and speed in accordance with the filed flight plan;

(2) In airspace where radar is used in the provision of air traffic control, maintain the last assigned speed and level, or minimum flight altitude if higher, for a period of 7 minutes following—

(i) The time the last assigned level or minimum flight altitude is reached; or

(ii) The time the transponder is set to Code 7600; or

(iii) The aircraft's failure to report its position over a compulsory reporting point; whichever is later, and thereafter adjust level and speed in accordance with the filed flight plan;

(g) When being radar vectored or having been directed by ATC to proceed offset using area navigation (RNAV) without a specified limit, rejoin the current flight plan route no later than the next significant point, taking into consideration the applicable minimum flight altitude;

(h) Proceed according to the current flight plan route to the appropriate designated navigation aid or fix serving the destination aerodrome and, when required to ensure compliance with (i) below, hold over this aid or fix until commencement of descent;

(i) Commence descent from the navigation aid or fix specified in (h) at, or as close as possible to, the expected approach time last received and acknowledged; or, if no expected approach time has been received and acknowledged, at, or as close as possible to, the estimated time of arrival resulting from the current flight plan; estimated time of arrival specified in (h) or the last acknowledged expected approach time, whichever is later; and

(j) Complete a normal instrument approach procedure as specified for the designated navigation aid or fix; and

(k) Land, if possible, within 30 minutes after the estimated time of arrival specified in e) or the last acknowledged expected approach time, whichever is later.

10.620 ROUTE TO BE FLOWN

(a) Unless otherwise authorised or directed by the appropriate ATC facility, the PIC of a controlled flight shall, in so far as practicable—
  (1) When on an established ATC route, operate along the defined centre line of that route; or
  (2) When on any other route, operate directly between the navigation facilities and/or points defining that route.

(b) The PIC of a controlled flight operating along an ATC route defined by reference to VORs shall change over for primary navigation guidance from the facility behind the aircraft to that ahead of it at, or as close as operationally feasible to, the change-over point, where established.

(c) The requirements of this Section do not prohibit manoeuvring the aircraft to pass well clear of other air traffic or the manoeuvring of the aircraft in VFR conditions to clear the intended flight path both before and during climb or descent.

(d) The PIC of a controlled flight shall notify the appropriate ATC facility of any deviations of paragraph (a) or (b).

10.625 DEVIATIONS FROM PLANNED FLIGHT

(a) A PIC shall take the following action in the event that a controlled flight deviates from its current flight plan—
  (1) *Deviation from track.* If the aircraft is off track, the PIC shall adjust the heading of the aircraft forthwith to regain track as soon as practicable.
  (2) *Deviation from ATC assigned Mach number/indicated airspeed:* the appropriate air traffic services unit shall be informed immediately
  (3) Deviation from Mach number/true airspeed: if the sustained Mach number/true airspeed at cruising level varies by plus or minus Mach 0.02 or more, or plus or minus 19 km/h (10 kt) true airspeed or more from the current flight plan, the appropriate air traffic services unit shall be so informed.
  (4) *Change in time estimate:* except where ADS-C is activated and serviceable in airspace where ADS-C services are provided, if the time estimate for the next applicable reporting point, flight information region boundary or destination aerodrome, whichever comes first, changes in excess of 2 minutes from that previously notified to air traffic services, or such other period of time as is prescribed by the appropriate ATS authority or on the basis of regional air navigation agreements, the flight crew shall notify the appropriate air traffic services unit as soon as possible.

(b) When ADS-C services are provided and ADS-C is activated, the air traffic services unit shall be informed automatically via data link whenever changes occur beyond the threshold values stipulated by the ADS event contract.

10.630 ATC CLEARANCE: INTENDED CHANGES

(a) Requests for current flight plan changes shall include the following information—
  (1) *Change of cruising level*. Aircraft identification, requested new cruising level and cruising speed at this level, and revised time estimates, when applicable, at subsequent reporting points or flight information region boundaries.
  (2) *Change of Mach number/true airspeed*: aircraft identification; requested Mach number/true airspeed.
  (3) *Change of route—*
    (i) *Destination unchanged*. Aircraft identification, flight rules; description of new route of flight including related flight plan data beginning with the position from which requested change of route is to commence; revised time estimates, and any other pertinent information.
    (ii) *Destination change*. Aircraft identification; flight rules; description of revised route of flight to revised destination aerodrome including related flight plan data, beginning with the position

from which requested change of route is to commence; revised time estimates; alternate aerodrome(s); any other pertinent information.

10.635 Position Reports

(a) Each pilot of a controlled flight shall report to the appropriate ATC facility, as soon as possible, the time and level of passing each designated compulsory reporting point, together with any other required information, unless exempted from this requirement by the appropriate ATC authority.

(b) Each pilot of a controlled flight shall make position reports in relation to additional points or intervals when requested by the appropriate ATC unit.

(c) In the absence of designated reporting points, pilot shall make position reports at intervals prescribed by the appropriate ATS authority or specified by the appropriate air traffic services unit.

(d) Pilot of controlled flights providing position information to the appropriate air traffic services unit via data link communications shall only provide voice position reports when requested.

10.637 Formation Flights in Controlled Airspace

(a) No person will operate an aircraft in formation flight in controlled airspace unless those operations are conducted in accordance with an ATS clearance and any other prescribed conditions including--

(1) The formation operates as a single aircraft with regards to navigation and position reporting;

(2) Separation between aircraft in the flight shall be the responsibility of the flight leader and the PICs of the individual aircraft; and

(3) A distance not exceeding 1 km (0.5 NM) laterally and longitudinally and 30 meters (100 ft) vertically from the flight leader shall be maintained by both aircraft.

(a) The separation requirements of (a) also apply to periods of transition when aircraft are manoeuvring to attain their own separation within the formation and during join-up and break-away.

10.640 Operations on or in the Vicinity of a Controlled Aerodrome

(a) No person may operate an aircraft to, from, through, or on an aerodrome having an operational control tower unless two-way communications are maintained between that aircraft and the control tower.

(b) On arrival, each PIC shall establish communications required by paragraph (a) of this Section prior to 4 nautical miles from the aerodrome when operating from the surface up to and including 2,500 feet.

(c) On departure, each PIC shall establish communications with the control tower prior to taxi.

(d) *take-off, landing, taxi clearance*. No person may, at any aerodrome with an operating control tower, operate an aircraft on a runway or taxiway or take-off or land an aircraft, unless an appropriate clearance has been received by ATC.

(e) A clearance to “taxi to” the take-off runway is not a clearance to cross or taxi on to that runway. It does authorise the PIC to cross other runways during the taxi to the assigned runway. A clearance to “taxi to” any other point on the aerodrome is a clearance to cross all runways that intersect the taxi route to the assigned point.

Note: Section 10.540(f) deleted - this requirement relocated to Section 10.615.

10.643 Termination of control

(a) The pilot of a controlled flight shall, except when landing at a controlled aerodrome, advise the appropriate ATC unit as soon as it ceases to be subject to air traffic control service.

10.645 Unlawful Interference

(a) A PIC shall, when and if possible, notify the appropriate ATC facility when an aircraft is being subjected to unlawful interference, including—

(1) Any significant circumstances associated with the unlawful interference; and
(2) Any deviation from the current flight plan necessitated by the circumstances, in order to enable the ATS unit to give priority to the aircraft and to minimize conflict with other aircraft..

(b) If an aircraft is subjected to unlawful interference, the pilot-in-command shall attempt to land as soon as practicable—
(1) At the nearest suitable aerodrome; or
(2) At a dedicated aerodrome assigned by the appropriate authority unless considerations aboard the aircraft dictate otherwise.

(c) Following an act of unlawful interference, the PIC shall submit the report required by Section 10.260 to the designated local authority.

10.650 TIME CHECKS

(a) Each PIC shall use Coordinated Universal Time (UTC), expressed in hours and minutes of the 24-hour day beginning at midnight, in flightoperations.

(b) Each PIC shall obtain a time check prior to operating a controlled flight and at such other times during the flight as may be necessary.

(c) Wherever time is utilized in the application of data link communications, it shall be accurate to within 1 second of UTC.

10.655 UNIVERSAL SIGNALS

(a) Upon observing or receiving any of the designated universal aviation signals, each person operating an aircraft shall take such action as may be required by the interpretation of the signal.

Note: Refer to AC 10-001, AC 10-002 and AC 10-003 for specific guidance regarding the universal aviation signals. This guidance corresponds to that provided in ICAO Annex 2, Appendix 1.

(b) Universal signals shall have only the meanings designated.

(c) Each person using universal signals in the movement of aircraft shall only use them for the purpose indicated.

(d) No person may use signals likely to cause confusion with universal aviation signals.

SUBPART J: VFR FLIGHT RULES

10.659 APPLICABILITY

(a) The VFR rules of this Subpart are applicable in the airspace of Rwanda and, for international flights, wherever they may be, to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown.

(b) The holders of airman licenses issued by Rwanda shall comply with these rules when flying outside Rwanda, except where these rules may differ with the other State, in which case compliance with the rules of the State or region being overflown is required.

10.660 VISUAL METEOROLOGICAL CONDITIONS

(a) No person may operate an aircraft under VFR when the flight visibility is less than, or at a distance from the clouds that is less than that prescribed in Appendix 1 to 10.660, or the corresponding altitude and class of airspace prescribed by the International Civil Aviation Organisation (ICAO) in Annex 2 – Rules of the Air.

10.665 VFR WEATHER MINIMUMS FOR TAKE-OFF & LANDING

(a) No person may enter the traffic pattern, land or take-off an aircraft under VFR from an aerodrome located in Class B, Class C, Class D or Class airspace unless the—

(1) Reported ceiling is at least 450 m (1,500 ft); and
(2) Reported ground visibility is at least 5 km (3 sm), if reported.

(b) If the ground visibility is not reported, the pilot shall maintain 5 km (3 sm) flight visibility.

(c) Class G Airspace. No person may enter the traffic pattern, land or take-off an aircraft under VFR from an aerodrome located in Class G airspace below 360 m (1,200 ft) AGL unless—
(1) *For aero planes*. The visibility is at least 2 km (1 sm) and the aircraft can be operated clear of clouds within 1 km (one-half mile) of the runway; or
(2) *For helicopters*. The helicopter can be operated clear of clouds at a speed that allows the pilot adequate opportunity to see any air traffic or obstruction in time to avoid a collision.

(d) The only exception to the required weather minimums of this Section is during a Special VFR operation.

10.670 SPECIAL VFR OPERATIONS

(a) No person may conduct a Special VFR flight operation to enter the traffic pattern, land or take-off an aircraft under Special VFR from an aerodrome located in Class B, Class C, Class D or Class airspace unless—
(1) Authorised by an ATC clearance;
(2) The aircraft remains clear of clouds; and
(3) The flight visibility is at least 1 statute mile.

(b) No person may conduct a Special VFR flight operation in an aircraft between sunset and sunrise unless the—
(1) The PIC is current and qualified for IFR operations; and
(2) The aircraft is qualified to be operated for IFR flight.

10.675 VFR CRUISING ALTITUDES

(a) Except as provided in paragraph (b), each person operating an aircraft in level cruising flight under VFR at altitudes above 900 m (3,000 ft), but below FL 290, above the ground or water, shall maintain—
(1) For magnetic track from zero degrees to 179 degrees, any odd thousand MSL altitude or flight level plus 150 m (500 ft).
(2) For magnetic track from 180 degrees to 359 degrees, any even thousand MSL altitude or flight level plus 150 m (500 ft)).

(b) The ultimate selection of a VFR cruising altitude shall correspond to the appropriate table in Appendix 1 to 10.494.

(c) The requirement of paragraph (a) does not apply—
(1) When otherwise authorised by ATC;
(2) When operating in a holding pattern; or
(3) During manoeuvring in turns.

10.680 ATC CLEARANCES FOR VFR FLIGHTS

(a) Each pilot of a VFR flight shall obtain and comply with ATC clearances and maintain an air-ground communications watch before and during operations—
(1) Within Classes B, C and D airspace;
(2) As part of aerodrome traffic at controlled aerodromes;
(3) Under Special VFR;
(4) Crossing international borders; and
(5) On other routes as required by ATS or the national authority.

10.685 VFR Flights Requiring ATC Authorisation

(a) Unless authorised by the appropriate ATC authority, no pilot may operate in VFR flight—
  (1) Above FL 200; or
  (2) At transonic and supersonic speeds.

10.687 VFR Flight Not Authorised in RVSM AIRSPACE

(a) Authorisation for VFR flights to operate above FL 290 shall not be granted in areas where a vertical separation minimum of 300 m (1 000 ft) is applied above FL 290.

10.690 Weather Deterioration Below VMC

(a) Each pilot of a VFR flight operated as a controlled flight shall, when he or she finds it is not practical or possible to maintain flight in VMC in accordance with the ATC flight plan—
  (1) Request an amended clearance enabling the aircraft to continue in VMC to its destination or to an alternative aerodrome, or to leave the airspace within which an ATC clearance is required;
  (2) If no clearance can be obtained, continue to operate in VMC and notify the appropriate ATC facility of the action being taken either to leave the airspace concerned or to land at the nearest suitable aerodrome;
  (3) Operating within a control zone, request authorisation to operate as a special VFR flight; or
  (4) Request clearance to operate in IFR, if currently rated for IFR operations.

10.695 Changing from VFR to IFR

(a) Each pilot operating in VFR who wishes to change to IFR shall—
  (1) If a flight plan was submitted, communicate the necessary changes to be effected to its current flight plan; or
  (2) Submit a flight plan to the appropriate ATC facility and obtain a clearance prior to proceeding IFR when in controlled airspace.

Note. Section 10.700 deleted - requirements relocated to Section 10.615]

Subpart K: IFR Flight Rules

10.703 Applicability & Compliance

(a) The IFR rules of this Subpart are applicable in the airspace of Rwanda and, for international flights, wherever they may be, to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown.

(b) The holders of airman licenses issued by Rwanda shall comply with these rules when flying outside Rwanda, except where these rules may differ with the other State, in which case compliance with the rules and procedures of the State or region being overflown is required.

10.705 IFR in Controlled airspace

(a) No person may operate an aircraft in controlled airspace under IFR unless that person has—
  (1) Filed an IFR flight plan;
  (2) Received an appropriate ATC clearance; and
  (3) Maintains a continuous air-ground communication watch on the appropriate ATS frequency

(b) A pilot may elect to fly in accordance with instrument flight rules in visual meteorological conditions or may be required to do so by the appropriate ATS facility.

10.710 IFR Flights Outside Controlled Airspace

(a) Each PIC of an IFR flight operating outside controlled airspace but within or into areas, or along routes, designated by the appropriate ATC authority, shall—
  (1) File a flight plan;
  (2) Maintain a continuous air-ground communication watch on the appropriate ATS frequency and establish two-way communications with the ATS unit providing flight information service; and
  (3) Make position reports as required for controlled flights.

(b) Each PIC of an IFR flight operating outside controlled airspace that is required to comply with (a) shall report position using the same phraseology and sequencing as specified for controlled flights.

10.714 IFR Take-Off Minimums: General Aviation

(a) A flight to be conducted in accordance with the instrument flight rules shall not—
  (1) Take off from the departure aerodrome unless the meteorological conditions, at the time of use, are at or above the aerodrome operating minima for that operation; and
  (2) Take off or continue beyond the point of in-flight re-planning unless at the aerodrome of intended landing or at each alternate aerodrome to be selected in compliance with Section 10.380 and 10.385, current meteorological reports or a combination of current reports and forecasts indicate that the meteorological conditions will be, 1 hour before and after the ETA, at or above the aerodrome operating minima for that operation.

10.715 IFR Take-Off Minimums for Commercial Air Transport

(a) Unless otherwise approved by the Authority, no pilot operating an aircraft in commercial air transport operations may accept a clearance to take off from a civil aerodrome under IFR unless weather conditions are at or above—
  (1) For aircraft, other than helicopters, having two engines or less; 1 statute mile visibility.
  (2) For aircraft having more than two engines; 1/2 statute mile visibility.
  (3) For helicopters; 1/2 statute mile visibility.

10.720 Minimum Altitudes for IFR Operations

(a) *Operation of aircraft at minimum altitudes*. Except when necessary for take-off or landing, no person may operate an aircraft under IFR below—
  (1) The applicable minimum altitudes prescribed by the authorities having jurisdiction over the airspace being overflown; or
  (2) If no applicable minimum altitude is prescribed by the authorities—
    (i) Over high terrain or in mountainous areas, at a level which is at least 900 m (2,000 ft) above the highest obstacle located within 8 km (5 sm) of the estimated position of the aircraft; and
    (ii) Elsewhere than as specified in paragraph (a) of this Section, at a level which is at least 600 m (I,000 ft) above the highest obstacle located within 8 km (5 sm) of the estimated position of the aircraft.
  (3) If an MEA and a MOCA are prescribed for a particular route or route segment, a person may operate an aircraft below the MEA down to, but not below, the MOCA, when within 22 nautical miles of the VOR concerned.

(b) *Climb for obstacle clearance*.
  (1) If unable to communicate with ATC, each pilot shall climb to a higher minimum IFR altitude immediately after passing the point beyond which that minimum altitude applies.
  (2) If ground obstructions intervene, each pilot shall climb to a point beyond which that higher minimum altitude applies, at or above the applicable MCA.

10.725 Minimum Altitudes for Use of an Autopilot

(a) For en route operations, no person may use an autopilot at an altitude above the terrain that is less than 500 feet.

(b) For instrument approach operations, no person may use an autopilot at an altitude above the terrain that is less than 50 feet below the MDA or DH.

(c) For Category III approaches, the Authority may approve the use of a flight control guidance system with automatic capability to touchdown.

(d) If the maximum altitude loss specified in the AFM for a malfunction, when multiplied by two is more than—

(1) *For en route operations,* 500 feet, then it becomes the controlling minimum altitude for use of the autopilot; or

(2) *For instrument approach operations*, 50 feet, then it becomes the controlling minimum altitude for use of the autopilot..

10.730 IFR Cruising Altitude or Flight Level in Controlled Airspace

(a) Each person operating an aircraft under IFR in level cruising flight in controlled airspace shall maintain the altitude or flight level—

(1) Assigned that aircraft by ATC; or

(2) Specified by the appropriate ATS authority in Aeronautical Information Publications.

(b) In all other situations involving the selection of an IFR cruising level, the appropriate table in Appendix 1 to 10.494 shall be used.

(c) If the ATC clearance assigns "VFR conditions on-top," each person shall maintain a VFR cruising altitude in VMC.

10.735 IFR Cruising Altitude or Flight Level in Uncontrolled Airspace

(a) Except when otherwise specified by the appropriate ATS facility or as provided in paragraph (b) or (c), each person operating an aircraft in level cruising flight under IMC at altitudes above 900 m (3,000 ft), but below Flight Level 290, from the ground or water, shall maintain—

(1) For magnetic courses from zero degrees to 179 degrees, any odd thousand MSL altitude or flight level, such as 5,000, 7,000, or FL 210; and

(2) For magnetic courses from 180 degrees to 359 degrees, any even thousand MSL altitude or flight level, such as 4,000, 6,000 or FL 220.

(b) The ultimate selection of an IFR cruising altitude shall correspond to the appropriate table in Appendix 1 to 10.494.

(c) A person may deviate from the cruising altitudes specified in paragraph (a) of this Section only when—

(1) Authorised by ATC;

(2) Operating in a holding pattern; or

(3) Manoeuvring in turns.

10.740 IFR Radio communications

(a) Each PIC of an aircraft operated under IFR in controlled airspace shall have a continuous watch maintained on the appropriate frequency and shall report by radio as soon as possible—

(1) The time and altitude of passing each designated reporting point, or the reporting points specified by ATC, except that while the aircraft is under radar control, only the passing of those reporting points specifically requested by ATC need be reported;

(2) Any unforecast weather conditions encountered; and

(3) Any other information relating to the safety of flight, such as hazardous weather or abnormal radio station indications.

10.745 Operation Under IFR in Controlled Airspace: Malfunction reports

(a) The PIC of each aircraft operated in controlled airspace under IFR shall report as soon as practical to ATC any malfunctions of navigational, approach, or communication equipment occurring in flight.

(b) In each report specified in paragraph (a) of this Section, the PIC shall include the—

(1) Aircraft identification;
(2) Equipment affected;
(3) Degree to which the capability of the pilot to operate under IFR in the ATC system is impaired; and
(4) Nature and extent of assistance desired from ATC.

10.750 Continuation of IFR Flight Toward a Destination

(a) No pilot may continue an IFR flight toward an aerodrome or heliport of intended landing, unless the latest available meteorological information indicates that the conditions at that aerodrome, or at least one destination alternate aerodrome will, at the expected time of arrival, be at or above the specified instrument approach minima.

10.755 Instrument Approaches to Civil Aerodromes

(a) Each person operating an civil aircraft shall use a standard instrument approach procedure prescribed by the State having jurisdiction over the aerodrome, unless specifically approved by that State.

(c) No person may make an instrument approach at an aerodrome except in accordance with IFR weather minimums and the published instrument approach procedures.

(b) For the purpose of this Section, when the approach procedure being used provides for and requires the use of a DH or MDA, the authorised DH or MDA is the highest of the following—

(1) The DH or MDA prescribed by the approach procedure.
(2) The DH or MDA prescribed for the PIC.
(3) The DH or MDA for which the aircraft is equipped.

10.757 Approval Required: Category II or III Approaches

(a) No person may operate an aircraft to the instrument approach minimums for Category II or III approaches unless pilots are—

(1) Holders of written authorisation issued by the Authority; or
(2) Authorised under operations specifications issued to the AOC holder.

(b) No person may operate an aircraft in the conduct of an instrument approach requiring a special authorisation by the Authority, except in accordance with the conditions of the procedures and restrictions required for this approach.

10.760 Runway Visual Range (RVR) MINIMUMS

(a) No person may operate an aircraft for the purpose of the following landing or take-off operations at an aerodrome unless adequate landing and rollout Runway Visual Range (RVR) information is available—

(1) take-off, approach and landing operations with reported visibility less than 800 m; and
(2) Category II and III Approaches.

(b) Where RVR is used, the controlling RVR is the touchdown RVR, unless otherwise specified by the Authority.

(a) *For helicopter operations,* the Authority may approve the use of an alternate method that provides a precise measurement or observation of visibility.

10.765 CONTINUING AN INSTRUMENT APPROACH

(a) No pilot may continue below 300 m (1 000 ft) above the aerodrome elevation or into the final approach segment unless the reported visibility or controlling RVR is at or above the aerodrome operating minima for that procedure.

(b) If after entering the final approach segment or after descending below 300 m (1,000 ft) above the aerodrome elevation, the reported visibility or controlling RVR falls below the specified minimum, the pilot may continue the approach to DA/H or MDA/H.

(c) In any case, no pilot may continue its approach-to-land at any aerodrome beyond a point at which the limits of the operating minima specified for that aerodrome would be infringed.

10.770 OPERATION BELOW DH OR MDA

(a) No pilot may continue an approach-to-land beyond a point at which the limits of the aerodrome operating minima would be infringed.

(b) Where a DH or MDA is applicable, no pilot may operate a civil aircraft at any aerodrome or heliport below the authorised MDA, or continue an approach below the authorised DH unless—

(1) The aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal manoeuvres;

(2) *For commercial air transport operations*, a descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing;

(3) The flight visibility is not less than the visibility prescribed in the standard instrument approach being used; and

(4) At least one of the following visual references for the intended runway is distinctly visible and identifiable to the pilot—

(i) The approach light system, except that the pilot may not descend below 100 feet above the touchdown zone elevation using the approach lights as a reference unless the red terminating bars or the red side row bars are also distinctly visible and identifiable.

(ii) The threshold;

(iii) The threshold markings;

(iv) Threshold lights;

(v) The runway end identifier lights;

(vi) The visual approach slope indicator;

(vii) The touchdown zone or touchdown zone markings;

(viii) The touchdown zone lights;

(ix) The runway or runway markings; or

(x) The runway lights.

(c) These visual references specified in (a) do not apply to Category II and III operations. The required visual references under Category II and III operations are provided in the AOC holder's operations specifications or a special authorisation prescribed by the Authority.

10.772 THRESHOLD CROSSING HEIGHT FOR PRECISION APPROACHES

(a) An operator shall establish operational procedures designed to ensure that an airplane being used to conduct precision approaches crosses the threshold by a safe margin with the airplane in the landing configuration and attitude.

10.775 LANDING DURING INSTRUMENT METEOROLOGICAL CONDITIONS

(a) No pilot operating a civil aircraft may land that aircraft when the flight visibility is less than the visibility prescribed in the standard instrument approach procedure being used.

(b) No pilot may continue a precision approach to landing unless in compliance with operational procedures that ensure the aircraft will cross the threshold by a safe margin with the aircraft in landing configuration and attitude.

10.780 EXECUTION OF A MISSED APPROACH PROCEDURE

(a) Each pilot operating a civil aircraft shall immediately execute an appropriate missed approach procedure when either of the following conditions exist—

(1) Whenever the required visual reference criteria is not met in the following situations—

(i) When the aircraft is being operated below MDA; or

(ii) Upon arrival at the missed approach point, including a DH where a DH is specified and its use is required, and at any time after that until touchdown.

(2) Whenever an identifiable part of the aerodrome is not distinctly visible to the pilot during a circling manoeuvre at or above MDA, unless the inability to see an identifiable part of the aerodrome results only from a normal bank of the aircraft during the circling approach.

10.785 CHANGE FROM IFR FLIGHT TO VFR FLIGHT

(a) A pilot electing to change from IFR flight to VFR flight shall notify the appropriate ATC facility specifically that the IFR flight is cancelled and then communicate the changes to be made to his or her current flight plan.

(b) When acceptable to ATC, a pilot operating under IFR encountering VMC may cancel the IFR flight plan if the VMC conditions were anticipated and it is intended that the flight will be continued for a reasonable period of time in uninterrupted VMC.

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APPENDICES

APPENDIX 1 TO 10.035: INOPERATIVE INSTRUMENTS & EQUIPMENT

(a) This implementing standard authorises flight operations with inoperative instruments and equipment installed in situations where no master minimum equipment list (MMEL) is available and no MEL is required for the specific aircraft operation under these Regulations.

(b) The inoperative instruments and equipment may not be—

(1) VFR-day instruments and equipment prescribed in Part 6;

(2) Required on the aircraft's equipment list or the operations equipment list for the kind of flight operation being conducted;

(3) Required by Part 6 for the specific kind of flight operation being conducted; or

(4) Required to be operational by an airworthiness directive.

(c) To be eligible for these provisions, the inoperative instruments and equipment shall be—

(1) Determined by the PIC not to be a hazard to safe operation;

(2) Deactivated and placarded;

(3) *Inoperative*; and

Note: If deactivation of the inoperative instrument or equipment involves maintenance, it must be accomplished and recorded in accordance with Part 4.

(4) Removed from the aircraft, the flight deck control placarded and the maintenance recorded in accordance with Part 4.

(d) The following instruments and equipment may not be included in the MEL—

(1) Instruments and equipment that are either specifically or otherwise required by the certification airworthiness requirements and which are essential for safe operations under all operating conditions.

(2) Instruments and equipment required for operable condition by an airworthiness directive, unless the airworthiness directive provides otherwise.

(3) Instruments and equipment required for specific operations.

Note: The required instruments and equipment for specific operations are listed in Part 6.

APPENDIX 1 TO 10.051: CONTENTS OF JOURNEY LOG

(a) The operator shall provide a journey log for each aircraft involved in international operations which includes the following information—

(1) Aeroplane nationality and registration;

(2) Date;

(3) Crew member names and duty assignments;

(4) Departure and arrival points and times;

(5) Purpose of flight;

(6) Observations regarding the flight; and

(7) Signature of the pilot-in-command.

APPENDIX 1 TO 10.097: ACAS II TRAINING

(a) Appropriate training, to the satisfaction of the Authority, to competency in the use of ACAS II equipment and the avoidance of collisions may be evidenced by—

(1) Possession of a type rating for an aeroplane equipped with ACAS II, where the operation and use of ACAS II are included in the training syllabus for the type rating; or

(2) Possession of a document issued by a training organisation or person approved by the State to conduct training for pilots in the use of ACAS II, indicating that the holder has—
  (i) Been trained in accordance with the appropriate ACAS II training guidelines; or
  (ii) Received a comprehensive pre-flight briefing by a pilot who has been trained in the use of ACAS II in accordance with the ACAS II training guidelines.
(3) Signature of the pilot-in-command.

APPENDIX 1 TO 10.102: LOGGING OF FLIGHT TIME

(c) *Logging of solo flight time*. Except for a student pilot acting as PIC of an airship requiring more than one flight crew member, a pilot may log as solo flight time only that flight time when the pilot is the sole occupant of the aircraft.

(d) *Logging PIC flight time*—
(1) A private or commercial pilot may log PIC time only for that flight time during which that person is—
  (i) The sole manipulator of the controls of an aircraft for which the pilot is rated; or
  (ii) Acting as PIC of an aircraft on which more than one pilot is required under the type certification of the aircraft or the requirements under which the flight is conducted; or
  (iii) Performing the duties of PIC under the supervision of a check airman designated by the Authority, or
  (iv) A sole occupant.
(2) A qualified airline transport pilot may log as PIC time all of the flight time while acting as PIC of an operation requiring an airline transport pilot licence.
(3) An authorised instructor may log as PIC time all flight time while acting as an authorised instructor.
(4) A student pilot may log PIC time when the student pilot—
  (i) Is the sole occupant of the aircraft or is performing functions of the PIC of an airship requiring more than one flight crew member;
  (ii) Has a current solo flight endorsement; or
  (iii) Is undergoing training for a pilot licence or rating.

(e) *Logging co-pilot flight time*. A person may log co-pilot flight time only for that flight time during which that person—
(1) Is qualified in accordance with the requirements of this Part for co-pilot and occupies a pilot station of an aircraft—
  (i) Certificated to be operated with a co-pilot; or
  (ii) Engaged in operations of a aircraft certificated for a single pilot, but these type of operation requires a co-pilot;
(2) Holds the appropriate category, class, and instrument rating (if an instrument rating is required for the flight) for the aircraft being flown in operations requiring a co-pilot.
(3) Is involved in multi-crew operations that have been approved by the Authority.

(f) Logging instrument flight time.
(1) A person may log instrument flight time only for that flight time when the person operates the aircraft solely by reference to instruments under actual or simulated instrument flight conditions.
(2) An authorised instructor may log instrument flight time when conducting instrument flight instruction in actual instrument flight conditions.
(3) For the purposes of logging instrument flight time to meet the recency of instrument experience requirements, the following information shall be recorded in a person's logbook—
  (i) The location and type of each instrument approach accomplished; and
  (ii) The name of the safety pilot, if required.

(4) An approved flight simulator or approved flight training device may be used by a person to log instrument flight time, provided an authorised instructor is present during the simulated flight.

(g) *Logging flight instruction time*.

(1) A person may log flight instruction time when that person receives training from an authorised instructor in an aircraft, approved flight simulator, or approved flight training device.

(2) The flight instruction time shall be logged in a logbook and shall—

(i) Be endorsed in a legible manner by the authorised instructor;

(ii) Include a description of the training given, the length of the training lesson and the instructor's signature, licence number, and licence expiration date.

APPENDIX 2 TO 10.102: CREDITING OF FLIGHT TIME

(a) 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.

(b) The holder of a pilot licence, when acting as co-pilot at a pilot station of an aircraft certificated for operation by a single pilot but required by the Authority to be operated with a co-pilot, shall be entitled to be credited with not more than 50 per cent of the co-pilot flight time towards the total flight time required for a higher grade of pilot licence.

(c) The holder of a pilot licence may have the flight time specified in (b) credited in full towards the total flight time required if the aircraft is equipped (second instrument panel) to be operated by a co-pilot and the aircraft is operated in a multi-crew operation.

(d) 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.

(e) 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.

APPENDIX 1 TO 10.147: FLIGHT INSTRUCTOR RECORDS

(a) Each holder of a flight instructor shall comply with the following record keeping requirements—

(1) Sign the logbook of each person to whom that instructor has given flight training or ground training;

(2) Maintain a record in a logbook or a separate document that contains the following—

(i) The name of each person whose logbook or student pilot licence that instructor has endorsed for solo flight privileges, and the date of the endorsement; and

(ii) The name of each person that instructor has endorsed for a knowledge test or practical test, and a record of the kind of test, the date, and the results; and

(3) Retain the records required by this Section for at least 3 years.

APPENDIX 2 TO 10.147: FLIGHT INSTRUCTOR LIMITATIONS AND QUALIFICATIONS

(a) Each holder of a flight instructor licence shall observe the following limitations and qualifications—

(1) ***Hours of training***. In any 24-consecutive-hour period, a flight instructor may not conduct more than 8 hours of flight training.

(2) ***Required ratings***. A flight instructor may not conduct flight training in any aircraft for which the flight instructor does not hold—

(i) A pilot licence and flight instructor licence with the applicable category and class rating; and

(ii) If appropriate, a type rating, and.

(iii) For instrument flight training or for training for a type rating not limited to VFR, an appropriate instrument rating on his or her flight instructor licence and pilot licence.

(b) ***Limitations on endorsements***. A flight instructor may not endorse a—

(1) Student pilot's licence or logbook for solo flight privileges, unless that flight instructor has—

(i) Given that student the flight training required for solo flight privileges required by this Section;

(ii) Determined that the student is prepared to conduct the flight safely under known circumstances, subject to any limitations listed in the student's logbook that the instructor considers necessary for the safety of the flight;

(iii) Given that student pilot training in the make and model of aircraft or a similar make and model of aircraft in which the solo flight is to be flown; and

(iv) Endorsed the student pilot's logbook for the specific make and model aircraft to be flown.

(2) Student pilot's licence and logbook for a solo cross-country flight, unless that flight instructor has determined that—

(i) The student's flight preparation, planning, equipment, and proposed procedures are adequate for the proposed flight under the existing conditions and within any limitations listed in the logbook that the instructor considers necessary for the safety of the flight; and

(ii) The student has the appropriate solo cross-country endorsement for the make and model of aircraft to be flown.

(3) Student pilot's licence and logbook for solo flight in a Class B airspace area or at an aerodrome within Class B airspace unless that flight instructor has—

(i) Given that student ground and flight training in that Class B airspace or at that aerodrome; and

(ii) Determined that the student is proficient to operate the aircraft safely.

(4) Logbook of a pilot for a flight review, unless that instructor has conducted a review of that pilot in accordance with the requirements; or

(5) Logbook of a pilot for an instrument proficiency check, unless that instructor has tested that pilot in accordance with the requirements.

(c) ***Training in a multi engine aeroplane or helicopter***. A flight instructor may not give training required for the issuance of a licence or rating in a multi engine aeroplane or a helicopter, unless that flight instructor has at least 5 flight hours of PIC time in the specific make and model of multi engine aeroplane or helicopter, as appropriate.

(d) ***Training first-time flight instructors***. The qualifications of the flight instructor for training first-time flight instructor applicants.

(1) No flight instructor may provide instruction to another pilot who has never held a flight instructor licence unless that flight instructor—

(i) Holds a current ground or flight instructor licence with the appropriate rating, has held that licence for at least 24 months, and has given at least 40 hours of ground training; or

(ii) Meets the prescribed eligibility requirements;

(iii) For training in preparation for an aeroplane, rotorcraft, has given at least 200 hours of flight training as a flight instructor; and

(iv) For training in preparation for a glider rating, has given at least 80 hours of flight training as a flight instructor.

(e) ***Prohibition against self-endorsements***. A flight instructor may not make any self-endorsement for a licence, rating, flight review, authorisation, operating privilege, practical test, or knowledge test that is required by this Part.

(f) ***Category II and Category III instructions***: A flight instructor may not give training in Category II or Category III operations unless the flight instructor has been trained and tested in Category II or Category III operations as applicable.

APPENDIX 1 TO 10.175: USE OF PSYCHOACTIVE SUBSTANCES

(a) Whenever there is a reasonable basis to believe that a person may not be in compliance with 10.120 and upon the request of the Authority, that person shall furnish the Authority or authorise any clinic, doctor, or other person to release to the Authority, the results of each blood test taken for presence of alcohol or psychoactive substances up to 8 hours before or immediately after acting or attempting to act as a crew members.

(b) Any test information provided to the Authority under the provisions of this Section may be used as evidence in any legal proceeding.

APPENDIX 1 TO 10.185: FLIGHT CREW MEMBERS AT DUTY STATIONS

(a) A required flight crew member may leave the assigned duty station if the crew member is taking a rest period, and relief is provided—

(1) For the assigned PIC during the en route cruise portion of the flight by a pilot who holds an airline transport pilot licence and an appropriate type rating, and who is currently qualified as PIC or co-pilot, and is qualified as PIC of that aircraft during the en route cruise portion of the flight; and

(2) In the case of the assigned co-pilot, by a pilot qualified to act as PIC or co-pilot of that aircraft during en route operations.

APPENDIX 1 TO 10.400: DETERMINATION OF FLIGHT PLANNING SPEED: EDTO

(a) An AOC holder shall determine a speed for the calculation of the maximum distance to an adequate aerodrome for each two-engined aeroplane type or variant operated, not exceeding V_{mo} based upon the true airspeed that the aeroplane can maintain with one-engine-inoperative under the following conditions—

(1) International Standard Atmosphere;

(2) Level flight—

(i) For turbine engined powered aero planes at—

(A) FL 170; or

(B) At the maximum flight level to which the aeroplane, with one engine inoperative, can climb, and maintain, using the gross rate of climb specified in the AFM, whichever is less.

(ii) For propeller driven aero planes

(A) FL 80; or

(B) At the maximum flight level to which the aeroplane, with one engine inoperative, can climb, and maintain, using the gross rate of climb specified in the AFM, whichever is less.

(3) Maximum continuous thrust or power on the remaining operating engine;

(4) An aeroplane mass not less than that resulting from—

(i) Take-off at sea-level at maximum take-off mass until the time elapsed since take-off is equal to the applicable threshold prescribed in paragraph (a);

(ii) All engines climb to the optimum long range cruise altitude until the time elapsed since take-off is equal to the applicable threshold prescribed in sub paragraph (a); and

(iii) All engines cruise at the long range cruise speed at this altitude until the time elapsed since take-off is equal to the applicable threshold prescribed in paragraph (a).

(b) An AOC holder shall ensure that the following data, specific to each type or variant, is included in the Operations Manual—

(1) The one-engine-inoperative cruise speed determined in accordance with paragraph (b); and

(2) The maximum distance from an adequate aerodrome determined in accordance with paragraphs (a) and (b).

Note: The speeds and altitudes (flight levels) specified above are only intended to be used for establishing the maximum distance from an adequate aerodrome.

APPENDIX 1 TO 10.410: EDTO ALTERNATE PLANNING

Approach Facility Configuration[1]	Alternate Airport IFR Weather Minimum Ceiling[2]	Alternate Airport IFR Weather Minimum Visibility[3]
For airports with at least one operational navigational facility providing a straight-in non-precision approach procedure, or Category I precision approach, or, when applicable, a circling maneuver from an instrument approach procedure.	Add 400 ft to the MDA(H) or DA(H), as applicable.	Add 1 sm or 1 600m to the landing minimum.
For airports with at least two operational navigational facilities, each providing a straight-in approach procedure to different suitable runways.	Add 200 ft to the higher DA(H) or MDA(H) of the two approaches used.	Add 1/2 sm or 800m[4] to the higher authorized landing minimum of the two approaches used.
One usable authorized Category II ILS IAP.	300 feet	3/4 sm (1200 m) or RVR 4000 (1200 m)
One usable authorized category III ILS Instrument Approach Procedure (IAP).	200 feet	1/2 sm (800 m)[4] or RVR 1800 feet (550 m)

[1] When determining the usability of an IAP, wind plus gust must be forecast to be within operating limits, including reduced visibility limits, and should be within the manufacturer's maximum demonstrated crosswind value.
[2] Conditional forecast elements need not be considered, except that a PROB40 or TEMPO condition below the lowest applicable operating minima must be taken into account.
[3] When dispatching under the provisions of the MEL, those MEL limitations affecting instrument approach minima must be considered in determining EDTO alternate minima.
[4] Because of variations in the international metric weather forecasting standards, 700m may be used in lieu of 800m.

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APPENDIX 1 TO 10.494: TABLES OF CRUISING LEVELS

The cruising levels to be observed when so required by this Part are as follows—

RVSM – FEET

(a) in areas where feet are used for altitude and where, in accordance with regional air navigation agreements, a vertical separation minimum of 1 000 ft is applied between FL 290 and FL 410 inclusive:*

TRACK**											
From 000 degrees to 179 degrees***						From 180 degrees to 359 degrees***					
IFR Flights			VFR Flights			IFR Flights			VFR Flights		
Level			Level			Level			Level		
FL	Feet	Metres	FL	Feet	Metres	FL	Feet	Metres	FL	Feet	Metres
010	1 000	300	–	–	–	020	2 000	600	–	–	–
030	3 000	900	035	3 500	1 050	040	4 000	1 200	045	4 500	1 350
050	5 000	1 500	055	5 500	1 700	060	6 000	1 850	065	6 500	2 000
070	7 000	2 150	075	7 500	2 300	080	8 000	2 450	085	8 500	2 600
090	9 000	2 750	095	9 500	2 900	100	10 000	3 050	105	10 500	3 200
110	11 000	3 350	115	11 500	3 500	120	12 000	3 650	125	12 500	3 800
130	13 000	3 950	135	13 500	4 100	140	14 000	4 250	145	14 500	4 400
150	15 000	4 550	155	15 500	4 700	160	16 000	4 900	165	16 500	5 050
170	17 000	5 200	175	17 500	5 350	180	18 000	5 500	185	18 500	5 650
190	19 000	5 800	195	19 500	5 950	200	20 000	6 100	205	20 500	6 250
210	21 000	6 400	215	21 500	6 550	220	22 000	6 700	225	22 500	6 850
230	23 000	7 000	235	23 500	7 150	240	24 000	7 300	245	24 500	7 450
250	25 000	7 600	255	25 500	7 750	260	26 000	7 900	265	26 500	8 100
270	27 000	8 250	275	27 500	8 400	280	28 000	8 550	285	28 500	8 700
290	29 000	8 850				300	30 000	9 150			
310	31 000	9 450				320	32 000	9 750			
330	33 000	10 050				340	34 000	10 350			
350	35 000	10 650				360	36 000	10 950			
370	37 000	11 300				380	38 000	11 600			
390	39 000	11 900				400	40 000	12 200			
410	41 000	12 500				430	43 000	13 100			
450	45 000	13 700				470	47 000	14 350			
490	49 000	14 950				510	51 000	15 550			
etc.	etc.	etc.				etc.	etc.	etc.			

** Except when, on the basis of regional air navigation agreements, a modified table of cruising levels based on a nominal vertical separation minimum of 1 000 ft (300 m) is prescribed for use, under specified conditions, by aircraft operating above FL 410 within designated portions of the airspace.*

*** Magnetic track, or in polar areas at latitudes higher than 70 degrees and within such extensions to those areas as may be prescribed by the appropriate ATS authorities, grid tracks as determined by a network of lines parallel to the Greenwich Meridian superimposed on a polar stereographic chart in which the direction towards the North Pole is employed as the Grid North.*

**** Except where, on the basis of regional air navigation agreements, from 090 to 269 degrees and from 270 to 089 degrees is prescribed to accommodate predominant traffic directions and appropriate transition procedures to be associated therewith are specified.*

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RVSM – METRES

(b) in areas where metres are used for altitude and where, in accordance with regional air navigation agreements, a vertical separation minimum of 300 m is applied between 8 900 m and 12 500 m inclusive:

TRACK**											
From 000 degrees to 179 degrees***						From 180 degrees to 359 degrees***					
IFR Flights			VFR Flights			IFR Flights			VFR Flights		
Level			Level			Level			Level		
Standard Metric	Metres	Feet	Standard Metric	Metres	Feet	Standard Metric	Metres	Feet	Standard Metric	Metres	Feet
0030	300	1 000	–	–	–	0060	600	2 000	–	–	–
0090	900	3 000	0105	1 050	3 500	0120	1 200	3 900	0135	1 350	4 400
0150	1 500	4 900	0165	1 650	5 400	0180	1 800	5 900	0195	1 950	6 400
0210	2 100	6 900	0225	2 250	7 400	0240	2 400	7 900	0255	2 550	8 400
0270	2 700	8 900	0285	2 850	9 400	0300	3 000	9 800	0315	3 150	10 300
0330	3 300	10 800	0345	3 450	11 300	0360	3 600	11 800	0375	3 750	12 300
0390	3 900	12 800	0405	4 050	13 300	0420	4 200	13 800	0435	4 350	14 300
0450	4 500	14 800	0465	4 650	15 300	0480	4 800	15 700	0495	4 950	16 200
0510	5 100	16 700	0525	5 250	17 200	0540	5 400	17 700	0555	5 550	18 200
0570	5 700	18 700	0585	5 850	19 200	0600	6 000	19 700	0615	6 150	20 200
0630	6 300	20 700	0645	6 450	21 200	0660	6 600	21 700	0675	6 750	22 100
0690	6 900	22 600	0705	7 050	23 100	0720	7 200	23 600	0735	7 350	24 100
0750	7 500	24 600	0765	7 650	25 100	0780	7 800	25 600	0795	7 950	26 100
0810	8 100	26 600	0825	8 250	27 100	0840	8 400	27 600	0855	8 550	28 100
0890	8 900	29 100				0920	9 200	30 100			
0950	9 500	31 100				0980	9 800	32 100			
1010	10 100	33 100				1040	10 400	34 100			
1070	10 700	35 100				1100	11 000	36 100			
1130	11 300	37 100				1160	11 600	38 100			
1190	11 900	39 100				1220	12 200	40 100			
1250	12 500	41 100				1310	13 100	43 000			
1370	13 700	44 900				1430	14 300	46 900			
1490	14 900	48 900				1550	15 500	50 900			
etc.	etc.	etc.				etc.	etc.	etc.			

** Except when, on the basis of regional air navigation agreements, a modified table of cruising levels based on a nominal vertical separation minimum of 1 000 ft (300 m) is prescribed for use, under specified conditions, by aircraft operating above FL 410 within designated portions of the airspace.*

*** Magnetic track, or in polar areas at latitudes higher than 70 degrees and within such extensions to those areas as may be prescribed by the appropriate ATS authorities, grid tracks as determined by a network of lines parallel to the Greenwich Meridian superimposed on a polar stereographic chart in which the direction towards the North Pole is employed as the Grid North.*

**** Except where, on the basis of regional air navigation agreements, from 090 to 269 degrees and from 270 to 089 degrees is prescribed to accommodate predominant traffic directions and appropriate transition procedures to be associated therewith are specified.*

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Non-RVSM – FEET

(c) In other areas where feet are the primary unit of measurement for altitude:

TRACK*											
From 000 degrees to 179 degrees**						From 180 degrees to 359 degrees**					
IFR Flights			VFR Flights			IFR Flights			VFR Flights		
Level			Level			Level			Level		
FL	Feet	Metres	FL	Feet	Metres	FL	Feet	Metres	FL	Feet	Metres
010	1 000	300	–	–	–	020	2 000	600	–	–	–
030	3 000	900	035	3 500	1 050	040	4 000	1 200	045	4 500	1 350
050	5 000	1 500	055	5 500	1 700	060	6 000	1 850	065	6 500	2 000
070	7 000	2 150	075	7 500	2 300	080	8 000	2 450	085	8 500	2 600
090	9 000	2 750	095	9 500	2 900	100	10 000	3 050	105	10 500	3 200
110	11 000	3 350	115	11 500	3500	120	12 000	3 650	125	12 500	3 800
130	13 000	3 950	135	13 500	4 100	140	14 000	4 250	145	14 500	4 400
150	15 000	4 550	155	15 500	4 700	160	16 000	4 900	165	16 500	5 050
170	17 000	5 200	175	17 500	5 350	180	18 000	5 500	185	18 500	5 650
190	19 000	5 800	195	19 500	5 950	200	20 000	6 100	205	20 500	6 250
210	21 000	6 400	215	21 500	6 550	220	22 000	6 700	225	22 500	6 850
230	23 000	7 000	235	23 500	7 150	240	24 000	7 300	245	24 500	7 450
250	25 000	7 600	255	25 500	7 750	260	26 000	7 900	265	26 500	8 100
270	27 000	8 250	275	27 500	8 400	280	28 000	8 550	285	28 500	8 700
290	29 000	8 850	300	30 000	9 150	310	31 000	9 450	320	32 000	9 750
330	33 000	10 050	340	34 000	10 350	350	35 000	10 650	360	36 000	10 950
370	37 000	11 300	380	38 000	11 600	390	39 000	11 900	400	40 000	12 200
410	41 000	12 500	420	42 000	12 800	430	43 000	13 100	440	44 000	13 400
450	45 000	13 700	460	46 000	14 000	470	47 000	14 350	480	48 000	14 650
490	49 000	14 950	500	50 000	15 250	510	51 000	15 550	520	52 000	15 850
etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.

** Magnetic track, or in polar areas at latitudes higher than 70 degrees and within such extensions to those areas as may be prescribed by the appropriate ATS authorities, grid tracks as determined by a network of lines parallel to the Greenwich Meridian superimposed on a polar stereographic chart in which the direction towards the North Pole is employed as the Grid North.*

*** Except where, on the basis of regional air navigation agreements, from 090 to 269 degrees and from 270 to 089 degrees is prescribed to accommodate predominant traffic directions and appropriate transition procedures to be associated therewith are specified.*

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Non-RVSM – METRES

(d) In other areas where metres are the primary unit of measurement for altitude:

TRACK*											
From 000 degrees to 179 degrees**						From 180 degrees to 359 degrees**					
IFR Flights			VFR Flights			IFR Flights			VFR Flights		
Level			Level			Level			Level		
Standard Metric	Metres	Feet	Standard Metric	Metres	Feet	Standard Metric	Metres	Feet	Standard Metric	Metres	Feet
0030	300	1 000	–	–	–	0060	600	2 000	–	–	–
0090	900	3 000	0105	1 050	3 500	0120	1 200	3 900	0135	1 350	4 400
0150	1 500	4 900	0165	1 650	5 400	0180	1 800	5 900	0195	1 950	6 400
0210	2 100	6 900	0225	2 250	7 400	0240	2 400	7 900	0255	2 550	8 400
0270	2 700	8 900	0285	2 850	9 400	0300	3 000	9 800	0315	3 150	10 300
0330	3 300	10 800	0345	3 450	11 300	0360	3 600	11 800	0375	3 750	12 300
0390	3 900	12 800	0405	4 050	13 300	0420	4 200	13 800	0435	4 350	14 300
0450	4 500	14 800	0465	4 650	15 300	0480	4 800	15 700	0495	4 950	16 200
0510	5 100	16 700	0525	5 250	17 200	0540	5 400	17 700	0555	5 550	18 200
0570	5 700	18 700	0585	5 850	19 200	0600	6 000	19 700	0615	6 150	20 200
0630	6 300	20 700	0645	6 450	21 200	0660	6 600	21 700	0675	6 750	22 100
0690	6 900	22 600	0705	7 050	23 100	0720	7 200	23 600	0735	7 350	24 100
0750	7 500	24 600	0765	7 650	25 100	0780	7 800	25 600	0795	7 950	26 100
0810	8 100	26 600	0825	8 250	27 100	0840	8 400	27 600	0855	8 550	28 100
0890	8 900	29 100	0920	9 200	30 100	0950	9 500	31 100	0980	9 800	32 100
1010	10 100	33 100	1040	10 400	34 100	1070	10 700	35 100	1100	11 000	36 100
1130	11 300	37 100	1160	11 600	38 100	1190	11 900	39 100	1220	12 200	40 100
1250	12 500	41 100	1280	12 800	42 100	1310	13 100	43 000	1370	13 400	44 000
1370	13 700	44 900	1400	14 000	46 100	1430	14 300	46 900	1460	14 600	47 900
1490	14 900	48 900	1520	15 200	49 900	1550	15 500	50 900	1580	15 800	51 900
etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.	etc.

** Magnetic track, or in polar areas at latitudes higher than 70 degrees and within such extensions to those areas as may be prescribed by the appropriate ATS authorities, grid tracks as determined by a network of lines parallel to the Greenwich Meridian superimposed on a polar stereographic chart in which the direction towards the North Pole is employed as the Grid North.*

*** Except where, on the basis of regional air navigation agreements, from 090 to 269 degrees and from 270 to 089 degrees is prescribed to accommodate predominant traffic directions and appropriate transition procedures to be associated therewith are specified.*

APPENDIX 1 TO 10.570: PERFORMANCE-BASED NAVIGATION APPROVAL

(a) The Authority shall, for operations where a navigation specification for PBN has been prescribed, ensure that the operator has established and documented—

(1) Normal and abnormal procedures including contingency procedures;

(2) Flight crew qualification and proficiency requirements in accordance with the appropriate navigation specifications;

(3) A training programme for relevant personnel consistent with the intended operations;

(4) Appropriate maintenance procedures to ensure continued airworthiness in accordance with the appropriate navigation specifications'

(5) Additional requirements determined to be necessary for safety.

(b) The Authority shall issue a specific approval for operations based on PBN authorization required (AR) navigation specifications.

APPENDIX 1 TO 10.570: PERFORMANCE-BASED COMMUNICATIONS APPROVAL

(a) The Authority shall, for operations where an RCP specification for PBC has been prescribed, ensure that the operator has established and documented—

(1) Normal and abnormal procedures, including contingency procedures;

(2) Flight crew qualification and proficiency requirements, in accordance with appropriate RCP specifications;
(3) A training programme for relevant personnel consistent with the intended operations;
(4) Appropriate maintenance procedures to ensure continued airworthiness, in accordance with appropriate RCP specifications; and
(5) .Additional requirements determined to be necessary for safety

(b) The Authority shall ensure that, in respect of those aero planes mentioned in Section 6.092, adequate provisions exist for—
(1) Receiving the reports of observed communication performance issued by monitoring programmes established in accordance with ICAO Annex 11, Chapter 3, 3.3.5.2; and
(2) Taking immediate corrective action for individual aircraft, aircraft types or operators, identified in such reports as not complying with the RCP specification.

APPENDIX 3 TO 10.570: APPROVAL FOR RVSM OPERATIONS

(a) Prior to granting the RVSM approval required in accordance with Section 10.570, the operator shall satisfy the Authority that—
(1) The equipment requirements of Section 6.067 have been met;
(2) The demonstrated vertical navigation performance capability of the aeroplane satisfies the requirements specified in Appendix 1 to 6.067;
(3) The owner/operator has instituted appropriate procedures in respect of continued airworthiness (maintenance and repair) practices and programs;
(4) The owner/operator has instituted appropriate flight crew procedures for operations in RVSM airspace.

Note: An RVSM approval is valid globally on the understanding that any operating procedures specific to a given region will be stated in the operations manual or appropriate crew guidance.

(b) The operator shall ensure that, in respect of those aero planes mentioned in Section 6.067, adequate provisions exist to ensure that it is—
(1) Receiving the reports of height-keeping performance issued by the monitoring agencies established in accordance with Annex 11; 3.3.4.1;
(2) Taking immediate corrective action for individual aircraft, or aircraft type groups, identified in such reports as not complying with the height-keeping requirements for operation in airspace where RVSM is applied; and
(3) Ensuring that the Authority is receiving the reports and the corrective actions that have been initiated.

APPENDIX 1 TO 10.571: PERFORMANCE-BASED SURVEILLANCE APPROVAL

(a) The Authority shall, for operations where an RSP specification for PBS has been prescribed, ensure that the operator has established and documented—
(1) Normal and abnormal procedures, including contingency procedures;
(2) Flight crew qualification and proficiency requirements, in accordance with appropriate RSP specifications;
(3) A training programme for relevant personnel consistent with the intended operations;
(4) Appropriate maintenance procedures to ensure continued airworthiness, in accordance with appropriate RSP specifications; and
(5) Additional requirements determined to be necessary for safety.

(b) The State of the Operator shall ensure that, in respect of those aero planes mentioned in Section 6.122, adequate provisions exist for—

(1) Receiving the reports of observed surveillance performance issued by monitoring programmes established in accordance with ICAO Annex 11, Chapter 3, 3.3.5.2; and
(2) Taking immediate corrective action for individual aircraft, aircraft types or operators, identified in such reports as not complying with the RSP specification.

APPENDIX 2 TO 10.571: APPROVAL OF ELECTRONIC FLIGHT BAGS

(a) In establishing operational criteria for the use of EFBs, the State of Registry shall ensure that—
(1) The EFB equipment and its associated installation hardware, including interaction with aeroplane systems if applicable, meet the appropriate airworthiness certification requirements;
(2) The operator/owner has assessed the risks associated with the operations supported by the EFB function(s);
(3) The operator/owner has established requirements for redundancy of the information (if appropriate) contained in and displayed by the EFB function(s);
(4) The operator/owner has established and documented procedures for the management of the EFB function(s) including any databases it may use;
(5) The operator/owner has established and documented the procedures for the use of, and training requirements for, the EFB function(s); and
(6) Any additional requirements necessary for safety are completed.

APPENDIX 1 TO 10.572: APPROVAL OF AUTO LANDING, HUD, NVIS OR CVS SYSTEMS

(a) In establishing operational criteria for the use of automatic landing systems, a HUD or equivalent displays, EVS, SVS or CVS, the State of Registry shall ensure that—
(1) The equipment meets the appropriate airworthiness certification requirements;
(2) The operator/owner has carried out a safety risk assessment associated with the operations supported by the automatic landing systems, a HUD or equivalent displays, EVS, SVS or CVS;
(3) The operator/owner has established and documented the procedures for the use of, and training requirements for automatic landing systems, a HUD or equivalent displays, EVS, SVS or CVS, and
(4) Additional requirements determined to be necessary for safety are included.

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APPENDIX 1 TO 10.660: AIRSPACE AND VMC MINIMUMS

Airspace Class	A*** B C D E	F	G
		ABOVE 900 m (3 000 ft.) AMSL or above 300 m (1 000 ft.) above terrain,	At and below 900 m (3 000 ft.) AMSL or 300 m (1 000 ft.) above terrain,
		whichever is the higher	whichever is the higher
Distance from cloud	1 500 m horizontally 300 m (1 000 ft.) vertically		Clear of cloud and in sight of the surface
Flight visibility	8 km at and above 3 050 m (10 000 ft.) AMSL 5 km below 3 050 m (10 000 ft.) AMSL		5 km**

* When the height of the transition altitude is lower than 3 050 m (10 000 ft.) AMSL, FL 100 should be used in lieu of 10 000 ft.

** When so prescribed by the appropriate ATS authority—
a) lower flight visibilities to 1 500 m may be permitted for flights operating—
1. at speeds that, in the prevailing visibility, will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision; or
2. in circumstances in which the probability of encounters with other traffic would normally be low, e.g. in areas of low volume traffic and for aerial work at low levels.
b) HELICOPTERS may be permitted to operate *in less than 1 500 m* flight visibility, if manoeuvred at a speed that will give adequate opportunity to observe other traffic or any obstacles in time to avoid collision.

*** The VMC minima in Class A airspace are included for guidance to pilots and do not imply acceptance of VFR flights in Class A airspace.

End of RCAR Part 10

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA XI W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX XI TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE XI D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 11

Aerial Work Operations

SUBPART A: GENERAL

1.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as the Civil Aviation (Aerial Work) Regulations.

(b) This Part prescribes the requirements of Rwanda for those operators and operations that engage in aerial work.

(c) This Part is applicable to persons and organisations that conduct aerial work operations within Rwanda and the persons performing duties on their behalft..

(d) All persons that conduct aerial work in Rwanda must comply with the applicable airworthiness and operational requirements of the other Parts of these Regulations, except where this Part—

(1) Grants relief from those requirements; or

(2) Specifies additional requirements.

(e) The Civil Aviation Technical Standards (Aerial Work) published by the Authority shall also be applicable to aerial work operations in the airspace of Rwanda.

11.005 DEFINITIONS

(a) For the purpose of this Part, the following definitions shall apply—

Additional aviation-related terms are defined in Part 1 of these Regulations.

Accountable manager (aerial work). The manager who has corporate authority for ensuring that all AWC functions can be financed and carried out to the standard required by the Authority.

Aerial Exhibition. The operation of an aircraft for the purposes of performing acts intended for spectators on the ground. This exhibition may include aerobatic maneuvers, if authorised.

Aerial work. An aircraft operation in which an aircraft is used for specialised services that are not defined as general aviation or commercial air transport operations.

Aerobatic flight. An intentional manoeuvre involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.

Agricultural application. The operation of an aircraft for the purpose of—

(i) Dispensing any economic poison,

(ii) Engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects.

Banner. An advertising medium supported by a temporary framework attached externally to the aircraft and towed behind the aircraft.

Banner Towing. The operation of an aircraft for the purpose of towing or displaying an advertisement in-flight.

Competency in civil aviation. This phrase means that an individual shall have a technical qualification and management experience acceptable to the Authority for the position served.

Economic poison. Any substance or mixture of substances intended for—

(i) 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 Rwanda may declare to be a pest, and

(ii) Use as a plant regulator, defoliant or desiccant.

Fish spotting. The operation of an aircraft for the purpose of locating, tracking, and reporting on the location of fish and fish schools, when those operations are conducted as part of a business enterprise or for compensation or hire.

Glider Towing The operation of an aircraft for the purpose of towing gliders to a launching altitude or to another landing location.

Movie. This term includes film, videos, and live broadcast in any format, and the preparation and rehearsal for those operations.

Operations Specifications. Formal documents issued by the Authority as a part of an approved organisation's certificate to define the authorisations and limitations conveyed by the certificate.

Private Agricultural Application. The operation of an aircraft for the purpose of agricultural application over a property where the pilot is—

(i) The owner or lessee, or

(ii) Has ownership or other property interest in the crop located on that property.

Rotorcraft load combinations. Configurations for external loads carried by rotorcraft—

(i) Class A – external load fixed to the rotorcraft, cannot be jettisoned, and does not extend below the landing gear, used to transport cargo.

(ii) Class B – external load suspended from the rotorcraft, which can be jettisoned, and is transported free of land or water during rotorcraft operations.

(iii) Class C – external load suspended from the rotorcraft, which can be jettisoned, but remains in contact with land or water during rotorcraft operation.

(iv) Class D - external load suspended from the rotorcraft for the carriage of persons.

Sight-Seeing Flights. The operation of an aircraft involving the carriage of persons for viewing natural formations or man-made objects on the ground when those operations are conducted as part of a business enterprise or for compensation or hire, and—

(i) The flight is unquestionably advertised as "sight-seeing," and

(ii) The flight returns to the aerodrome of departure without having landed at any other aerodrome, and

(iii) The certificated passenger capacity of the aircraft does not exceed 9 passengers.

Any other passenger carrying flight for remuneration, hire or valuable consideration must be conducted under an Air Operator Certificate (AOC).

Special Purpose Patrolling. The operation of an aircraft for the purpose of low-level patrolling for potential problems of power lines, pipe lines and canals.

Traffic Watch. The operation of an aircraft for the purpose of observation of, and reporting on, vehicular traffic conditions on the highways and streets.

TV and Movie Filming. The operation of an aircraft for the purpose of movie filming, appearance in flight in movies, and airborne direction or production of such filming when those operations are conducted as part of a business enterprise or for compensation or hire.

11.010 Acronyms

(a) The following acronyms are used in this Part:—

AGL = Above Ground Level

AWC = Aerial Work Certificate

IFR = Instrument Flight Rules

PIC = Pilot In Command

Subpart B: Aerial Work Certificate

11.015 Applicability

(a) This Subpart prescribes the requirements that are applicable to the certificate issued to an Aerial Work Operator.

11.020 Certificate required

(a) No person may operate in aerial work operations without, or in violation of, an AWC and operations specifications issued under this Part.

11.025 Contents of an Aerial Work Certificate

(a) The AWC will consist of two documents—
  (1) A certificate for public display signed by the Authority, and
  (2) Operations specifications containing the terms, conditions, and authorisations applicable to the AWC.

(b) The AWC will contain—
  (1) The organisation's name and location (main place of business);
  (2) The date of issue and period of validity for each page issued;
  (3) The terms of approval, including—
    (i) Authorised areas or locations of operations; and
    (ii) Operations specifications, as applicable.
  (4) Other authorisations, approvals and limitations issued by the Authority in accordance with the standards which are applicable to the operations conducted by the AWC holder.

11.030 Duration Of Certificate

(a) Except as shown in paragraph (b), the Authority will issue an AWC which expires, unless surrendered, suspended, or revoked—
  (1) On the last day of the 12th calendar month from the month the certificate was issued;
  (2) Except as provided in paragraph (b), on the date that any change in ownership of the aerial work organisation occurs;
  (3) On the date of any significant change in the AWC holder's capabilities occurs; or
  (4) Upon notice by the Authority that the AWC holder has failed for more than 60 consecutive days to maintain the required equipment, aircraft, or personnel.

(b) A change in the ownership of an Aerial Work Operator does not terminate the AWC holder's certificate if, within 30 consecutive days—
  (1) The AWC holder makes notification and, if appropriate, amendment to the certificate; and
  (2) No significant change in the facilities, operating personnel, or types of operations is involved.

11.035 Application for Issuance or Amendment

(a) An applicant for an AWC, including operations specifications shall apply at least 30 calendar days before the beginning of any proposed aerial work operations.

(b) Each applicant for an AWC and operations specification shall provide the application in the correct form and manner prescribed by the Authority.

(c) The Authority will issue to an applicant who meets the requirements and is approved by the Authority—
  (1) An AWC containing all business names included on the application under which the AWC holder may conduct operations and the address of each business office used by the organisation; and
  (2) Operations specifications, issued by the Authority to the AWC holder, outlining the pertinent authorisations.

(d) The Authority may issue an AWC to an applicant whose business office or primary location or both are located in Rwanda.

11.040 Amendment of an AWC Certification

(a) At any time, the Authority may amend an AWC—
  (1) On the Authority's own initiative, under applicable Rwanda legislation; or

(2) Upon timely application by the AWC holder.

(b) The AWC holder shall file an application to amend an AWC at least 20 working days prior to the applicant's proposed effective amendment date unless a different filing period is approved by the Authority.

11.045 Display of Certificate

(a) The holder of an AWC shall display that certificate in a place in the school that is normally accessible to the public and that is not obscured.

11.050 Availability of Certificate

(a) Each holder of an AWC shall keep that certificate at its home base and shall present it for inspection on the request of the Authority or any government law enforcement officer.

11.055 Carrying of Certificate

(a) No person may operate an aircraft unless a certified copy of the AWC is carried on that aircraft.

11.060 Certificate Privileges

(a) The AWC holder may advertise and conduct aerial work operations in accordance with the certificate and any ratings that it holds.

11.065 Loss of Certificate Privileges

(a) The Authority may deny, suspend, revoke, or terminate a certificate under this Part if the Authority finds that the AWC holder—

(1) Does not meet, or no longer meets, the requirements of this Part for the certificate and/or ratings held;

(2) Employs or proposes to employ a person who controlled or was previously employed in a management or supervisory position in an organisation has had its certificate revoked, suspended, or terminated within the previous 3 calendar years; or

(3) Application provided was incomplete or inaccurate, or contained fraudulent or false information.

(b) An AWC holder whose certificate has been surrendered, suspended, revoked, or terminated shall promptly—

(1) Remove all indications, including signs, wherever located, that the AWC holder was certified by the Authority; and

(2) Notify all advertising agents, and advertising media employed by the AWC holder to cease all advertising indicating that the organisation is certified by the Authority.

(3) Return the certificate to the Authority within 5 working days after being notified that the certificate is suspended, revoked, or terminated.

Subpart C: Certification

11.070 Applicability

(a) This Subpart prescribes the general requirements that are applicable to the certification of an Aerial Work Operator.

11.075 Initial Certification Required

(a) Prior to the issuance of an AWC, the applicant must be originally certificated in accordance with the system of certification prescribed by the Authority.

(b) The approval of an organisation as an AWC by the Authority shall be dependent upon the applicant demonstrating compliance with the requirements of this Part.

(c) The Authority may issue an applicant an AWC and operations specifications if the applicant demonstrates compliance with the requirements of this Part.

11.080 AUTHORISATIONS FOR AERIAL WORK OPERATORS

(a) The Authority grant an authorisation to an applicant to conduct the following types of aerial work—
  (1) Agricultural Application (Economic Poisons)
  (2) Agricultural Application (Fertilizing & Seeding)
  (3) Agricultural Application (Fire-Fighting)
  (4) Private Agricultural Application
  (5) External Load (Rotorcraft)
  (6) External Load (Airship)
  (7) External Load (Fire-Fighting)
  (8) Aerial Advertising (Skywriting, Banner Towing Airborne Signs and Public Address Systems)
  (9) Glider Towing
  (10) Passenger Sight-Seeing
  (11) Parachute Jumping
  (12) Traffic Watch
  (13) TV and Movie Filming
  (14) Aerial Surveying (photography, mapping and oil mineral exploration)
  (15) Special Purpose Patrolling
  (16) Aerial Exhibition
  (17) Weather Control (cloud seeding)
  (18) Fish Spotting
  (19) Unmanned Aircraft Operations
  (20) Other aviation operations determined by the Authority to fall under the definition of aerial work.

11.085 WAIVERS

(a) The Authority may issue an applicant waivers from any of the requirements of this Part.

(b) The applicant for a deviation or waiver under this Section shall provide information acceptable to the Authority that shows—
  (1) Justification for the deviation or waiver; and
  (2) That the deviation or waiver, when used for the aerial work operation, will not adversely affect the safety of the public or the personnel involved in the operation.

SUBPART D: SURVEILLANCE & ON-GOING VALIDATION

11.090 APPLICABILITY

(a) This Subpart prescribes the general requirements that are applicable to the on-going validation of Aerial Work Operators.

11.095 INSPECTIONS & OBSERVATIONS

(a) The Authority may, at any time, inspect an AWC to determine the organisation's compliance with this Part.

(b) The AWC holder and personnel shall allow the authorised representative of the Authority unrestricted access to all locations, equipment, documents and personnel, including operations in progress, in the accomplishment of these inspections and observations.

(c) The continued validity of the original certification approval shall depend upon the AWC holder remaining in compliance with the requirements of this Part.

11.100 Continuous Qualification

(a) The AWC holder shall not conduct aerial work operations without the personnel, facilities, equipment and aircraft continuously meets the requirements and the standards specified in the organisation's operations specifications.

11.105 Mandatory Revisions to Operational Practices

(a) The Authority may require the AWC holder to make revisions to operational practices, if it determines that other practices are necessary for public safety.

(b) If the Authority requires an AWC holder to make revisions to their operational practices, these revisions should be implemented as soon as possible.

(c) If the AWC holder does not make those required revisions within 20 consecutive days, the Authority may suspend, revoke, or terminate the organisation's certificate.

11.110 Changes Requiring Notice to the Authority

(a) The AWC holder shall notify the Authority prior to any of the following changes—

(1) The accountable manager.
(2) The Chief Pilot
(3) The maintenance arrangements
(4) Relocation of principal or satellite operations bases

(b) The Authority may prescribe the conditions under which the AWC holder may operate during such changes unless the Authority determines that the approval should be suspended.

(c) The Authority may suspend an AWC for failure to make these required notifications.

11.115 Renewal of Certificates & Ratings

(a) An AWC holder may apply for renewal of the certificate and ratings within 30 days preceding the month that their certificate is set to expire.

(b) The Authority may renew an AWC and ratings if the Authority determines the AWC holder's personnel, aircraft, facility and aerodrome (if applicable), and quality meet the requirements.

Subpart E: AWC Administration

11.120 Applicability

(a) This Subpart prescribes the general requirements that are applicable to the on-going administration of an Aerial Work Operator.

11.125 Management Personnel Required for AWC Organisations

(a) The AWC holder shall have an accountable manager, acceptable to the Authority, who has corporate authority for ensuring that it is in compliance with the requirements for an AWC.

(b) When providing approved aerial work operations involving more than two pilots, the AWC holder shall have qualified person, with proven competency in civil aviation, available and serving as the Chief Pilot or an equivalent: post.

11.130 Chief Pilot Responsibilities

(a) The Chief Pilot provides overall operational and testing requirements.

(b) During aerial work operations, the AWC holder shall ensure that the chief pilot is available—

(1) At the aerodrome, or
(2) By telephone, radio, or other electronic means.

11.135 Principal Business Office

(a) An AWC holder shall maintain a principal business office that is physically located at the address shown on the AWC.

(b) An AWC holder may not make any change in the organisation's principal business address unless the change is approved by the Authority in advance.

(c) The Authority may prescribe the conditions under which the AWC may operate while it is changing its location or housing facilities.

11.140 Satellite Locations

(a) The AWC holder may conduct aerial work operations authorised by the Authority at a satellite location if—

(1) The Authority has been notified of the satellite location operations; and

(2) The Chief Pilot is available by telephone, radio or other electronic means.

11.145 Advertising Limitations

(a) The AWC holder may not—

(1) Make any statement relating to the AWC and operations specifications that is false or designed to mislead any person contemplating the employment of that AWC holder.

(2) Advertise that the AWC holder is certified by the Authority unless that advertisement contains only the authorisation granted by the Authority.

Subpart F: AWC Administrative Requirements

11.150 Applicability

(a) This Subpart prescribes the general administrative requirements that are applicable an AWC holder.

(b) If an administrative requirement is not included in this Subpart for a specific category of AWC holder, there are none applicable to that category.

11.155 Records: Commercial Agricultural Aircraft Operator

(a) Each holder of a commercial agricultural application authorisation shall maintain and keep current, at the home base designated in its application, the following records—

(1) The name and address of each person for whom agricultural aircraft services were provided;

(2) The date of the service;

(3) The name and quantity of the material dispensed for each operation conducted; and

(4) 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 Subpart.

(b) The records required by this Section must be kept for at least 12 months.

11.160 Contents of a Motion Picture & Television Flight Operations Manual

(a) Each Motion Picture and Television Flight Operations Manual shall contain at least the following—

(1) *Company Organisation*.

(i) Business name, address, and telephone number of applicant.

(ii) List of pilots to be used during the filming, including their pilot certificate numbers, grade, and class and date of medical.

(iii) List of aircraft by make and model.

(2) *Distribution and Revision*. Procedures for revising the manual to ensure that all manuals are kept current.

(3) *Persons Authorised*. Procedures to ensure that no persons, except those persons consenting to be involved and necessary for the filming production, are allowed within 500 feet of the filming production area.

(4) *Area of Operations*. The area that will be used during the term of the waiver.

(5) *Plan of Activities*. Procedures for the submission, within three days of scheduled filming, 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 production event.

(iii) Make and model of aircraft to be used and type of airworthiness certificate, including category

(iv) Name of pilots involved in the filming production event.

(v) A statement that permission has been obtained from property owners and/or local officials to conduct the filming production event.

(vi) Signature of waiver holder or a designated representative.

(vii) A general outline, or summary, of the production schedule, to include maps or diagrams of the specific filming location, if necessary.

(6) *Permission to Operate*. Requirements and procedures that the waiver holder will use to obtain permission from property owners and/or local officials (e.g., police, fire departments, etc.) as appropriate for the conduct of all filming operations when using the waiver.

(7) *Security*. Method of security that will be used to exclude all persons not directly involved with the operation from the location.

This should also include the provision that will be used to stop activities when unauthorised persons, vehicles, or aircraft enter the operations area, or for any other reason, in the interest of safety.

(8) *Briefing of Pilot/Production Personnel*. Procedures to brief personnel of the risks involved, emergency procedures, and safeguards to be followed during the filming production event.

(9) *Certification/Airworthiness*. Procedures to ensure that required inspections will be conducted.

(10) *Communications*. Procedures to provide communications capability with all participants during the actual operation and filming.

The applicant can use oral, visual, or radio communications as along as it keeps the participants continuously apprised of the current status of the operation.

SUBPART G: PERSONNEL & QUALIFICATION REQUIREMENTS

11.165 APPLICABILITY

(a) This Subpart prescribes the personnel and qualification requirements that are applicable an AWC holder.

(b) If personnel and/or qualification requirements is not included in this Subpart for a specific category of AWC holder, there are none applicable to that category.

11.170 GENERAL PERSONNEL REQUIREMENTS: AGRICULTURAL APPLICATION

(a) *Each person.* The holder of an agricultural application authorisation shall insure that each person used in the holder's agricultural aircraft operation is informed of that person's duties and responsibilities.

(b) *Supervisors.* No person may supervise an agricultural aircraft operation unless he or she has met the knowledge and skill requirements for the type of aerial work.

(c) Pilots.

(1) A private operator-pilot applicant shall hold a current Rwanda private, commercial, or airline transport pilot certificate and be properly rated for the aircraft to be used.

(2) A commercial operator-pilot applicant shall hold, or have available the services of at least one pilot who holds a current commercial or airline transport pilot certificate issued by the Authority and who is properly rated for the aircraft to be used.

11.175 PILOT QUALIFICATION: AGRICULTURAL APPLICATION

(a) *Pilot in command.* No person may act as pilot in command of an aircraft operated under this Subpart unless that pilot—

(1) Holds a pilot certificate and rating prescribed by this Subpart as appropriate to the type of operation conducted; or

(2) Has demonstrated to the holder of the agricultural application authorisation conducting the operation, or to a supervisor designated by that certificate holder, that he or she possesses the knowledge and skill requirements of paragraph (b).

(b) Each pilot shall show that it has satisfactory knowledge and skill of the following agricultural aircraft operations—

(1) Knowledge—

With the AWC holder has an authorisation containing a prohibition against the dispensing of economic poisons, a demonstration knowledge specific to economic poisons is not required..

(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.

(vi) Safe flight and application procedures.

(2) Skill in the following manoeuvres, demonstrated at the aircraft's maximum certified take-off weight, or the maximum weight established for the special purpose load, whichever is greater—

(i) Short-field and soft-field take-offs (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.

(c) For operations over congested areas, each pilot in command must have at least—

(1) 25 hours of pilot-in-command flight time in the make and basic model of the aircraft, including at least 10 hours within the preceding 12 calendar months; and

(2) 100 hours of flight experience as pilot in command in dispensing agricultural materials or chemicals.

11.180 EXTERNAL LOAD PERSONNEL

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

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

(c) An applicant may designate qualified pilots as assistant chief pilots to perform the functions of the chief pilot when the chief pilot is not readily available.

(d) The chief pilot and assistant chief pilots must be acceptable to the Authority and each must hold a current Commercial or Airline Transport Pilot Certificate, with a rating appropriate for the rotorcraft to be used.

(e) The holder of a Rotorcraft External-Load Operator Certificate shall report any change in designation of chief pilot or assistant chief pilot immediately to the Authority.

(f) A newly designated chief pilot shall comply with the knowledge and skill requirements of this Subpart within 30 days or the operator may not conduct further operations under the Rotorcraft External-Load Operator Certificate, unless otherwise authorised by the Authority.

11.185 External Load: Pilot Member Qualification

(a) No certificate holder may use, nor may any person serve, as a pilot in helicopter external load operations unless that person—

(1) Has successfully demonstrated to the Authority the knowledge and skill with respect to the rotorcraft/ load combination; and

(2) Has in his or her personal possession a letter of competency or an appropriate logbook entry indicating compliance with paragraph (a)(1) of this Section.

(b) No AWC holder may use, nor may any person serve as, a crew member or other operations personnel in Class D operations unless, within the preceding 12 calendar months, that person has successfully completed either an approved initial or a recurrent training program.

(c) Notwithstanding the provisions of paragraph (b) of this Section, a person who has performed a rotorcraft external load operation of the same class and in an aircraft of the same type within the past 12 calendar months need not undergo recurrent training.

11.190 Pilot Qualification: Glider Towing

(a) No person may act as a tow pilot for a glider unless that person has at least a private pilot certificate with a category rating for the tow aircraft.

(b) No person may act as a tow pilot for a glider unless that person has—

(1) Logged at least 100 hours of pilot-in-command time in same aircraft category, class, and type, if applicable, as the tow aircraft;

(2) Received training in and instructor endorsement for—

(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.

(3) Except as provided in paragraph (b) of this Section, has completed and had endorsed at least three 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 Section; and

(4) Within the preceding 12 months has—

(i) Made at least three actual glider tows; or

(ii) Made at least three flights as pilot in command of a glider towed by an aircraft.

(c) Any person who before January 31, 2009, made and logged 10 or more flights as PIC of an aircraft towing a glider in accordance with authorisation of the Authority need not comply with paragraphs (a)(3) and (a)(4) of this Section.

11.195 Pilot Qualification: Glider Towing

(a) For non-revenue flights, the pilot of the tow aircraft shall hold at least a valid private pilot certificate and have a minimum of 200 hours PIC time.

(b) When banner tow operations are conducted for compensation or hire, the pilot shall have at least a—
  (1) Commercial pilot certificate (instrument rating not required); and
  (2) Valid second class medical certificate.

(c) All pilots 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.

This demonstration should be observed from the ground to allow the inspector to evaluate the competence of any essential ground personnel as well as the flight operation.

11.200 Pilot Qualification: TV & Movie Filming

(a) No pilot may conduct television and movie operations unless he or she has—
  (1) A commercial licence with ratings appropriate to the category and class aircraft to be used under the terms of the waiver.
  (2) At least 500 hours as PIC.
  (3) A minimum of 100 hours in the category and class of aircraft to be used.
  (4) A minimum of five hours in the make and model aircraft to be used under the waiver.
  (5) If the pilot intends to perform aerobatics below 1,500 AGL, a Statement of Aerobatics Competency for the operations to be performed.

Subpart H: Aircraft & Equipment Requirements

11.205 Applicability

(a) This Subpart prescribes the additional aircraft and equipment requirements that are applicable an AWC holder.

(b) If there are no special aircraft and equipment requirements is included in this Subpart for a specific category of AWC holder, there are none applicable to that category.

11.210 Aircraft Requirements: Agricultural Application

(a) The AWC holder of an agricultural application authorisation shall have at least one certified and airworthy aircraft, equipped for agricultural operation.

(b) Except for helicopters, no person may operate an aircraft over a congested area while engaged in agricultural application unless there is the capability to jettison at least one-half of the aircraft's maximum authorised load of agricultural material within 45 seconds.

(c) If an aircraft designed or modified for agricultural application is equipped to release the tank or hopper as a unit, there shall be a means to prevent inadvertent release by the pilot or other crew member.

11.215 Helicopter Required: External Load

(a) An applicant must have the exclusive use of at least one rotorcraft that—
  (1) Was type certified under, and meets the requirements of, the several parts of these Regulations which prescribe requirements for rotorcraft external-load operations;
  (2) Complies with the certification provisions in this Subpart that apply to the rotorcraft-load combinations for which authorisation is requested; and
  (3) Has a valid standard or restricted category airworthiness certificate.

11.220 Flight Characteristics Requirements: External Load

(a) The applicant must 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. For the purposes of this demonstration, the external-load weight (including the external-load attaching means) is the maximum weight for which authorisation is requested.

(b) *Class A rotorcraft-load combinations*: The operational flight check must consist of at least the following manoeuvres—
  (1) Take off and landing.
  (2) Demonstration of adequate directional control while hovering.
  (3) Acceleration from a hover.
  (4) Horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested.

(c) *Class B and D rotorcraft-load combinations*: The operational flight check must consist of at least the following manoeuvres—
  (1) Pickup of the external load.
  (2) Demonstration of adequate directional control while hovering.
  (3) Acceleration from a hover.
  (4) Horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested.
  (5) Demonstrating appropriate lifting device operation.
  (6) 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.

(d) *Class C rotorcraft-load combinations*: For Class C rotorcraft-load combinations used in wire-stringing, cable-laying, or similar operations, the operational flight check must consist of the manoeuvres, as applicable, prescribed in paragraph (c) of this Section.

11.225 Structures & Design: External Load

(a) External-load attaching means. Each external-load attaching means shall be approved by the Authority.

(b) Quick release devices. Each quick release device means shall be approved by the Authority.

(c) Weight and centre of gravity—
  (1) Weight. The total weight of the rotorcraft-load combination must not exceed the total weight approved for the rotorcraft during its type certification.
  (2) Centre of gravity. The location of the centre of gravity must, for all loading conditions, be within the range established for the rotorcraft during its type certification. For Class C rotorcraft-load combinations, the magnitude and direction of the loading force must be established at those values for which the effective location of the centre of gravity remains within its established range.

11.230 Operating Limitations: External Load

(a) In addition to the operating limitations set forth in the approved Rotorcraft Flight Manual, and to any other limitations the Authority may prescribe, the operator shall establish at least the following limitations and set them forth in the Rotorcraft-Load Combination Flight Manual for rotorcraft-load combination operations—
  (1) The rotorcraft-load combination may be operated only within the weight and centre of gravity limitations established in accordance with this Subpart.
  (2) The rotorcraft-load combination may not be operated with an external load weight exceeding that used in showing compliance with this Subpart.
  (3) The rotorcraft-load combination may not be operated at airspeeds greater than those established in accordance with this Subpart.
  (4) No person may conduct an external-load operation under this Part with a rotorcraft type certified in the restricted category over a densely populated area, in a congested airway, or near a busy aerodrome where passenger transport operations are conducted.
  (5) The rotorcraft-load combination of Class D may be conducted only in accordance with the following—

(i) The rotorcraft to be used must have been type certified under transport Category A for the operating weight and provide hover capability with one engine inoperative at that operating weight and altitude.
(ii) The rotorcraft must be equipped to allow direct radio intercommunication among required crew members.
(iii) The personnel lifting device must be approved by the Authority.
(iv) The lifting device must have an emergency release requiring two distinct actions.

11.235 Rotorcraft-Load Combination Flight Manual: External Load

(a) The applicant must prepare a Rotorcraft-Load Combination Flight Manual and submit it for approval by the Authority. The limiting height-speed envelope data need not be listed as operating limitations. The manual shall set forth—
(1) Operating limitations, procedures (normal and emergency), performance, and other information established under this Subpart;
(2) The class of rotorcraft-load combinations for which the airworthiness of the rotorcraft has been demonstrated in accordance with this Subpart; and
(3) In the information section of the Rotorcraft-Load Combination Flight 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.

11.240 Markings & Placards: External Load

(a) The following markings and placards must be displayed conspicuously and must be such that they cannot be easily erased, disfigured, or obscured—
(1) A placard (displayed in the cockpit or cabin) stating the class of rotorcraft-load combination and the occupancy limitation for which the rotorcraft has been approved.
(2) A placard, marking, or instruction (displayed next to the external-load attaching means) stating the maximum external load approved.

11.245 Airworthiness Certification: External Load

(a) A Rotorcraft External-Load Operator Certificate is a current and valid airworthiness certificate for each rotorcraft type and listed by registration number on a list attached to the certificate, when the rotorcraft is being used in operations conducted under this Part.

11.250 Tow Hook & Release System: Glider Towing

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

11.255 Aircraft Requirements: Banner Towing

(a) No person may 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.

(b) No person may operate a helicopter that is towing a banner unless the helicopter has a means to prevent the banner from becoming entangled in the helicopter's tailrotor during all phases of flight, including autorotations.

11.260 AIRCRAFT REQUIREMENT: TV & MOVIE/TV FILMING

(a) Aircraft in the experimental category shall have an airworthiness certificate issued for the purpose of exhibition in order to be used in motion picture and television filming operations,

SUBPART I: SPECIAL OPERATING RULES: AGRICULTURAL APPLICATION

11.265 APPLICABILITY

(a) The Subpart contains the special operating rules applicable to agricultural application operations by an AWC holder that are to be implemented in addition to, or in lieu of the requirements of Part 10

11.270 GENERAL OPERATING RULES

(a) Except as provided in paragraph (c), this Section prescribes rules that apply to persons and aircraft used in agricultural aircraft operations conducted under this Part.

(b) The holder of an agricultural application authorisation may deviate from the provisions of Part 10 without a certificate of waiver when conducting aerial work operations related to agriculture, horticulture, or forest preservation in accordance with the operating rules of this Section.

(c) The operating rules of this Subpart apply to Rotorcraft External load certificate holders conducting agricultural aircraft operations involving only the dispensing of water on forest fires by rotorcraft external-load means.

(d) An operator may, if it complies with this Subpart, conduct agricultural aircraft operations with a rotorcraft with external dispensing equipment in place without a rotorcraft external-load operator certificate.

11.275 PUBLIC EMERGENCY

(a) In a public emergency, a person conducting agricultural aircraft operations under this Part may, to the extent necessary, deviate from the operating rules of this Part for relief and welfare activities approved by an agency of the National or a local government.

(b) Each person who, under the authority of this Section, deviates from a rule of this Part shall, within 10 days after the deviation send to the Authority a complete report of the aircraft operation involved, including a description of the operation and the reasons for it.

11.280 CERTIFICATE REQUIRED

(a) Except as provided in paragraphs (c) and (d) of this Section, no person may conduct agricultural aircraft operations without, or in violation of, an agricultural application authorisation issued under this Part.

(b) The holder of a rotorcraft external-load operator certificate under this Part may conduct an agricultural aircraft operation, involving only the dispensing of water on forest fires by rotorcraft external-load means.

11.285 CARRYING OF CERTIFICATE

(a) The registration and airworthiness certificates issued for the aircraft need not be carried in the aircraft provided that those certificates not carried in the aircraft shall be kept available for inspection at the base from which the dispensing operation is conducted.

11.290 MANNER OF DISPENSING

(a) No persons may dispense, or cause to be dispensed, any material or substance in a manner that creates a hazard to persons or property on the surface.

11.295 ECONOMIC POISON DISPENSING

(a) Except as provided in paragraph (b) of this Section, no person may dispense or cause to be dispensed, any economic poison that is registered with Rwanda—

(1) For a use other than that for which it is registered;

(2) Contrary to any safety instructions or use limitations on its label; or
(3) In violation of any law or regulation of Rwanda.

(b) This Section does not apply to any person dispensing economic poisons for experimental purposes under—
(1) The supervision of a Rwanda agency authorised by law to conduct research in the field of economic poisons; or
(2) A permit from Rwanda.

11.300 Operations in Controlled Airspace Designated for an aerodrome

(a) Except for flights to and from a dispensing area, no person may operate an aircraft within the lateral boundaries of the surface area of Class D airspace designated for an aerodrome unless authorisation for that operation has been obtained from the ATC facility having jurisdiction over that area.

(b) No person may operate an aircraft in weather conditions below VFR minimums within the lateral boundaries of a Class E airspace area that extends upward from the surface unless authorisation for that operation has been obtained from the ATC facility having jurisdiction over that area.

11.305 Operation Over Congested Areas: General

(a) A certificate holder may operate or cause the operation of an aircraft over a congested area at altitudes required if the operation is conducted with—
(1) The maximum safety to persons and property on the surface, consistent with the operation; and
(2) A plan for each operation, submitted and have approved by the Authority, which includes—
(i) Obstructions to flight;
(ii) Emergency landing capabilities of the aircraft to be used; and
(iii) Any necessary co-ordination with air traffic control.

(b) Each certificate holder shall ensure that all single engine aircraft while in an congested area operate—
(1) Except for helicopters, during take offs and turnarounds, with no load.
(2) Not below the altitudes prescribed in Part 10 except during the actual dispensing operation, including the approaches and departures necessary for that operation.
(3) During the actual dispensing operation, including the approaches and departures for that operation, not below the altitudes prescribed in Part 10 unless it is in an area and at such an altitude that the aircraft can make an emergency landing without endangering persons or property on the surface.

(c) Each certificate holder shall ensure that all multiengine aircraft while in an congested area operate—
(1) During take off, under conditions that will allow the aeroplane to be brought to a safe stop within the effective length of the runway from any point on take-off up to the time of attaining, with all engines operating at normal take-off power, 105 percent of the minimum control speed with the critical engine inoperative in the take-off configuration or 115 percent of the power-off stall speed in the take-off configuration, whichever is greater.

Assume still-air conditions, and no correction for any uphill gradient of 1 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. For uphill gradients greater than 1 percent, the effective take-off length of the runway is reduced 20 percent for each 1-percent grade.

(2) 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 within the area to be worked or at an altitude of 5,000 feet, whichever is higher. Assume that 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.

(3) Below the altitudes prescribed in Part 10 except during the actual dispensing operation, including the approaches, departures, and turnarounds necessary for that operation.

SUBPART J: SPECIAL OPERATING RULES: EXTERNAL LOAD

11.310 APPLICABILITY

(a) The Subpart contains the special operating rules applicable to external load operations by an AWC holder that are to be implemented in addition to, or in lieu of the requirements of Part 10

11.315 GENERAL OPERATING RULES

(a) No person may conduct a rotorcraft external load operation without, or contrary to, the Rotorcraft/Load Combination Flight Manual prescribed in this Part.

(b) No person may conduct a rotorcraft external load operation unless—

(1) The rotorcraft complies with this Part; and

(2) The rotorcraft and rotorcraft/load combination is authorised under the Rotorcraft External Load Operator Certificate.

(c) Before a person may operate 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 will 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—

(1) 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.

(2) Make an initial liftoff and verify that controllability is satisfactory.

(3) While hovering, verify that directional control is adequate.

(4) 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.

(5) 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 may make this check and signal the pilot.

(6) Increase the forward airspeed and determine an operational airspeed at which no hazardous oscillation or hazardous aerodynamic turbulence is encountered.

(d) Notwithstanding the provisions of Part 10, 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—

(1) The operator shall develop a plan for each complete operation and obtain approval for the operation from the Authority.

The plan must include an agreement with the appropriate political subdivision that local officials will exclude unauthorised persons from the area in which the operation will be conducted, coordination with air traffic control, if necessary, and a detailed chart depicting the flight routes and altitudes.

(2) Each flight shall be conducted at an altitude, and on a route, that will allow a jettisonable external load to be released, and the rotorcraft landed, in an emergency without hazard to persons or property on the surface.

(e) Notwithstanding the provisions of Part 10, and except as provided in this Part, the 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.

(f) No person may conduct rotorcraft external load operations under IFR unless specifically approved by the Authority.

11.320 CARRIAGE OF PERSONS

(a) No certificate holder may allow a person to be carried during rotorcraft external load operations unless that person—
  (1) Is a flight crew member;
  (2) Is a flight crew member trainee;
  (3) Performs an essential function in connection with the external load operation; or
  (4) Is necessary to accomplish the work activity directly associated with that operation.

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

SUBPART K: OTHER AERIAL WORK SPECIAL OPERATING RULES

11.325 APPLICABILITY

(a) The Subpart contains the operating rules applicable to external load operations, other than agricultural application and external load operations, by an AWC holder that are to be implemented in addition to, or in lieu, of the requirements of Part 10

(b) If there are no special operating rules is included in this Subpart for a specific category of AWC holder, the requirements specified in Part 10 are applicable to those operations.

11.330 SPECIAL OPERATING RULES: GLIDER TOWING

(a) All banner tow operations shall be conducted only—
  (1) In VFR weather conditions; and
  (2) Between the hours of official sunrise and official sunset.

(b) No person may conduct banner towing operations—
  (1) Over congested areas or open air assemblies of persons lower than 1,000 feet; and
  (2) Elsewhere lower than the minimum safe altitude requirements of Part 10.

Helicopters may be operated at less than the minimums prescribed in paragraph No person may conduct banner towing operations— if the operation is conducted without hazard to persons or property on the surface.

(c) The certificate holder shall obtain the aerodrome manager's approval to conduct banner tow operations.

(d) If banner towing operations take place at an aerodrome with a control tower, the certificate holder shall inform that control tower of the time of the banner tow operation.

(e) The certificate holder shall notify the appropriate aerodrome officials in advance when banner tow operations will be in close proximity to an uncontrolled aerodrome.

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

(g) 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 and/or tow rope, it will not cause undue hazard to persons or property on the surface.

(h) Each pilot shall drop the towrope in a predesignated area at least 500 feet from persons, buildings, parked automobiles, and aircraft.

If the tow plane lands with the rope attached, due care will be exercised to avoid trailing the rope and endangering other aircraft in the air, or persons, property or aircraft on the surface.

(i) Each pilot conducting banner towing operations shall carry on board the aircraft a current copy of the following certificate of Waiver or Authorisation allowing banner towing operations.

11.335 Special Operating Rules: Movie Waiver Requirements

(a) A waiver shall be obtained if filming sequences require an aircraft to be flown—
  (1) In aerobatic flight below 1,500 AGL,
  (2) Over a congested area, or
  (3) In controlled airspace.

When conducting any filming operation requiring a waiver, the certificate holder shall ensure that all reasonable efforts are made to confine spectators to designated areas. If reasonable efforts have been taken and unauthorised persons or vehicles enter the airspace where manoeuvres are being performed during the filming production event, efforts must be made to remove them.

(b) The holder of the waiver shall provide a schedule of events that lists the—
  (1) Identification of the aircraft; and
  (2) Performers in the sequence of their appearance.

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

(d) The waiver holder shall develop, have approved by the Authority, and adhere to a Motion Picture and Television Flight Operations Manual.

11.340 Special Operating Rules: Fish Spotting

(a) Each operator shall conduct operations so as not to endanger persons or property on the surface nor aircraft in flight.

(b) Minimum cloud clearance requirements and minimum altitude requirements of Part 10 do not apply to those persons to whom the Authority has specifically approved different minimums as a part of an authorisation under this Subpart.

End of RCAR Part 11

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA XII W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX XII TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE XII D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 12

Air Operator Certification & Administration

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SUBPART A: GENERAL

12.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as Civil Aviation (Air Operator Certification and Administration) Regulations.

(b) This Part applies to the carriage of passengers, cargo or mail for remuneration or hire by persons whose principal place of business or permanent residence is located in Rwanda.

(c) This Part of these Regulations prescribes requirements for the original certification and continued validity of air operator certificates (AOC) issued by Rwanda.

(d) This Part applies to all persons and organizations that operate aircraft in commercial air transport that do not hold an AOC from another ICAO Contracting State for—

(1) Operations within Rwanda (domestic operations); and/or

(2) International operations.

(e) The Part also applies to—

(1) Persons performing duties for the AOC holder; and

(2) Third parties performing work on behalf of the AOC holder.

(f) Civil Aviation Technical Standards published by the Authority shall also be applicable to air operators and the persons who provide services on their behalf.

12.005 DEFINITIONS

(a) All definitions applicable to this Part are contained in Part 1 (Appendix 1 to 1.015) of these Regulations.

12.010 ACRONYMS & ABBREVIATIONS

(a) The following acronyms and abbreviations are used in this Part—

AFM – Approved Flight Manual
AMO – Approved Maintenance Organisation
AOC – Air Operator Certificate,
AOM – Aircraft Operating Manual
ATP – Airline Transport Pilot
CDL – Configuration Deviation List
ETDO – Extended Diversion Time Operations
ICAO – International Civil Aviation Organisation
MEL – Minimum Equipment List
MMEL – Master Minimum Equipment List
RFM – Rotorcraft Flight Manual
TVE – Total Vertical Error
UN – United Nations

SUBPART B: AIR OPERATOR CERTIFICATE

12.015 COMPLIANCE WITH AN AIR OPERATOR CERTIFICATE

(a) No operator may operate an aircraft in commercial air transport unless that operator holds an AOC for the operations being conducted.

(b) No person may operate an aircraft in commercial air transport operations that are not authorised by the

terms and conditions of its AOC.

(c) The AOC holder shall, at all times, continue in compliance with the AOC terms, conditions of issuance, and maintenance requirements in order to hold that certificate.

(d) The conditions of issuance include all written approvals granted to meet the certification requirements of this Part, including operations specifications, letters of designation, letters of approval and approvals or acceptance of a manual's list of effective pages.

12.020 APPLICATION FOR AN AIR OPERATOR CERTIFICATE

(a) An operator applying to the Authority for an AOC shall submit an application—
  (1) In a form and manner prescribed by the Authority; and
  (2) Containing any information the Authority requires the applicant to submit.

(b) Each applicant shall make the application for an initial issue of an AOC at least 90 days before the date of intended operation.

(c) An applicant who is requesting to be a Single Pilot Air Taxi shall make application at least 30 days prior to the dated of intended operation.

12.025 ISSUANCE OR DENIAL OF AIR OPERATOR CERTIFICATE

(a) The Authority may issue an AOC if, after investigation, the Authority finds that the applicant—
  (1) Is a citizen of Rwanda;
  (2) Has its principal place of business and its registered office, if any, located in Rwanda;
  (3) Meets the applicable regulations and standards for the holder of an AOC;
  (4) Is properly and adequately equipped for safe operations in commercial air transport and maintenance of the aircraft; and
  (5) Has paid the cost recovery fee required, and
  (6) Holds the economic authority issued by Rwanda under the provisions of the Civil Aviation Act.

(b) The Authority may deny application for an AOC if the Authority finds that—
  (1) The applicant is not properly or adequately equipped or is not able to conduct safe operations in commercial air transport;
  (2) The applicant previously held an AOC which was revoked; or
  (3) An individual that contributed to the circumstances causing the revocation process of an AOC obtains a substantial ownership or is employed in a position required by this Part.

12.030 CONTENTS OF MASTER AIR OPERATOR CERTIFICATE

(a) The master AOC will consist of two documents—
  (1) A one-page certificate for public display signed by the Authority, and
  (2) Multi-page AOC master operations specifications containing the terms and conditions applicable to the AOC holder's certificate.

(b) The Authority will issue an AOC which will contain—
  (1) The name and location (main place of business) of the AOC holder;
  (2) The date of issue and period of validity for each page issued;
  (3) A description of the type of operations authorised;
  (4) The type(s) of aircraft(s) authorised for use;
  (5) The authorised areas of operations and/or routes; and
  (6) Other special authorisations, approvals and limitations issued by the Authority in accordance with the standards which are applicable to the operations and maintenance conducted by the AOC holder.

12.031 AIRCRAFT DISPLAY AOC & OPERATIONS SPECIFICATIONS

(c) For each fleet of aircraft type and authorisation, the Authority shall issue the following documents for placement in the flight deck of each aircraft operated by the AOC holder—
  (1) A certified true copy of an aircraft display AOC as prescribed by Appendix 1 to 12.031; and
  (2) A summarized copy of the operations specifications as prescribed by Appendix 2 to 12.031, detailing key authorisations, conditions and limitations for that fleet of aircraft.

(d) These aircraft display documents shall—
  (1) Be worded In English;
  (2) Include, at least the minimum contents specified by the ICAO in Annex 6; and
  (3) Be formatted to follow the layout specified in Annex 6.

(e) The AOC holder shall ensure that these documents are located on the flight deck of their aircraft for all operation in commercial air transport.

(f) The AOC holder and its personnel shall make these documents available upon request to international authorities.

12.035 DURATION OF AN AIR OPERATOR CERTIFICATE

(a) An AOC, or any portion of the AOC, issued by the Authority is effective until—
  (1) The Authority amends, suspends, revokes or otherwise terminates the certificate;
  (2) The AOC holder surrenders it to the Authority;
  (3) The AOC holder suspends operations for more than 60 days, or
  (4) Twelve calendar months, whichever comes first.

(b) Notwithstanding paragraph (a)(4) of this Section, an AOC may be issued with an validity of up to 24 calendar months provided the qualifying risk assessment conditions prescribed by the Authority for such an issuance have been met.

12.040 AMENDMENT OF AN AIR OPERATOR CERTIFICATE

(a) The Authority may amend any AOC if—
  (1) The Authority determines that safety in commercial air transport and the public interest require the amendment; or
  (2) The AOC holder applies for an amendment, and the Authority determines that safety in commercial air transport and the public interest allows the amendment.

(b) If the Authority stipulates in writing that an emergency exists requiring immediate amendment in the public interest with respect to safety in commercial air transportation, such an amendment is effective without stay on the date the AOC holder receives notice.

(c) An AOC holder may appeal the amendment, but shall operate in accordance with it, unless it is subsequently withdrawn.

(d) Amendments proposed by the Authority, other than emergency amendments, become effective 30 days after notice to the AOC holder, unless the AOC holder appeals the proposal in writing prior to the effective date. The filing of an appeal stays the effective date until the appeal process is completed.

(e) Amendments proposed by the AOC holder shall be made at least 30 days prior to the intended date of any operation under that amendment.

(f) No person may perform a commercial air transport operation for which an AOC amendment is required, unless it has received notice of the approval from the Authority.

12.045 RENEWAL OF AN AIR OPERATOR CERTIFICATE

(a) Each applicant shall make the application for an renewal of an AOC at least 30 days prior to the date of expiration of their AOC.

(b) An operator applying to the Authority for renewal of an AOC shall submit an application—

(1) In a form and manner prescribed by the Authority; and

(2) Containing any information the Authority requires the applicant to submit.

(c) Prior to renewal, the Authority shall conduct a risk assessment of the AOC holder's continued compliance with the certification standards for an AOC applicable to the type and complexity of the operations and ensure that there are no outstanding safety concerns at the time of renewal.

12.046 THROUGH 12.055 [RESERVED]

SUBPART C: CERTIFICATION

12.060 INITIAL CERTIFICATION REQUIRED

(a) Prior to the issuance of an AOC, the applicant must be originally certificated in accordance with the system of certification used by the Authority.

(b) This system of certification shall require, at a minimum, that no AOC will be issued by the Authority until the applicant has demonstrated that it has an adequate organisation, method of control and supervision of flight operations, training program as well as ground handling and maintenance arrangements consistent with the nature and extent of the operations specified.

12.065 SUBSEQUENT CERTIFICATION REQUIRED

(a) Unless addressed in the initial certification, subsequent requests for the following amendments to AOC operating authority for the following require completion of a full certification process prior to operation—

(1) Adding variant aircraft;

(2) All weather operations, such as Category II and III approaches to the AOC

(3) Critical performance based navigation, e.g., RNP-10 navigation

(4) Critical airspace operations, e.g., MNPS, NORPAC, RVSM, CPDLC, Polar;

(5) Extended diversion time operations (ETDO);

(6) Single-pilot night and IMC operations, as prescribed in Appendix 1 to 12.065;

(7) Single-engine turbine-powered night and IMC operations as prescribed in Appendix 2 to 12.065;

(8) Helicopter operations in Performance Class 3 at night and IMC operations as prescribed in Appendix 3 to 12.065.

(9) Any other complex authorisation that may be prescribed by the Authority.

12.070 DEMONSTRATION FLIGHTS

(a) No person may operate an aircraft type in commercial air transport unless it first conducts satisfactory demonstration flights for the Authority in that aircraft type.

(b) No person may operate an aircraft in a designated special area, or using a specialised navigation system, unless it conducts a satisfactory demonstration flight or validation flight as prescribed by the Authority.

(c) Demonstration flights required by paragraph (a) shall be conducted in accordance with the regulations applicable to the type of operation and aircraft type used.

(d) The Authority may authorise deviations from this Section if the Authority finds that special circumstances make full compliance with this Section unnecessary.

(e) This demonstration flight is not required for Single Pilot or Basic Air Taxi operators who receive their initial proficiency checks from authorised persons designated by the Authority.

12.075 EXTENDED DIVERSION TIME OPERATIONS (EDTO)

(a) No person may conduct EDTO operations unless the Authority has completed a certification process and issued an approval for specific threshold times.

(b) In making this certification evaluation, the Authority shall take into account the route to be flown, the anticipated operating conditions and the location of adequate en-route alternate aerodromes. The approval of these operations will consider—

(1) The airworthiness certification of the aeroplane type;
(2) The reliability of the propulsion system;
(3) The operator's maintenance procedures;
(4) The operator's operating practices;
(5) The operator's flight dispatch procedures; and
(6) The operator's crew training program.

(c) When approving the appropriate maximum diversion time for an operator for a particular aeroplane type engaged in extended diversion time operations, the Authority shall ensure that—

(1) *For all aeroplanes:* the most limiting EDTO significant system time limitation, if any, indicated in the Aeroplane Flight Manual (directly or by reference) and relevant to that particular operation is not exceeded; and
(2) *For aeroplanes with two turbine engines*: the aeroplane is EDTO certified.

(d) The Authority shall, when approving maximum diversion times for aeroplanes with two turbine engines, ensure that the following are taken into account in providing the overall level of safety intended by the provision of Annex 8—

(1) Reliability of the propulsion system;
(2) Airworthiness certification for EDTO of the aeroplane type; and
(3) EDTO maintenance program.

12.077 REDUCED VERTICAL SEPARATION CERTIFICATION

(a) No person may conduct RVSM operations unless the Authority has completed a certification process and issued an approval for the specific aircraft or fleet of aircraft.

(b) In making this certification evaluation, the Authority shall take into account the route to be flown, the anticipated operating conditions and the suitability of the aircraft.

(c) The Authority shall be satisfied that—

(1) The vertical navigation performance capability of the aeroplane satisfies the specified requirements including the altimetry standards prescribed in Appendix 1 to 7.067.
(2) The AOC holder has instituted appropriate procedures in respect of continued airworthiness (maintenance and repair) practices and programs; and
(3) The AOC holder has instituted appropriate flight crew procedures in the operations manual for operations in RVSM airspace.

(d) The Authority shall ensure that, prior to authorising RVSM operations for a specific aeroplane or fleet of aeroplanes, there are adequate provisions for—

(1) Receiving the reports of height keeping performance issued by the monitoring agencies; and
(2) Taking immediate corrective action for individual aircraft, or aircraft type groups, identified in such reports as not complying with the height-keeping requirements for operation in airspace where RVSM is applied.

12.080 DANGEROUS GOODS AWARENESS & C E R T I F I C A T I O N

(a) No person may conduct any commercial air transport operation unless in compliance with the requirements of Part 18 regarding transportation of dangerous goods by air

(b) *Operators not seeking approval for transport dangerous goods by air* shall establish as prescribed by the Authority—

(1) A dangerous goods training programme that meets the requirements of this Part, Parts 14 and 18 and the Technical Instructions, Part 1, Chapter 4, Table 1-5, as appropriate; and

(2) Dangerous goods policies and procedures in its operations manual to meet, at a minimum, the requirements of Annex 18, the Technical Instructions and the Part 18 of these Regulations to ensure that operator personnel can—

(i) Identify, reject and report undeclared dangerous goods, including COMAT classified as dangerous goods; and

(ii) Report dangerous goods accidents and incidents to the Authority and the appropriate authorities of the State in which the accident or incident occurred.

(c) *Operators seeking approval for transport of dangerous goods by air* shall complete a separate certification process must be completed as prescribed by the Authority to ensure that the operator has demonstrated compliance with the Part 18 safety requirements for carriage of dangerous goods by air, with emphasis on the establishment of—.

(1) A dangerous goods training programme that meets the requirements in the Technical Instructions, Part 1, Chapter 4, Table 1-4 and the requirements of this Part and Parts 14 and 18, as appropriate; and

(2) Dangerous goods policies and procedures in its operations manual to meet, at a minimum, the requirements of Part 18 and the Technical Instructions to enable operator personnel to—

(i) Identify, reject and report undeclared or misdeclared dangerous goods, including COMAT, classified as dangerous goods;

(ii) Report dangerous goods accidents and incidents to the Authority and the appropriate authorities of the State in which the accident or incident occurred;

(iii) Accept, handle, store, transport, load and unload dangerous goods, including COMAT, classified as dangerous goods as cargo on board an aircraft; and

(iv) Provide the pilot-in-command with accurate and legible written or printed information concerning dangerous goods that are to be carried as cargo.

(d) The AOC holder shall ensure that all personnel, including third-party personnel, involved in the acceptance, handling, loading and unloading of cargo are informed of the operator's operational approval and limitations with regard to the transport of dangerous goods.

12.083 [RESERVED]

12.085 OPERATIONAL VARIATIONS BASED ON SAFETY RISK ASSESSMENT

(a) Notwithstanding a specific regulation requirement, the Authority may, based on the results of a specific safety risk assessment conducted by the operator which demonstrates how an equivalent level of safety will be maintained, approve operational variations to the following requirements—

(1) Alternate airport selection;

(2) Minimum fuel requirements;

(3) EDTO diversion requirements;

(b) The operator shall make application for the variation in the form and manner prescribed by the Authority.

Note: See the Appendices 1, 2 and 3 to 12.047 for additional requirements relating the applications for these safety risk variations.

12.086 THROUGH 12.095 [RESERVED]

SUBPART D: SURVEILLANCE & REVALIDATION

12.100 CONTINUING VALIDATION OF THE CERTIFICATION BASIS REQUIRED

(a) The AOC holder shall be subject to a continuing system of surveillance administered by the Authority to validate the original certification basis.

(b) The continued validity of an air operator certificate shall depend upon the operator maintaining the requirements for original issuance of the certificate under the supervision of the Authority.

12.105 ACCESS FOR INSPECTION

(a) To determine continued compliance with the applicable regulations, the AOC holder shall—

(1) Grant the Authority access to and co-operation with any of its organisations, facilities and aircraft;

(2) Ensure that the Authority is granted access to and co-operation with any organisation or facilities that it has contracted for services associated with commercial air transport operations and maintenance for services; and

(3) Grant the Authority free and uninterrupted access to the flight deck of the aircraft during flight operations.

(b) The AOC holder shall provide to the Authority a forward observer's position on each of the AOC holder's aircraft from which the flight crew's actions and conversations may be easily observed.

(c) The suitability of the seat location and the ability to monitor crew member actions, conversations and radio communications is determined by the Authority.

(d) The forward observer's position (seat, oxygen mask and interphone system) shall be operational at all times. In the event that the seat is determined not to be operational by the Authority, the AOC holder will—

(1) Provide a seat in the cabin for the Authority, and

(2) Make the necessary repairs to the forward observer's position within three days.

12.110 CONDUCTING TESTS & INSPECTIONS

(a) The Authority will conduct on-going validation of the AOC holder's continued eligibility to hold its AOC and associated approvals.

(b) The AOC holder shall allow the Authority to conduct tests and inspections, at any time or place, to determine whether an AOC holder is complying with the applicable laws, regulations and AOC terms and conditions.

(c) The AOC holder shall make available at its principal base of operations—

(1) All portions of its current Air Operator Certificate;

(2) All portions of its Operations and Maintenance Manuals; and

(3) A current listing that includes the location and individual(s) responsible for each record, document and report required to be kept by the AOC holder under the applicable aviation law, regulations or standards.

(d) The Single Pilot AOC holder shall make its records available to the Authority upon request, either in at the offices of the Authority or an other location stipulated by the Authority.

(e) Failure by any AOC holder to make available to the Authority upon request, all portions of the AOC, Operations and Maintenance Manuals and any required record, document or report is grounds for suspension of all or part of the AOC.

12.115 THROUGH 12.125 [RESERVED]

SUBPART E: AOC ADMINISTRATION

12.130 REQUIRED MANAGEMENT PERSONNEL

(a) The AOC holder shall have an accountable manager, acceptable to the Authority, who has corporate authority for ensuring that all flight operations and maintenance activities can be financed and carried out to the highest degree of safety standards required by the Authority.

(b) When conducting commercial air transport operations, the AOC holder shall have assigned senior management persons, acceptable to the Authority, who are responsible for management and supervision of the following areas—

(1) Flight operations;
(2) The maintenance system;
(3) Crew training,
(4) Ground operations; and
(5) Safety management.

(c) These persons shall have proven competency in civil aviation and be available and serving in their positions during operations of the AOC holder.

Note: See Appendix 1 to 12.060 for additional management personnel requirements.

(d) A Single Pilot Air Taxi operator is only required to have an accountable manager acceptable to the Authority.

(e) The Authority may approve positions or numbers of positions, other than those listed, if the AOC holder is able to show that it can perform the operation with the highest degree of safety under the direction of fewer or different categories of management personnel due to the—

(1) The kind of operations involved;
(2) The number of aircraft used; and
(3) The area of operation.

(f) The individuals who serve in the positions required or approved under this Section and anyone in a position to exercise control over operations conducted under the AOC must—

(1) Be qualified through training, experience, and expertise;
(2) Discharge their duties to meet applicable legal requirements and to maintain safe operations; and
(3) To the extent of their responsibilities, have a full understanding of the following materials with respect of the operator's operation—
(i) Aviation safety standards and safe operating practices;
(ii) These Regulations;
(iii) The operator's operations specifications;
(iv) All appropriate maintenance and airworthiness requirements of this Part;
(v) The manuals requirements of this Part.

(g) Each operator shall—

(1) State in the general policy provisions of the operations manual the duties, responsibilities and authority of personnel required by this Section;
(2) List in the operations manual the names and business addresses of the individuals assigned to those positions; and
(3) Notify the Authority within 10 days of any change in personnel or any vacancy in any position listed.

1.135 BASE OF OPERATIONS

(a) The AOC holder that is not authorised to conduct maintenance under its AOC certificate shall maintain a principal base of operations

(b) The AOC holder that is authorised to conduct maintenance under its AOC certificate shall maintain a principal base of operations and maintenance.

(c) An AOC holder may establish a main operations base and a main maintenance base at the same location or at separate locations.

(d) The AOC holder shall provide written notification of intent to the Authority at least 30 days before it proposes to establish or change the location of either base.

(e) A Single Pilot Air Taxi operator is not required to have an operations or maintenance base, but must identify the location and person assigned to retain its required records, and provide free and interrupted access to those records.

12.140 FACILITIES

(a) Each operator shall maintain operational and airworthiness support facilities at the main operating base, appropriate for the area and type of operation.

(b) The AOC holder shall arrange appropriate ground handling facilities at each airport used to ensure the safe servicing and loading of its flights.

(c) The Single Pilot or Basic Air Taxi operator is not required to maintain support facilities or personnel, but must be present at the aircraft when support activities are being provided.

12.145 INTEGRATED FLIGHT SAFETY DOCUMENTS SYSTEM

(a) The AOC holder shall maintain a flight safety documents system that provides consistent policy and procedures to its personnel through an integrated manual system to ensure the highest degree of safety in the operations of the airline.

(b) Each manual required by this Part must—

(1) Include instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities with a high degree of safety;

(2) Be in a form that is easy to revise and contains a system which allows personnel to determine the current revision status of each manual;

(3) Have a date of the last revision on each page concerned;

(4) Not be contrary to any applicable regulation and the AOC holder's operations specifications; and

(5) Include specific regulatory references in the text to indicate where regulation text has been inserted or paraphrased to provide operator policy.

(c) No person may cause the use of any policy and procedure for flight operations or airworthiness function prior to coordination with the Authority.

(d) The AOC holder shall submit the proposed policy or procedure to the Authority at least 30 days prior to the date of intended implementation.

12.147 PERFORMANCE OF WORK BY THIRD PARTIES

(a) No AOC holder may have a third party perform work on their behalf unless that third party has been provided with the AOC holder's policies and procedures for the performance of that work.

(b) Third parties performing work on behalf of the AOC holder shall use the policies and procedures of the AOC holder to perform that work.

(c) The AOC holder shall include audits of the work performed by third parties in their quality assurance program to ensure that the work performed was accomplished in accordance with the AOC holder's policies and procedures.

12.150 OPERATIONS SCHEDULES

(a) In establishing flight operations schedules, The AOC holder conducting scheduled operations shall allow enough time for the proper servicing of aircraft at intermediate stops, and shall consider the prevailing winds en route and cruising speed for the type of aircraft. This cruising speed may not be more than that resulting from the specified cruising output of the engines.

12.153 SAFETY MANAGEMENT SYSTEM

(a) The AOC holder shall have a safety management system acceptable to the Authority which implements requirements and framework specified in Part 30.

(b) The AOC holder's safety management system shall clearly define lines of safety accountability throughout the operator's organisation, including a direct accountability for safety on the part of senior management.

(c) The AOC holder's safety management system shall include accident prevention responsibilities that include—

(1) Administration of a methodology for reporting, both anonymous or identifiable, and correction of possible safety issues and providing feedback to the operations personnel.
(2) Evaluation of adverse trends or patterns within the industry and the AOC holder;
(3) Conduct of safety briefings; and
(4) Issuance of Operations Bulletins regarding safety and standardisation matters.

(d) The AOC holder shall establish and maintain a flight data analysis program as a part of its safety management system if it operates aeroplanes with a certificated take-off mass in excess of 20,000 kg or helicopters in excess of 7000 kg and/or more than 9 passengers when fitted with a flight recorder.

(1) A flight data analysis program shall be non-punitive and contain adequate safeguards to protect the source(s) of the data
(2) An AOC holder may contract the operation of a flight analysis program to another party while retaining overall responsibility for the maintenance of such a program.
(3) The aircraft operator shall report to the Authority monthly on the fleet operation under issued AOC.
(4) The records generated by the flight data program shall be restricted to uses identified in Section 7.165(h) and Appendix 1 to 7.165(h).

(e) An AOC holder shall, as part of its safety management system—

(1) Establish a flight safety documents system, for the use and guidance of operational and maintenance personnel, as part of its safety management system.
(2) Assess the level of rescue and fire fighting service (RFFS) protection available at any aerodrome intended to be specified in the operational flight plan in order to ensure that an acceptable level of protection is available for the aeroplane intended to be used.

12.155 QUALITY ASSURANCE PROGRAM

(a) The AOC holder shall establish a quality assurance programme as a part of its SMS programme and designate technically qualified auditor(s) who will monitor compliance with, and adequacy of, procedures required to ensure safe operational practices and airworthy aircraft. Compliance monitoring shall include a feedback system to the accountable manager to ensure corrective action as necessary.

(b) The AOC holder shall describe the quality assurance program in relevant documentation.

(c) The AOC holder shall ensure that the quality assurance program that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures.

(d) The quality assurance program, relevant documentation and quality assurance manager shall be acceptable to the Authority.

(e) Notwithstanding (a) above, the Authority may accept the nomination of two quality assurance audit persons, one for operations and one for maintenance.

(f) The Air Taxi AOC holder is not required to establish a quality assurance program, but must submit to inspections by authorised persons designated by the Authority.

12.159 GROUND HANDLING ARRANGEMENTS

(a) The AOC holder shall have an organisational structure acceptable to the Authority which includes the responsibilities and authority for the management of all ground handling functions, including—
  (1) Ramp operations;
  (2) Passenger services;
  (3) Baggage services;
  (4) Cabin services;
  (5) Weight and balance control;
  (6) Ground support equipment; and
  (7) Fuel services.

(b) In addition to the aircraft type-specific manuals, AOC holder shall have an Aircraft Handling manual acceptable to the Authority which includes, for all ground handling operations—
  (1) Handling processes, procedures and practices;
  (2) Training program requirements; and
  (3) Subcontracting policies.

(c) The AOC holder shall have processes acceptable to the Authority for continuously ensuring the proper and adequate ground handling for their aircraft when all or part of the functions and tasks related to ground handling services have been contracted to a service provider.

(d) The AOC holder shall provide to the Authority a current and acceptable list of the service providers and the functions they have been contracted to perform on behalf of the AOC holder sorted by airport location.

12.160 SECURITY PROGRAM

(a) The AOC holder shall have a security program to ensure that—
  (1) All appropriate personnel are familiar, and comply with, the relevant requirements of the national security programs of the State of the Operator.
  (2) These personnel are able to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimise the consequences of such events should they occur.
  (3) A report of unlawful inference with a crew member is made, without delay, to the designated local authority and the Authority.

Stowage of Weapons

(b) If any weapons are removed from the passengers or accepted for such carriage, there shall be a procedure in the Operations Manual regarding the proper method to stow such weapons in a place so that they are inaccessible to any person during flight time.

Security Training for Appropriate Employees

(c) The AOC holder shall also establish and maintain a training programme to acquaint appropriate employees with preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aircraft so that they contribute to the prevention of acts of sabotage or other forms of unlawful interference.

Security Training for Crew Members

(d) The AOC holder shall establish and maintain an approved security training programme which ensures crew members act in the most appropriate manner to minimize the consequences of acts of unlawful interference.

Note: The minimum requirements for this security programme are specified in Part 14.

Aircraft Search Procedures Checklist

(e) The AOC holder shall ensure that there is on board a checklist of the procedures to be followed in searching for a bomb in case of suspected sabotage and for inspecting aircraft for concealed weapons, explosives or other dangerous devices when a well-founded suspicion exists that the aircraft may be the object of an act of unlawful interference.

(f) The checklist shall be supported by guidance on the—

(1) Appropriate course of action to be taken should a bomb or suspicious object be found; and

(2) Information on the least-risk bomb location specific to the aircraft.

12.165 PREPAREDNESS FOR POSSIBLE COMMUNICATIVE DISEASES

(a) The AOC holder conducting international operations shall establish and maintain a program of preparedness for identification and processing passengers with possible communicative diseases that contain at least the elements specified in Appendix 1 to 12.165.

12.170 THROUGH 12.185 [RESERVED]

SUBPART F: AOC HOLDER RECORDS

12.190 APPLICABILITY

(a) This Subpart outlines the primary records requirements associated with AOC holders and the international standards. The records of this Subpart are not all-inclusive of the forms and records that are required by other applicable Regulations for the intended operations.

(b) All records in this Subpart should conform to any content and retention requirement prescribed by the Authority and must be acceptable to the Authority prior to use.

12.195 RECORD COMPLETION REQUIREMENTS

(a) The AOC holder shall ensure that all records required to be completed under this Subpart are completed—

(1) *For qualification or airworthiness*, prior to the use of the person, aircraft or component in commercial air transport operations.

(2) *For all other records*, as the necessary information is provided to the person designated to complete the record.

(b) The AOC holder shall ensure that its procedures for providing information to the persons designated to complete a specific record are provided in a timely way so that the record is continuously up-dated and available for consideration for the planning and conduct of commercial air transport operations.

(c) The person(s) designated to complete a specific record shall be given that designation in writing and provided training and written policy guidance for the completion of the document with respect to timing and accuracy.

(d) Each person designated to complete and/or sign a record required under this Subpart shall make the required entries accurately and in a timely manner so that the record used for planning and conduct of commercial air transport reflects the true situation at the time of use.

(e) Each record required for AOC holder operations and maintenance purposes shall be completed in ink or indelible pen, unless otherwise approved by the Authority.

12.200 RETENTION & MAINTENANCE OF RECORDS

(a) The AOC holder shall retain the records that are required for the minimum times specified in this Part and summarised in Appendix 1 to 12.200.

(b) The AOC holder shall maintain current records which detail the qualifications and training of all its employees, and contract employees, involved in the operational control, flight operations, ground operations and maintenance of the air operator.

(c) The AOC holder shall maintain records for those employees performing crew member or operational control duties in sufficient detail to determine whether the employee meets the experience and qualification for duties in commercial air transport operations.

(d) This record, its contents, layout and the procedures for its use shall be approved by the Authority prior to its use in commercial air transport.

(e) This record shall be identifiable to the AOC holder and the specific individual.

(f) This record shall be retained by the AOC holder in safe custody for at least six months after the individual no longer employed by the AOC holder.

(g) The Authority will also consider approval of a computer-based method for keeping any portion of this information. Without this approval, any such computer records used by the AOC holder shall be secondary to the approved method in priority of updating and usage at the operational level.

12.205 MAINTENANCE PERSONNEL QUALIFICATION & CURRENCY RECORDS

(a) The AOC holder authorised to conduct maintenance shall have a record of the maintenance person's qualification and currency that includes confirmation that these persons are current and qualified as required by relevant requirements of these Regulations.

12.210 LOAD CONTROLLER QUALIFICATION & CURRENCY RECORDS

(a) The AOC holder shall have a record of the load controller's qualification and currency that includes confirmation that these persons are current and qualified as required by relevant requirements of these Regulations.

12.215 FLIGHT CREW QUALIFICATION & CURRENCY RECORDS

(a) The AOC holder shall have a record of the flight crew member's qualification and currency that these persons are current and qualified as required by relevant requirements of these Regulations.

(b) Each flight crew member shall be provided a current summary record showing their completion of initial and recurrent qualification requirements.

12.220 CABIN CREW QUALIFICATION & CURRENCY RECORDS

(a) The AOC holder shall maintain a record of the cabin crew member's qualification and currency that includes confirmation that these persons are current and qualified as required by relevant requirements of these Regulations.

(b) Each cabin crew member shall be provided a current summary record showing their completion of initial and recurrent qualification requirements.

12.225 CREW DUTY & FLIGHT TIME RECORDS

(a) The AOC holder shall have a record of the flight and cabin crew members' assigned and actual duty and flight time and minimum rest periods with respect to all Part 15 requirements for these crew members.

12.227 COSMIC RADIATION DOSE RECORDS

(a) The AOC holder shall maintain records which would allow the total cosmic radiation dose received by their crew members over the previous 12 calendar months to be determined.

12.230 OPERATIONAL CONTROL PERSONNEL QUALIFICATION RECORDS

(a) The AOC holder shall have a record of the qualification of its operational control personnel with respect to Parts 14 and 16 requirements for these persons.

12.235 AIRCRAFT JOURNEY LOG

(a) The AOC holder shall maintain, on each aircraft, an aircraft journey log that contains the record of all flights made by that aircraft

(b) This log, its contents, layout and procedures for its use shall be approved by the Authority prior to its use in commercial air transport.

Note: Refer to Appendix 1 to 12.235 for the prescribed contents of the AOC Journey Logbook.

(c) Each page shall be identifiable to the AOC holder, separately numbered with a unique number and shall be arranged chronologically in a bound document.

(d) This uniquely numbered, bound document will be assigned to a specific aircraft operated by the AOC holder until all pages are used.

(e) This document shall be retained by the AOC in safe custody for at least six months after the last date of the records contained in it.

(f) If the AOC holder desires to use a different methodology, it must submit the forms and procedures to the Authority for technical evaluation and approval, prior to use of the different methodology in commercial air transport.

12.240 AIRCRAFT SERVICE & MAINTENANCE RECORDS

(a) The AOC holder shall maintain, on each aircraft, an aircraft technical log that contains the record of all servicing of fuel and oil, defects, trend monitoring and maintenance tasks and tests on that aircraft during the course of its operations.

(b) This log, its contents, layout and the procedures for its use shall be approved by the Authority prior to its use in commercial air transport.

Note: Refer to Appendix 1 to 12.240 for the prescribed contents of the Aircraft Technical Logbook.

(c) Each page shall be identifiable to the AOC holder, separately numbered with a unique number and shall be arranged chronologically in a bound document.

(d) Each numbered page shall be provided in triplicate; a white original page, a light pink, carbonless, detachable page and a light yellow, carbonless, detachable page.

(e) This uniquely numbered, bound document will be assigned to a specific aircraft operated by the AOC

holder until all pages are used.

(f) This document shall be retained by the AOC holder in safe custody as long as the aircraft is operated, or for three months, whichever is longer.

(g) If the AOC holder desires to use a different methodology, it must submit the forms and procedures to the Authority for technical evaluation and approval, prior to use of the different methodology in commercial air transport.

12.241 FUEL & OIL RECORDS

(a) An AOC holder shall maintain fuel records to substantiate that, for each flight, the related requirements for fuel supply and adequate servicing have been met.

(b) If the AOC holder does not use the Aircraft Technical Log as the primarily record keeping method, the actual method to be used must be approved separately by the Authority.

(c) An AOC holder shall maintain oil records to substantiate that, for each flight, is continuously ascertaining that trends for oil consumption are such that an aeroplane has sufficient oil to complete each flight.

(d) Fuel and oil records shall be retained by the operator for a period of three calendar months.

12.242 DEFERRED DEFECTS SUMMARY

(a) The AOC holder shall have on each aircraft, a log of the deferred defects for that aircraft that is attached to or aligned with the Aircraft Technical Log.

(b) This log may be included in the printed Aircraft Technical Log or attached in some manner to the cover of that log and will include the information prescribed by the Authority.

(c) This document shall be retained by the AOC holder in safe custody as long as the aircraft is operated.

12.245 AIRCRAFT INSPECTION & CONDITION SUMMARY RECORD

(a) The AOC holder shall cause to be carried on each aircraft operated, a summary record of that aircraft's airframe, engine, propellers, components and equipment current maintenance and condition with respect to—

(1) Required inspections;
(2) Required replacement times; and
(3) Airworthiness Directive compliance.

(b) This record will be in form and manner acceptable to the Authority.

12.250 LOAD & PERFORMANCE PLANNING RECORDS

(a) The AOC holder shall have an aircraft-specific load manifest to summarise the mass and balance and performance calculations for each flight in commercial air transport.

(b) This manifest, its contents, layout and the procedures for its use shall be approved by the Authority prior to its use in commercial air transport.

(c) Each page shall be identifiable to the AOC holder, separately numbered with a unique number and shall be arranged chronologically in a bound document.

(d) Each numbered page shall be provided in duplicate; a white original page and a light yellow, carbonless, detachable page.

(e) This uniquely numbered, bound document will be assigned to a specific aircraft operated by the AOC holder until all pages are used.

(f) This document, and the supporting passenger information and cargo waybills, shall be retained by the AOC holder in safe custody for at least three months

(g) If the AOC holder desires to use a different methodology, it must submit the forms and procedures to

the Authority for technical evaluation and approval, prior to use of the different methodology in commercial air transport.

12.255 OPERATIONAL FLIGHT PLANNING RECORDS

(a) The AOC holder shall have an operational flight planning document to record the planned route information, minimum fuel calculations, applicable weather conditions and NOTAMS and alternate airport selections for each flight in commercial air transport.

(b) This operational flight planning document, its contents, layout and the procedures for its use shall be approved by the Authority prior to its use in commercial air transport.

(c) Each page shall be identifiable to the AOC holder, separately numbered with a unique number and shall be arranged chronologically in a bound document.

(d) Each numbered page shall be provided in duplicate; a white original page and a light green, carbonless, detachable page.

(e) This uniquely numbered, bound document will be assigned to a specific aircraft operated by the AOC holder until all pages are used.

(f) This document, and the supporting documents, shall be retained by the AOC holder in safe custody for at least three months.

(g) If the AOC holder desires to use a different methodology, it must submit the forms and procedures to the Authority for technical evaluation and approval, prior to use of the different methodology in commercial air transport.

12.260 AIRCRAFT-SPECIFIC EMERGENCY & SURVIVAL EQUIPMENT RECORDS

(a) The AOC holder shall at all times have available for immediate communication to rescue co-ordination centres, lists containing information on the emergency and survival equipment carried on board any of their aircraft engaged in commercial air transport.

(b) This information shall include, as applicable, the—

(1) Number, colour and type of life rafts and pyrotechnics,
(2) Details of emergency medical supplies,
(3) Water supplies and
(4) Type and frequencies of the emergency portable radio equipment.

12.265 FLIGHT DECK VOICE & FLIGHT DATA RECORDER RECORDS

(a) The AOC holder which operates aircraft required to have the flight voice and data recorders installed shall—

(1) Conduct operational checks and evaluations of flight recorder recordings to ensure the continued serviceability of the recorders;
(2) Retain the most recent flight data recorder calibration, including the recording medium from which this calibration is derived; and
(3) Retain the flight data recorder correlation for one aircraft of any group of aircraft operated by the AOC holder—
    (i) That are of the same type;
    (ii) On which the model flight recorder and its installation are the same; and
    (iii) On which there is no difference in type design with respect to the original installation of instruments associated with the recorder.

(b) In the event that the aircraft becomes involved in an accident or occurrence requiring immediate notification of the Authority, the AOC holder shall remove and keep recorded information from the flight deck voice recorder and flight data recorder in safe custody pending their disposition as determined by the Authority.

12.270 THROUGH 12.290 [RESERVED]

SUBPART G: AIRCRAFT

12.295 APPLICABILITY

(a) This Subpart provides those certification requirements that apply to inclusion of aircraft type-specific fleets or individual aircraft in the AOC.

12.300 AUTHORISED AIRCRAFT

(a) No person may operate an aircraft in commercial air transport unless that aircraft has an appropriate current airworthiness certificate, is in an airworthy condition, and meets the applicable airworthiness requirements for these operations, including those related to identification and equipment.

(b) No person may operate any specific type of aircraft in commercial air transport until it has completed satisfactory initial certification, which includes the issuance of an AOC amendment listing that type of aircraft.

(c) No person may operate additional or replacement aircraft of a type for which it is currently authorised unless it can show that each aircraft has completed an evaluation process for inclusion in the AOC holder's fleet.

12.305 EMERGENCY EVACUATION DEMONSTRATION

(a) No person may use an aircraft type and model in commercial air transport passenger-carrying operations unless there is acceptable evidence that actual full capacity emergency evacuation was successfully demonstrated in 90 seconds or less.

(b) If a full capacity demonstration is not required, an operator may operate an aircraft type and model in commercial air transport passenger-carrying operations only after it has first demonstrated to the Authority that its available personnel, procedures and equipment could provide sufficient open exits for evacuation in 15 seconds or less.

(c) The emergency evacuation demonstration shall include an assessment of the adequacy of aircraft emergency procedures, crew member emergency evacuation training and emergency equipment.

(d) This demonstration is not required for aircraft configured for 19 or less passengers unless the Authority determines that there is an operational need for this evaluation.

12.310 DITCHING DEMONSTRATION

(a) No person may use a land plane in overwater operations unless they have—

(1) *For airplanes configured for 20 or more passengers,* first demonstrated to the Authority that person has the ability and equipment to enable the flight and cabin crews to efficiently carry out their ditching procedures.

(2) *For airplanes configured for 19 or less passengers,* provided ditching procedures and training approved by the Authority and the required serviceable equipment for such eventually is located in readily accessible locations.

12.313 DRY LEASING OF AIRCRAFT

(a) An AOC holder may be approved by the Authority to dry lease an aircraft for the purpose of commercial air transportation provided that the following conditions are met—

(1) The AOC holder provides the Authority with a copy of the dry lease agreement to be executed;

(2) The AOC holder has operational control of the aircraft during the period of the lease;

(3) Dispatch and/or flight watch functions are performed by the AOC holder;.

(4) The flight and cabin crew members are trained, qualified and scheduled by the AOC holder; and

(5) The maintenance arrangements are acceptable to the Authority.

(b) The dry lease agreement shall be explicit concerning the—

(1) Entity that has operational control, with the authority for initiating and teminating flights;
(2) Responsibility for crew training, qualification and scheduling;
(3) Maintenance and servicing of aircraft, including the Maintenance program that will used;
(4) Minimum Equipment List that will be used;

12.315 DRY LEASING OF FOREIGN REGISTERED AIRCRAFT

(a) An AOC holder may be approved by the Authority to dry-lease a foreign-registered aircraft for commercial air transport in accordance with the requirements of this Section and Section 12.313.

(b) To be eligible for dry lease the foreign registered aircraft shall—

(1) Have an appropriate airworthiness certificate issued, in accordance with ICAO Annex 8, by the country of registration and meets the registration and identification requirements of that country.
(2) Be of a type design which complies with all of the requirements that would be applicable to that aircraft were it registered in Rwanda, including the requirements which shall be met for issuance of a Rwanda standard airworthiness certificate (including type design conformity, condition for safe operation, and the noise, fuel venting, and engine emission requirements).
(3) Be maintained according to an maintenance program approved by the State of Registry and acceptable to the Authority.
(4) Be operated by qualified crew members employed by the AOC holder.

(c) No AOC holder may be approved to operate a foreign registered aircraft unless—

(1) The Authority has determined the extent of the State of Registry's arrangements for continuing airworthiness and find that these arrangements are adequate for the type of operation;
(2) The Authority will have free and uninterrupted access, both in Rwanda and at any international location—
(i) To the aircraft on the ramp and during flight time,
(ii) The maintenance and operations facilities,
(iii) The maintenance and operations personnel,
(iv) The training facilities and simulators used
(v) The aircraft must be operated in accordance with the regulations applicable to Rwanda AOC holders, and
(vi) The maintenance arrangements must result in the aircraft always being in compliance with the State of Registry requirements and the maintenance requirements applicable to Rwanda AOC holders.

(d) The Authority will consider, upon request, a continuing airworthiness agreement between the Authority and the State of Registry under Article 83 bis to the State of Registry if that State will agree to transfer the necessary powers so that the—

(1) Airworthiness regulations of Rwanda applicable to AOC holders are in force, and
(2) Agreement acknowledges that the Authority shall have free and uninterrupted access to the aircraft at any place and any time.

See Appendix 1 to 12.185 for additional requirements for dry leasing of foreign-registered aircraft.

12.320 AIRCRAFT INTERCHANGE

(a) No person may interchange aircraft with another AOC holder without the approval of the Authority.

See Appendix 1 to 12.190 for requirements pertaining to aircraft interchange agreements approved by the Authority.

12.325 WET-LEASING

(a) No person may conduct wet-lease operations on behalf of another air operator except in accordance with the applicable laws and regulations of the country in which the operation occurs and the restrictions imposed by the Authority.

(b) No person may allow another entity or air operator to conduct wet-lease operations on its behalf unless—
  (1) That air operator holds an AOC or its equivalent from a Contracting State that authorises those operations; and
  (2) The AOC holder advises the Authority of such operations and provides a copy of the AOC under which the operation was conducted.

(c) The AOC holder proposing to engage in a wet leasing arrangement shall provide the following information to the Authority—
  (1) A copy of the wet lease to be executed;
  (2) The names of the parties to the agreement and the duration of the agreement;
  (3) The make, model, and series of each aircraft involved in the agreement;
  (4) The kind of operation;
  (5) The expiration date of the lease agreement;
  (6) A statement specifying the party deemed to have operational control; and
  (7) Any other item, condition, or limitation the Authority determines necessary.

(d) The wet lease agreement shall be explicit concerning the—
  (1) Entity that has operational control, with the authority for initiating and terminating flights;
  (2) Responsibility for crew training, qualification and scheduling;
  (3) Maintenance and servicing of aircraft, including the Maintenance program that will used;
  (4) Minimum Equipment List that will be used;

See Appendix 1 to 12.195 for additional requirements when wet leasing aircraft.

12.330 THROUGH 12.345 [RESERVED]

SUBPART H: AOC FLIGHT OPERATIONS MANAGEMENT

12.350 APPLICABILITY

(a) This Subpart provides those certification requirements that apply to management of flight operations personnel and their functions.

12.355 OPERATIONS MANUAL

(a) The AOC holder shall prepare and keep current for the operations personnel concerned, an Operations Manual acceptable to and approved by the Authority.

(b) This manual shall be amended or revised as is necessary to ensure that the information contained therein is kept up-to-date.

(c) The AOC holder shall issue the Operations Manual, or pertinent portions, together with all amendments and revisions to all personnel that are required to use it.

(d) The Operations Manual shall contain the overall (general) company policies and procedures regarding the operations conducted by the AOC holder.

(e) The AOC holder shall ensure that the contents of the Operations Manual includes at least those subjects designated by the Authority that are applicable to the AOC holder's operations, including any additional materials made mandatory by the Authority.

(f) The AOC holder shall issue the Operations Manual, or pertinent portions, together with all amendments and revisions to all personnel that are required to use it.

(g) The operations manual may be published in parts, as a single document, or as a series of volumes.

(h) The AOC holder shall ensure that the contents of the Operations Manual includes at least those subjects designated by the Authority that are applicable to the AOC holder's operations, including any additional materials made mandatory by the Authority. Expanded requirements for the contents of the Operations Manual(s) are prescribed in Appendix 1 to 12.355.

(i) The Single Pilot Air Taxi operator is not required to provide all contents of an Operations Manual, but must carry operations and maintenance information and completed forms prescribed by the Authority in the aircraft during commercial air transport flights.

12.360 MANDATORY MATERIAL

(a) Upon receipt of material the Authority prescribes as mandatory for inclusion in any portion of the Operations Manual, the AOC holder shall make the necessary amendments as soon as reasonably possible.

12.365 FATIGUE MANAGEMENT

(a) The prescriptive requirements for the purpose of managing fatigue are provided in Part 15. These requirements are based on historical principles and knowledge to ensure that flight and cabin crew members are performing at an adequate level of alertness.

(b) The operator must, for the purposes of managing its fatigue-related safety risks in its operation, have approved in its operations manual—

(1) Flight time, flight duty period, duty period and rest period limitations that are within the prescriptive fatigue management requirements detailed in Part 15; or

(2) A Fatigue Risk Management System (FRMS) in for all operations; or

(3) An FRMS in compliance with the requirements of paragraph (b)(1) for part of its operations and the requirements of paragraph (e) for the remainder of its operations.

(c) Where the operator adopts prescriptive fatigue management requirements for part or all of its operations, the Authority may approve, in exceptional circumstances, variations to these regulations on the basis of a risk assessment provided by the operator. To be eligible for that approval, the proposed variations shall provide a level of safety equivalent to, or better than, that achieved through the prescriptive fatigue management regulations.

(d) The Authority may approve an operator's FRMS to take the place of any or all of the prescriptive fatigue management regulations. To be eligible for that approval, a proposed FRMS shall provide a level of safety equivalent to, or better than, the prescriptive fatigue management regulations.

(e) The operator's FRMS shall establish a process to ensure that an FRMS provides a level of safety equivalent to, or better than, the prescriptive fatigue management regulations. As part of this process, the Authority shall—

(1) Require that the operator establish maximum values for flight times and/or flight duty periods(s) and duty period(s), and minimum values for rest periods. These values shall be based upon scientific principles and knowledge, subject to safety assurance processes, and acceptable to the Authority;

(2) Mandate a decrease in maximum values and an increase in minimum values in the event that the operator's data indicates these values are too high or too low, respectively; and

(3) Approve any increase in maximum values or decrease in minimum values only after evaluating the operator's justification for such changes, based on accumulated FRMS experience and fatigue-related data.

(f) To be eligible for approval by the Authority, the operator's FRMS to manage fatigue-related safety risks shall, as a minimum—

(1) Incorporate scientific principles and knowledge within the FRMS;
(2) Identify fatigue-related safety hazards and the resulting risks on an ongoing basis;
(3) Ensure that remedial actions, necessary to effectively mitigate the risks associated with the hazards, are implemented promptly;
(4) Provide for continuous monitoring and regular assessment of the mitigation of fatigue risks achieved by such actions; and
(5) Provide for continuous improvement to the overall performance of the FRMS.

(g) An FRMS approved by the Authority must be integrated with the operator's SMS.

12.370 TRAINING PROGRAM

(a) The AOC holder shall ensure that all operations personnel are properly instructed in their duties and responsibilities and the relationship of such duties to the operation as a whole.

(b) The AOC holder shall establish and maintain a ground and flight training program, approved by the Authority, which ensures that all crew members and dispatchers are adequately trained to perform their assigned duties. The specific requirements of these programmes are contained in Part 14

(c) The AOC holder shall have a training program manual approved by the Authority containing the general training, checking, and record keeping policies.

(d) The AOC holder shall have approval of the Authority prior to using a training curriculum for the purpose of qualifying a crew member, or person performing operational control functions, for duties in commercial air transport, including—
(1) The contents and elements of the training that must be completed;
(2) The ground and flight training facilities where the training may be conducted;
(3) The proper qualification of instructors to conduct the training.

(e) The AOC holder shall submit to the Authority any revision to an approved training program, and shall receive written approval from the Authority before that revision can be used.

(f) The Air Taxi AOC holder is required to conform to the training program approved by the Authority and receive the proficiency and route checks from authorised persons designated by the Authority.

12.375 AIRCRAFT OPERATING MANUAL

(a) The AOC holder or applicant shall submit proposed aircraft operating manuals for each type and variant of aircraft operated, containing the normal, abnormal and emergency procedures relating to the operation of the aircraft for approval by the Authority.

(b) Each Aircraft Operating Manual shall be based upon the aircraft manufacturer's data for the specific aircraft type and variant operated by the AOC holder and shall include specific operating parameters, details of the aircraft systems, and of the check lists to be used applicable to the operations of the AOC that are approved by the Authority.

(c) The design of the manual shall observe human factors principles.

(d) The Aircraft Operating Manual shall be issued to the flight crew members and persons assigned operational control functions to each aircraft operated by the AOC.

(e) The Air Taxi AOC holder may use a current copy of the manufacturers pilot's operating handbook acceptable to the Authority that must be carried on the aircraft.

12.377 APPROVED FLIGHT MANUAL

(a) The AOC holder shall update the aircraft's AFM or RFM as necessary to implement changes made mandatory by the State of Registry.

(b) The AOC holder shall update their Aircraft Operating Manual (AOM) when any AFM or RFM revision affects information also contained in the AOM.

12.380 STANDARD OPERATING PROCEDURES

(a) The AOC holder shall establish, and keep current, standard operating procedures (SOPs) appropriate to the type and variant of aircraft provide guidance to flight operational personnel for the safe operation of the aircraft.

(b) The AOC holder shall establish, and keep current, as an integral part of its SOPs—

(1) Aircraft-specific expanded checklists;
(2) Aircraft-specific condensed checklists
(3) Aircraft-specific operational profiles for manuevers;
(4) Standard crew briefings; and
(5) Standard call-outs and responses.

(c) The AOC holder shall not allow the use of SOPs and checklists described in paragraph (b) of this Section unless these documents have been approved by the Authority.

(d) The AOC holder shall ensure that approved SOPs and checklist procedures include each item necessary for flight crew members to check for safety before starting engines, taking off, or landing, and for engine and systems abnormalities and emergencies.

(e) The AOC holder shall ensure that the SOPs and checklist procedures are designed so that a flight crew member will not need to rely upon their memory for items to be checked.

(f) The design and utilisation of the SOPs and checklists shall observe relevant human factors principles.

(g) The AOC holder shall ensure that its flight crews complete training for the use of the SOPs and checklists, including—

(1) Initial aircraft-specific training;
(2) Recurrent aircraft-specific training; and
(3) Aircraft specific differences training for variants of aircraft types.

(h) The AOC holder shall ensure that the SOPs and checklists are readily usable in the cockpit of each aircraft in sufficient quantity for ground and flight operations

(i) The AOC holder shall require the flight crew shall be required to comply with the SOPs and checklists provided in accordance with paragraph (b) of this Section when operating the aircraft.

(j) The AOC holder shall establish and maintain a comprehensive flight crew standardisation program to ensure continuous conformance with the SOPs and checklists.

12.385 MINIMUM EQUIPMENT LIST & CONFIGURATION DEVIATION LIST

(a) The AOC holder shall provide for the use of the flight crew members, maintenance personnel and persons assigned operational control function during the performance of their duties, an MEL approved by the Authority.

(b) The MEL shall be specific to the aircraft type and variant which contains the circumstances, limitations and procedures for release or continuance of flight of the aircraft with inoperative components, equipment or instruments.

(k) The AOC holder shall conform to the expanded requirements for MEL development prescribed in Appendix 1 to 12.385.

(l) Where the State of Registry is not Rwanda, the Authority shall ensure that the MEL does not affect the aeroplane's compliance with airworthiness requirements applicable in the State of Registry

(m) Each AOC holder may provide for the use of flight crew, maintenance personnel and persons assigned operational control functions during the performance of their duties a Configuration Deviation List (CDL)

specific to the aircraft type if one is provided and approved by the State of Design. An AOC Holder operations manual shall contain those procedures acceptable to the Authority for operations in accordance with the CDL requirements.

12.390 PERFORMANCE PLANNING MANUAL

(a) The AOC holder shall issue operating instructions and provide information on aeroplane climb performance with all engines operating and the loss of one engine to enable the PIC to determine the minimum runway length and climb gradient that can be achieved during the departure phase for the existing take-off conditions and intended take-off techniques.

(b) The AOC holder shall provide for the use of the flight crew members and persons assigned operational control functions during the performance of their duties, a performance planning manual acceptable to the Authority.

(c) The performance planning manual shall be specific to aircraft type and variant which contains adequate performance information to accurately calculate the performance in all normal, abnormal and emergency phases of flight operation. This information shall be based on the aircraft manufacturer's or other data, acceptable to the Authority, and should be included in the operations manual.

(d) The Air Taxi AOC holder may use the performance data provided in the current manufacturer's pilot operating handbook.

12.395 PERFORMANCE DATA CONTROL SYSTEM

(a) The AOC holder shall have a system approved by the Authority for obtaining, maintaining and distributing to appropriate personnel current performance data for each aircraft, route and airport that it uses.

(b) The system approved by the Authority shall provide current obstacle data, and take into account the charting accuracy of such obstacles, for departure and arrival performance calculations.

(c) The Air Taxi AOC holder is not required to have this system, but must make all calculations assuming there is a 50 feet obstacle at the end of the runway both departing and arriving.

12.400 AIRCRAFT HANDLING & LOADING MANUAL

(a) The AOC holder shall provide for the use of the flight crew members, ground handling personnel and persons assigned operational control functions during the performance of their duties, an aircraft handling and loading manual acceptable to the Authority.

(b) This manual shall be specific to the aircraft type and variant which contains the procedures and limitations for servicing and loading of the aircraft.

(c) The Air Taxi AOC holder is not required to provide this manual.

12.405 MASS & BALANCE DATA CONTROL SYSTEM

(a) The AOC holder shall have a system approved by the Authority for obtaining, maintaining and distributing to appropriate personnel current information regarding the mass and balance of each aircraft operated.

12.410 CABIN CREW MEMBER MANUAL

(a) The AOC holder shall issue to the cabin crew members and provide to passenger agents during the performance of their duties, a cabin crew member manual acceptable to the Authority.

(b) The cabin crew member manual shall contain those operational policies and procedures applicable to cabin crew members and the carriage of passengers.

(c) The AOC holder shall issue to the cabin crew members, a manual specific to the aircraft type and variant which contains the details of their normal, abnormal and emergency procedures and the location and

operation of emergency equipment. This manual may be combined into the cabin crew manual for use by the cabin crew members.

(d) The Air Taxi AOC holder is not required to provide this manual.

12.415 PASSENGER BRIEFING CARDS

(a) The AOC holder shall carry on each passenger carrying aircraft, in convenient locations for the use of each passenger, printed cards supplementing the oral briefing and containing—

(1) Diagrams and methods of operating the emergency exits;

(2) Other instructions necessary for use of the emergency equipment, and

(3) Information regarding the restrictions and requirements associated with sitting in an exit seat row.

(b) The AOC holder shall ensure that each card contains information that is pertinent only to the type and variant of aircraft used for that flight.

(c) The AOC holder shall conform to the expanded requirements for the specific information to be included on passenger information cards prescribed in Appendix 1 to 12.415.

12.420 AERONAUTICAL DATA INFORMATION SYSTEM

(a) The AOC holder shall have a system approved by the Authority for obtaining, maintaining and distributing to appropriate flight crew and operational personnel, current aeronautical information for each route and aerodrome that it uses.

(b) The aeronautical data information system shall be capable of the provision of aeronautical information essential for the safety, regularity and efficiency of air navigation to the flight crew and operational personnel at any aerodrome authorised in the AOC and corresponding operations specifications.

(c) The aeronautical data information system shall include adequate procedures for preparation and dissemination to the flight crew and appropriate operations personnel, information contained in the—

(1) Aeronautical Information Publication (AIP);

(2) Aeronautical Information Regulation and Control (AIRAC);

(3) Aeronautical Information Circular (AIC)

(4) Current NOTAMs; and

(5) Other information sources prescribed by the Authority.

(d) The AOC holder shall conform to the expanded requirements for the specific information that must be included in the aeronautical data control system prescribed in Appendix 1 to 12.420.

(e) The Air Taxi AOC holder must comply with the requirements of Part 10 with regard to aeronautical data.

12.425 ROUTE GUIDE

(a) The AOC holder shall provide for the use of the flight crew members and persons assigned operational control functions during the performance of their duties, a route guide and aeronautical charts approved by the Authority.

(b) The route guide and aeronautical charts shall be current and appropriate for the proposed types and areas of operations to be conducted by the AOC holder.

12.427 ELECTRONIC NAVIGATION DATA MANAGEMENT

(a) An operator shall not employ electronic navigation data products that have been processed for application in the air and on the ground unless the—

(1) Authority has approved the operator's procedures for ensuring that the process applied and the products delivered have met acceptable standards of integrity and that the

(2) Products are compatible with the intended function of the equipment that will use them.

(b) The operator shall implement procedures to ensure proper monitoring of the process and products.

(c) An operator shall implement procedures that ensure the timely distribution and insertion of current and unaltered electronic navigation data to all aircraft that require it.

12.430 WEATHER REPORTING SOURCES

(a) The AOC holder shall use sources approved the Authority as prescribed in Appendix 1 of 12.430 for the weather reports and forecasts used for decisions regarding flight preparation, routing and terminal operations.

(b) For passenger carrying operations on a published schedule, the AOC holder shall have an approved system for obtaining forecasts and reports of adverse weather phenomena that may affect safety of flight on each route to be flown and airport to be used.

12.435 DEICING & ANTI-ICING PROGRAM

(a) The AOC holder planning to operate an aircraft in conditions where frost, ice, or snow may reasonably be expected to adhere to the aircraft shall—

(1) Use only aircraft adequately equipped for such conditions;

(2) Ensure flight crew is adequately trained for such conditions; and

(3) Have an approved ground deicing and anti-icing program.

(b) The AOC holder shall conform to the expanded requirements for the approval of de-icing program that are.prescribed in Appendix 1 to 12.435.

12.440 FLIGHT SUPERVISION & TRACKING SYSTEM

(a) For operations of turbojet aircraft with a gross weight of more than 5,700 kg. on a published schedule, The AOC holder shall have an adequate system approved by the Authority for proper supervision of the progress of the scheduled flights.

(b) The dispatch and monitoring system shall have enough dispatch centres, adequate for the operations to be conducted, located at points necessary to ensure adequate flight preparation, dispatch and in-flight contact with the scheduled flight operations.

(c) For scheduled operations, the AOC holder shall provide enough qualified personnel at each dispatch centre to ensure proper operational control of each flight.

(d) The operator shall establish an aircraft tracking capability to track aeroplanes throughout its area of operations.

(e) The operator shall track the position of an aeroplane at least every 15 minutes for the portion(s) of the in-flight operation(s) that is planned in an oceanic area(s) or a remote area(s) under the following conditions—

(1) the aeroplane has a maximum certificated take-off mass of over 27 000 kg and a seating capacity greater than 19; and

(2) where an ATS unit obtains aeroplane position information at greater than 15 minute intervals.

Note: Access to ATS aeroplane position data meets aeroplane tracking requirements.

(f) The operator shall establish procedures, approved by the Authority, for the retention of aircraft tracking data to determine to assist SAR in determining the last known position of the aircraft.

(g) Notwithstanding the provisions in paragraph (e), the Authority will consider approval, based on the results of an approved risk assessment process implemented by the operator, allow for variations to automated reporting intervals. The process shall demonstrate how risks to the operation resulting from such variations can be managed and shall include at least the following—

(1) capability of the operator's operational control systems and processes, including those for contacting ATS units;

(2) overall capability of the aeroplane and its systems;

(3) available means to determine the position of, and communicate with, the aeroplane;
(4) frequency and duration of gaps in automated reporting;
(5) human factors consequences resulting from changes to flight crew procedures; and
(6) specific mitigation measures and contingency procedures.

12.445 FLIGHT FOLLOWING OR FLIGHT LOCATING SYSTEMS

(a) For charter flight operations, The AOC holder shall have a system for providing flight preparation documents and determining the departure and arrival times of its flights at all airports approved by the Authority.

(b) The system described in paragraph (a) shall have a means of communication by private or available public facilities to monitor the departure and arrival at all airports, including flight diversions.

(c) The Single Pilot and Basic Air Taxi operator is not required to have a flight following system for each flight in which an ATC flight plan is filed and remains active until arrival at destination.

12.447 FUEL MANAGEMENT PROGRAM

(a) An operator shall establish a fuel management program including policies and procedures, approved by the Authority to ensure that in-flight fuel checks and fuel management are performed.

(b) Operators should determine one final reserve fuel value for each airplane type and variant in their fleet rounded up to an easily recalled figure.

(c) Air taxi operators authorised for operations only within Rwanda are not subject to the requirement of paragraph (b).

12.449 OPERATIONAL VARIATIONS BASED ON SAFETY RISK ASSESSMENT

(a) **Alternate airport selection**. Notwithstanding the requirements of Part 10 regarding selection of alternate airports; the Authority may, based on the results of a specific safety risk assessment conducted by the operator which demonstrates how an equivalent level of safety will be maintained, approve operational variations to alternate airport selection criteria. The specific safety risk assessment shall include at least the—
(1) Capabilities of the operator;
(2) Overall capability of the airplane and its systems;
(3) Available airport technologies, capabilities and infrastructure;
(4) Quality and reliability of meteorological information;
(5) Identified hazards and safety risks associated with each alternate airport variation; and
(6) Specific mitigation measures.

(b) **Minimum fuel requirements.** Notwithstanding the requirements of Part 10 regarding minimum fuel for a flight; the Authority may, based on the results of a specific safety risk assessment conducted by the operator which demonstrates how an equivalent level of safety will be maintained, approve variations to the pre-flight fuel calculation of taxi fuel, trip fuel, contingency fuel, destination alternate fuel, and additional fuel. The specific safety risk assessment shall include at least the—
(1) Flight fuel calculations;
(2) Capabilities of the operator to include—
(i) A data-driven method that includes a fuel consumption monitoring program; and/or
(ii) The advanced use of alternate airports; and
(iii) Specific mitigation measures.

(c) **EDTO diversion requirements**. Notwithstanding the requirements of Part 10 regarding maximum diversion times; the Authority may, based on the results of a specific safety risk assessment conducted by

the operator which demonstrates how an equivalent level of safety will be maintained, approve operations beyond the time limits of the most time-limited system. The specific safety risk assessment shall include at least the—

(1) Capabilities of the operator;
(2) Overall reliability of the airplane;
(3) Reliability of each time limited system;
(4) Relevant information from the airplane manufacturer; and
(5) Specific mitigation measures.

12.450 COMMUNICATIONS FACILITIES

(a) The AOC holder's flights shall be able to have two-way radio communications with all ATC facilities along the routes and alternate routes to be used.

(b) For passenger carrying operations on a published schedule, the AOC holder shall be able to have rapid and reliable radio communications with all flights over the AOC holder's entire route structure under normal operating conditions.

(c) Any operations along routes and into airports without rapid and reliable radio communications shall be approved by the Authority prior to commercial air transport operations in this areas.

12.455 ROUTES & AREAS OF OPERATION

(a) An AOC holder may conduct operations only along such routes and within such areas for which—
(1) Ground facilities and services, including meteorological services, are provided which are adequate for the planned operation;
(2) The performance of the aircraft intended to be used is adequate to comply with minimum flight altitude requirements;
(3) The equipment of the aircraft intended to be used meets the minimum requirements for the planned operation;
(4) Appropriate and current maps and charts are available;
(5) If two-engine aircraft are used, adequate airports are available with the time/distance limitations; and
(6) If single-engine aircraft are used, surfaces are available which permit a safe forced landing to be executed.

(b) No person may conduct commercial air transport operations on any route or area of operation unless those operations are in accordance with any restrictions imposed by the Authority.

12.460 NAVIGATIONAL ACCURACY

(a) The AOC holder shall have, for each proposed route or area, that the navigational systems and facilities it uses capable of navigating the aircraft—
(1) Within the degree of accuracy required for ATC; and
(2) To the airports in the operational flight plan within the degree of accuracy necessary for the operation involved.

(b) In situations without adequate navigation systems reference, the Authority may authorise day VFR operations that can be conducted safely by pilotage because of the characteristics of the terrain.

(c) Except for those navigational aids required for routes to alternate airports, the Authority will list in the AOC holder's operations specifications non-visual ground aids required for approval of routes outside of controlled airspace.

(d) Non-visual ground aids are not required for night VFR operations on routes that the certificate holder shows have reliably lighted landmarks adequate for safe operation.

(e) Operations on route segments where the use of celestial or other specialised means of navigation shall be approved by the Authority.

12.465 MINIMUM SAFE ALTITUDES

(a) The AOC holder shall specify in its Operations Manual the method which will be used to determine minimum flight altitudes for operations conducted over routes for which minimum flight altitudes have not been established by the responsible State. In no case, shall the minimum flight altitudes be less than those specified in Part 10 of these Regulations.

(b) The Authority will approve such method only after careful consideration of the probable effects of the following factors on the safety of the operation in question—

(1) The accuracy and reliability with which the position of the aircraft can be determined;
(2) The inaccuracies in the indications of the altimeters used;
(3) The characteristics of the terrain (e.g. sudden changes in elevation);
(4) The probability of encountering unfavourable meteorological conditions (e.g. severe turbulence and descending air currents);
(5) Possible in accuracies in the aeronautical charts;
(6) Airspace restrictions; and
(7) ICAO Annex 2
(8) Any rules of the air applicable to the country being overflown.

12.470 AERODROME/HELIPORT OPERATING MINIMA

(a) The AOC holder shall establish the aerodrome operating minima for each aerodrome or heliport to be used for commercial air transport operations involving take-off, approach to landing and landing in accordance with a method of determination approved by the Authority.

(b) Such minima shall not be lower than any that may be established for such aerodromes by the State of the Aerodrome, except when specifically approved by that State.

(c) The Authority will approve the AOC holder's method for establishing the aerodrome/heliport operating minima which will apply to any particular operation provide that full account of the following factors is taken—

(1) Type, performance and handling characteristics of the aircraft;
(2) Composition of the flight crew, their competence and experience;
(3) Dimensions and characteristics of the runways which may be selected for use;
(4) Adequacy and performance of the available visual and non-visual ground aids
(5) the equipment available on the aircraft for the purpose of navigation, acquisition of visual references and/or control of the flight path during the approach, landing and the missed approach;
(6) Obstacles in the approach and missed approach areas and the obstacle clearance altitude/height for the instrument approach procedures;
(7) Means used to determine and report meteorological conditions; and
(8) Obstacles in the climb-out areas and necessary clearance margins.

(d) To ensure that an adequate margin of safety is observed in determining whether or not an approach and landing can be safely carried out at each alternate heliport or landing location, the operator shall specify appropriate incremental values for height of cloud base and visibility, acceptable to the Authority, to be added to the operator's established heliport or landing location operating minima.

12.475 THROUGH 12.520 [RESERVED]

SUBPART I: AOC MAINTENANCE REQUIREMENTS

12.525 APPLICABILITY

(a) This Subpart provides those certification and maintenance requirements that apply to an AOC holder's application of maintenance control.

12.530 MAINTENANCE RESPONSIBILITY

(a) The AOC holder shall ensure that, in accordance with the procedures acceptable to the Authority and, if applicable the State of Registry—
  (1) Each aircraft it is authorised to operate is maintained in an airworthy condition;
  (2) The operational and emergency equipment necessary for an intended flight is serviceable; and
  (3) The Certificate of Airworthiness of each aircraft remains valid.

(b) The AOC holder shall ensure the airworthiness of the aircraft and the serviceability of both operational and emergency equipment by—
  (1) Assuring the accomplishment of preflight inspections;
  (2) Assuring the correction of any defect and/or damage affecting safe operation of an aircraft to an approved standard, taking into account the MEL and CDL if available for the aircraft type;
  (3) Assuring that the operational and emergency equipment necessary for the intended flight is serviceable;
  (4) Assuring the accomplishment of all maintenance in accordance with the approved operator's aircraft maintenance program;
  (5) The analysis of the effectiveness of the AOC holder's approved aircraft maintenance program;
  (6) Assuring the accomplishment of any operational directive, airworthiness directive and any other continued airworthiness requirement made mandatory by the Authority; and
  (7) Assuring the accomplishment of modifications in accordance with an approved standard and, for non-mandatory modifications, the establishment of an embodiment policy.

(c) The AOC holder shall ensure that the Certificate of Airworthiness for each aircraft operated remains valid in respect to—
  (1) The requirements in paragraphs (a) and (b);
  (2) The expiration date of the Certificate; and
  (3) Any other maintenance condition specified in the Certificate.

(d) The AOC holder shall ensure that the requirements specified in paragraph (a) are performed in accordance with procedures approved by or acceptable to the Authority.

(e) The AOC holder shall ensure that the maintenance, preventive maintenance, and modification of its aircraft/ aeronautical products are performed in accordance with its maintenance control manual and/or current instructions for continued airworthiness, and applicable Regulations.

(f) The AOC holder may make an arrangement with another person or entity for the performance of any maintenance, preventive maintenance, or modifications; but shall remain responsible of all work performed under such arrangement.

12.535 APPROVAL & ACCEPTANCE OF AOC MAINTENANCE SYSTEMS & PROGRAM

(a) An AOC holder shall not operate an aircraft, except for pre-flight inspections, unless it is maintained and released to service by an AMO or equivalent system of maintenance that is approved by the State of Registry and is acceptable to the Authority.

(b) For aircraft not registered in Rwanda, an system of maintenance will be approved by the State of Registry of the aircraft, and such approval must be acceptable to the Authority.

(c) When the Authority or the State of Registry accepts an equivalent system of maintenance, the persons designated to sign a release to service shall be licensed in accordance with Part 7 of these Regulations.

(d) Aircraft that are type certificated for a passenger seating configuration, excluding any pilot seat, of nine seats or less, shall be—

(1) Inspected and maintained in accordance with the provisions of Part 4 of these Regulations;

(2) In accordance with the manufacturer's maintenance program approved by the Authority for each aircraft engine, propeller, propeller governor, rotor and each item of emergency equipment.

(e) For the purpose of this Section, a manufacturer's maintenance program is one which is contained in the maintenance manual or maintenance instructions set forth by the manufacturer, as required by these Regulations for the aircraft, aircraft engine, propeller, rotor or item of emergency equipment.

12.540 MAINTENANCE CONTROL MANUAL

(a) The AOC holder shall provide to the Authority, and to the State of Registry of the aircraft, if different from the Authority, an AOC holder's maintenance control manual and subsequent amendments, for the use and guidance of maintenance and operational personnel concerned, containing details of the organisation's structure including—

(1) The accountable manager and designated person(s) responsible for the maintenance system.

(2) Procedures to be followed to satisfy the maintenance responsibility of this Subpart, except where the AOC holder is an AMO, and also performs the quality system functions. Such procedures may be included in the AMO procedures manual.

(3) Procedures for the reporting of failures, malfunctions, and defects in accordance with Part 4, to the Authority, State of Registry and the State of Design within 72 hours of discovery; in addition, items that warrant immediate notification to the Authority by telephone/telex/fax, with a written follow-on report as soon as possible but no later than within 72 hours of discovery, are—

(i) Primary structural failure,

(ii) Control system failure,

(iii) Fire in the aircraft,

(iv) Engine structure failure, or

(v) Any other condition considered an imminent hazard to safety.

(b) The AOC holder shall ensure that the minimum contents of the Maintenance Control Manual conform to the expanded requirements prescribed in Appendix 1 to 12.540.

(c) The design of the manual shall observe Human Factors principles.

(d) The AOC holder shall provide the Authority, and the State of Registry, if not Rwanda, with a copy of the operator's maintenance control manual, together with all amendments and/or revisions to it prior to its use by the AOC holder's personnel.

(e) This manual shall be amended or revised as is necessary to ensure that the information contained therein is kept up-to-date.

(f) The AOC holder shall furnish this Manual, or pertinent portions, together with all amendments and revisions to all personnel and organisations that are required to use it.

(g) No person may provide for use of its personnel in commercial air transport any Maintenance Control Manual or portion of this manual which has not been reviewed and approved for the AOC holder by the Authority.

12.542 MANDATORY MATERIAL

(a) The AOC holder shall incorporate mandatory information as necessary amendments to the Maintenance Control Manual as required by the Authority or the State of Registry, if not Rwanda, as soon as reasonably possible after receipt and submit any amendments to their maintenance manuals for approval.

(b) The AOC holder shall provide timely notification to the Authority of the receipt of mandatory information from the State of Registry or the manufacturer and provide a copy of that documentation.

12.545 MAINTENANCE MANAGEMENT

(a) The AOC holder, approved as an AMO, may accomplish the maintenance required by Section 12.530.

(b) If the AOC holder is not an AMO, the AOC holder shall ensure the accomplishment of the maintenance required by Section 12.530 by using —

(1) An equivalent system of maintenance approved or accepted by the Authority; or

(2) Through an arrangement with an AMO with a written maintenance contract agreed between the AOC holder and the contracting AMO detailing the required maintenance functions and defining the support of the quality functions approved or accepted by the Authority.

(c) The AOC holder shall employ a person or group of persons, acceptable to the Authority, to ensure that all maintenance is carried out to an approved standard such that the maintenance requirements of 12.530 and requirements of the AOC holder's maintenance control manual are satisfied, and to ensure the functioning of the quality system.

(d) The AOC holder shall provide suitable office accommodation at appropriate locations for the personnel specified in paragraph (c).

(e) The Single Pilot and Basic Air Taxi operator are not required to employ maintenance personnel, but must contract to those personnel and facilities acceptable to the Authority.

12.550 MAINTENANCE QUALITY ASSURANCE PROGRAM

(a) For maintenance purposes, the AOC holder's quality assurance program shall include at least the following functions—

(1) Monitoring the activities that are being performed in accordance with the accepted procedures;

(2) Ensure that all contracted maintenance is carried out in accordance with the contract, if any;

(3) Monitoring the continued compliance with the maintenance requirements; and

(4) Monitoring compliance with, and adequacy of, procedures required ensuring safe maintenance practices, airworthy aircraft and aeronautical products.

(b) The compliance monitoring must include a feedback system to the accountable manager to ensure corrective action as necessary.

(c) Where the AOC holder is also an AMO, the AOC holder's quality assurance program may be combined with the requirements of an AMO and submitted for approval and acceptance to the Authority, and State of Registry for aircraft not registered in Rwanda.

(d) The Single Pilot and Basic Air Taxi operators are not required to have a maintenance quality assurance program, but must submit to quality inspections by persons authorised by the Authority.

12.555 AIRCRAFT TECHNICAL LOG ENTRIES: AOC HOLDERS

(a) Each person who takes action in the case of a reported or observed failure or malfunction of an aircraft/ aeronautical product, that is critical to the safety of flight shall make, or have made, a record of that action in the maintenance section of the aircraft technical log.

(b) The AOC holder shall have a procedure for keeping adequate copies of required records to be carried aboard, in a place readily accessible to each flight crew member and shall put that procedure in the AOC holder's operations manual.

12.560 MAINTENANCE RECORDS

(a) The AOC holder shall ensure that a system has been established to keep, in a form acceptable to the Authority, the following records—
  (1) The total time in service (hours, calendar time and cycles, as appropriate) of the aircraft and all life-limited components;
  (2) The current status of compliance with all mandatory continuing airworthiness information;
  (3) Appropriate details of modifications and repairs to the aircraft and its major components;
  (4) The time in service (hours, calendar time and cycles, as appropriate) since last overhaul of the aircraft or its components subject to mandatory overhaul life;
  (5) The current aircraft status of compliance with the maintenance program; and
  (6) The detailed maintenance records to show that all requirements for signing of a maintenance release have been met.

(b) The AOC holder shall ensure that—
  (1) The records of (a)(1-5) are retained for a minimum of 12 months after the unit to which they refer has been permanently withdrawn from service with this AOC holder, and
  (2) The records of (a)(6) are retained for a minimum of 12 months after the signing of the maintenance release; or
  (3) A different minimum time interval prescribed by the Authority, whichever is greater.

(c) The AOC holder shall ensure that in the event of temporary change of operator, the records specified in paragraph (a) shall be made available to the new operator.

(d) The AOC holder shall ensure that when an aircraft is permanently transferred from one operator to another operator, the records specified in paragraph (a) are also transferred.

(e) The aircraft technical log and any subsequent amendment shall be approved by the Authority.

12.565 RELEASE TO SERVICE OR MAINTENANCE SECTION RECORDS OF THE TECHNICAL LOG

(a) An AOC holder shall not operate an aircraft unless it is maintained and released to service by an organisation approved in accordance with Part 5, or under an equivalent system, either of which shall be acceptable to the State of Registry.

(b) An AOC holder using an equivalent system shall not operate an aircraft after release under paragraph (a) unless a release to service is prepared or caused to be prepared by an appropriately licensed and rated individual in accordance with these Parts, as appropriate. The maintenance release shall be made in accordance with the AOC maintenance control manual procedures.

(c) An AOC holder using an AMO shall not operate an aircraft after release to service under paragraph (a) unless an appropriate entry is made in accordance with the AOC maintenance control manual procedures acceptable to the Authority.

(d) The AOC holder shall give a copy of the release to service for the aircraft to the PIC, or ensure that an entry noting the release is made in the maintenance section of the aircraft technical log.

12.570 MODIFICATION & REPAIRS

(a) All modifications and repairs shall comply with airworthiness requirements acceptable to the State of Registry. Procedures shall be established to ensure that the substantiating data supporting compliance with the airworthiness requirements are retained. However, in the case of a major repair or major modification,

the work must have been done in accordance with technical data approved by the Authority.

(b) An AOC holder which is authorised to perform maintenance, preventive maintenance, and modifications of any aircraft, airframe, aircraft engine, propeller, appliance, component, or part thereof, in accordance with the approved AOC operations specifications that wishes to approve for return to service major repairs or major modifications to an aircraft registered in Rwanda shall use a current and valid licensed AME with an airframe and powerplant rating and shall be qualified in accordance with Part 4.

(c) The AOC holder shall, promptly upon its completion, prepare a report of each major modification or major repair of an airframe, aircraft engine, propeller, or appliance of an aircraft operated by it.

(d) The AOC holder shall submit a copy of each report of a major modification to the Authority, and shall keep a copy of each report of a major repair available for inspection.

12.575 AIRCRAFT MAINTENANCE PROGRAM

(a) The AOC holder shall provide, for the use and guidance of maintenance and operational personnel concerned, a maintenance program approved by the State of Registry containing the information prescribed by the Authority.

(b) The maintenance program shall be based on maintenance program information made available by the State of Design or by the organisation responsible for the type design, and any additional applicable experience.

(c) The AOC holder's aircraft maintenance program and any subsequent amendment shall be submitted to the State of Registry for approval prior to use. Acceptance by the Authority will be conditioned upon prior approval by the State of Registry, or where appropriate, upon the AOC holder complying with recommendations provided by the State of Registry.

(d) Copies of the maintenance program and all amendments shall be furnished to the personnel and organisations who are to perform work on the AOC holder's aircraft.

(e) Copies of all amendments to the maintenance program shall be furnished promptly to all organisations or persons to whom the maintenance program has been issued.

(f) No person may provide for use of its personnel in commercial air transport a Maintenance Program or portion thereof which has not been reviewed and approved for the AOC holder by the Authority.

(g) The maintenance program should be based on maintenance program information made available by the State of Design or by the organisation responsible for the type design, and any additional applicable experience.

(h) The design and application of the maintenance program shall observe Human Factors principles.

(i) The Authority will require an operator to include a reliability program when the Authority determines that such a reliability program is necessary. When such a determination is made by the Authority the AOC holder shall provide such procedures and information in the AOC holder’s maintenance control manual

(j) The AOC holder shall ensure that each aircraft is maintained in accordance with the AOC holder's aircraft approved maintenance program which shall include—

(1) Maintenance tasks and the intervals in which these are to be performed, taking into account the anticipated utilisation of the aircraft;

(2) When applicable, a continuing structural integrity program;

(3) Procedures for changing or deviating from paragraphs (j)(1) and (j)(2); and

(4) When applicable, condition monitoring and reliability program, descriptions for aircraft systems, components, and powerplants.

(k) Maintenance tasks and intervals that have been specified as mandatory in approval of the type design shall be identified as such.

(l) Repetitive maintenance tasks that are specified in mandatory intervals as a condition of approval of the type design shall be identified as such.

(m) Approval by the Authority of an AOC holder's maintenance program and any subsequent amendments shall be included in its Operations Specifications.

(n) The AOC holder shall have an inspection program and a program covering other maintenance, preventive maintenance, and modifications to ensure that—

(1) Maintenance, preventive maintenance, and modifications performed by it, or by other persons, are performed in accordance with the AOC holder's maintenance control manual;

(2) Each aircraft released to service is airworthy and has been properly maintained for operation.

(o) The Authority may amend any specifications issued to an AOC holder to permit deviation from those provisions of this Subpart that would prevent the return to service and use of airframe components, powerplants, appliances, and spare parts thereof because those items have been maintained, altered, or inspected by persons employed outside Rwanda who do not hold a Rwanda technician's license.

(p) The AOC holder who is granted authority under this deviation shall provide for surveillance of facilities and practices to assure that all work performed on these parts is accomplished in accordance with the AOC holder's maintenance control manual.

12.580 MANDATORY AIRWORTHINESS MATERIAL

(a) Upon receipt of material from the Authority prescribed as mandatory for inclusion in either the maintenance control manual or the maintenance program, the AOC holder will make these amendments as soon as reasonably possible and submit their amendment to the Authority.

12.583 CONTINUING AIRWORTHINESS INFORMATION

(a) The operator of an aeroplane over 5 700 kg or a helicopter over 3, 175 kg maximum certificated take-off mass shall—

(1) Monitor and assess maintenance and operational experience with respect to continuing airworthiness; and

(2) Provide the information as prescribed by the Authority and the State of Registry, if not Rwanda; and

(3) Report through the system specified in the maintenance control manual approved by the Authority.

(b) The operator of an aeroplane over 5 700 kg or a helicopter over 3.175 kg maximum certificated take-off mass shall—

(1) Obtain and assess continuing airworthiness information and recommendations available from the organisation responsible for the type design; and

(2) Implement resulting actions considered necessary in accordance with a procedure acceptable to the State of Registry.

12.585 AUTHORITY TO PERFORM AND APPROVE MAINTENANCE & MODIFICATIONS

(a) An AOC holder which is not approved as an AMO may perform and approve routine and non-routine maintenance, preventive maintenance, or inspections for return to service, if approved in the operations specifications, as provided in its maintenance program and maintenance control manual.

(b) An AOC holder may make arrangements with an AMO (appropriately rated) for the performance of maintenance, preventive maintenance, or modifications of any aircraft, airframe, aircraft engine, propeller, appliance, or component, or part thereof as provided in its maintenance program and maintenance control manual.

(c) An AOC holder which is not approved as an AMO shall use a appropriately licensed and rated individual in accordance with Part 4 and 7, as appropriate, to approve maintenance and preventive maintenance, for

return to service after performing or supervising in accordance with technical data approved by the Authority.

12.590 REQUIRED INSPECTION PERSONNEL

(a) No person may use any person to perform required inspections unless the person performing the inspection is appropriately certificated, properly trained, qualified and authorised to do so.

(b) No person may allow any person to perform a required inspection unless, at that time, the person performing that inspection is under the supervision and control of an inspections unit.

(c) No person may perform a required inspection if he performed the item of work required to be inspected.

(d) Each certificated holder shall maintain, or shall determine that each person with whom it arranges to perform its required inspections, maintains a current listing of persons who have been trained, qualified and authorised to conduct required inspections.

(1) The persons must be identified by name, occupational title, and the inspections they are authorised to perform.

(2) The AOC holder (or person with whom it arranges to perform its required inspections) shall give written authorisation to each person so authorised, describing the extent of his responsibilities, authorisations and inspection limitations.

(3) The list shall be made available for inspection by the Authority on request.

12.595 LICENSE REQUIREMENTS: AOC HOLDER USING EQUIVALENT SYSTEM

(a) Each person who is directly in charge of maintenance, preventive maintenance, or modification, of any aircraft, airframe, aircraft engine, propeller, appliance, or component, or part thereof and each person performing required inspections and approving for return to service the maintenance performed shall be a appropriately licensed and rated technician or repair specialists in accordance with Part 4 and 7, as appropriate, and acceptable to the Authority.

(b) A person who is directly in charge shall be on site but need not physically observe and direct each worker constantly, but shall be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the persons performing the work.

(c) A person "directly in charge" is each person assigned to a position in which he is responsible for the work of a shop or station that performs maintenance, preventive maintenance, modifications, or other functions affecting aircraft airworthiness.

SUBPART J: OTHER OPERATOR PROGRAMMES

12.610 APPLICABILITY

(a) This Subpart contains the programmes that are not directly related to the flight safety and security of air operator operations.

12.615 FINANCIAL SUBSTANTIATION FOR OPERATIONS

(a) Each applicant shall provide the financial documentation required by Appendix 1 to 12.615 to the Authority to substantiates that they are capable of operating for 6 months without income.

(b) The AOC holder shall continue to provide the financial substantiation to the Authority that is required by Appendix 2 to 12.615 on the periods specified.

12.620 PREPAREDNESS FOR POSSIBLE COMMUNICATIVE DISEASES

(a) The AOC holder conducting international operations shall establish and maintain a program of

preparedness for identification and processing passengers with possible communicative diseases that contain at least the elements specified in Appendix 1 to 12.620.

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APPENDICES

APPENDIX 1 TO 12.031: AIRCRAFT DISPLAY AIR OPERATOR CERTIFICATE

(a) The certified true copy of the aircraft display air operator certificate and its associated operations specifications shall define the operations for which an operator is authorised.

(b) The certified true copy of the AOC shall be in a standardized format that—

(1) Closely approximates the format provided in ICAO Annex 6, Part I and Part III to enable a foreign CAA to easily determine that the air operator is in compliance; and.

(2) Contains the minimum information required in paragraphs (c) of this Appendix.

(c) The minimum contents of the aircraft display AOC shall be—

(1) A header with bold letters identifying that the State of the Operator is the "Commonwealth of Rwanda.".

(2) A sub-header withe smaller bold letters identifying that the issuing authority of the State of the Operator is the "Rwanda Civil Aviation Authority."

(3) A unique AOC number, as issued by Authority.

(4) The expiration date after which the AOC ceases to be valid (dd-mm-yyyy).

(5) The air operator's registered name.

(6) The operator's trading name, if different than (5). Insert "dba" before the trading name (for "doing business as").

(7) The operator's principal place of business address.

(8) The operator's principal place of business telephone and fax details, including the country code. E-mail to be provided if available.

(9) The contact details include the telephone and fax numbers, including the country code, and the e-mail address (if available) at which operational management can be contacted without undue delay for issues related to flight operations, airworthiness, flight and cabin crew competency, dangerous goods and other matters, as appropriate.

(10) The controlled document (Operations Manual) which is carried on board on board the aircraft, in which the operator contact details are listed, with the appropriate paragraph or page reference.

(11) A specific reference to the appropriate civil aviation regulations.

(12) The Issuance date of the AOC (dd-mm-yyyy).

(13) The title, name and signature of the Authority representative. In addition, an official stamp may be applied on the AOC.

APPENDIX 2 TO 12.031: AIRCRAFT DISPLAY OPERATIONS SPECIFICATIONS

(a) The operator shall have on board the aircraft, aircraft display operations specifications identified by aircraft make, model and series for each aircraft model in the operator's fleet approved by the Authority

Note: If authorisations and limitations are identical for two or more models, these models may be grouped in a single list.

(b) The certified true copy of the aircraft display operations specifications shall be in a standardized format that—

(1) Closely approximates the format provided in ICAO Annex 6, Part I or Part III to enable a foreign CAA to easily determine that the air operator is in compliance; and.

(2) Contains the minimum information required in paragraphs (c) of this Appendix.

(c) The minimum content of the general portion of the aircraft display operations specifications shall be—

(1) The header "Operations Specifications" with the text underneath to be " Subject to the approved conditions in the operations manual."
(2) The telephone and fax contact details for the Authority, including the country code and an appropriate e-mail contact.
(3) The AOC number associated with these operations specifications;
(4) The operator's registered name and the operator's trading name, if different. Insert "dba" before the trading name (for "doing business as").
(5) The issuance date of the operations specifications (dd-mm-yyyy) and signature of the Authority representative.
(6) The Commercial Aviation Safety Team (CAST)/ICAO designation of the aircraft make, model and series, or master series, if a series has been designated (e.g. Boeing-737-3K2 or Boeing-777-232). The CAST/ICAO taxonomy is available at: http://www.intlaviationstandards.org/.
(7) Any other type of transportation to be specified (e.g. emergency medical service).
(8) List the geographical area(s) of authorised operation (by geographical coordinates or specific routes, flight information region or national or regional boundaries).
(9) List the applicable special limitations (e.g. VFR only, day only).

(d) The minimum content of the specific authorisations portion of the aircraft display operations specifications shall be entered under four columns—
(1) Special Authorisations;
(2) Yes, No or N/A;
(3) Special approvals; and
(4) Remarks.

(e) The minimum specific authorisations that must be addressed in these columns in the following specific order include—
(1) Dangerous goods;
(2) Low Visibility Operations: Approach and Landing;
(3) Low Visibility Operations: Take-off;
(4) RVSM;
(5) ETDO;
(6) Each Navigation Specification for PBN operations
(7) Continuing airworthiness
(8) Other.

(f) Where the special authorisation for RVSM (paragraphs (f)(4)) or EDTO (paragraph (f)(5)) is not applicable, the authorisation row must appear in the operations specifications even when the authorisation has not been granted to the operator, but the authorisation should be shown as "not applicable" by the entry of "N/A" in the appropriate column.

(g) Additionally, for the following authorisations the "Special Approvals" column shall contain—
(1) For Low Visibility Operations: Approach and Landing (paragraph (f)(2))—
(i) A separate line for each applicable precision approach category (CAT I, II, IIIA, IIIB, IIIC) and
(ii) The minimum RVR in metres and decision height in feet.
(2) For Low Visibility Operations: Take-off (paragraph (f)(3))—
(i) A separate line for each approval should be used if different approvals are granted; an
(ii) The approved minimum take-off RVR in metres.
(3) For EDTO operations (paragraph (f)(5))—
(i) A threshold time;
(ii) Maximum diversion time.

Note: The threshold time and maximum diversion time may also be listed in distance (NM), as well as the engine type.

(4) For PBN operations (paragraph (f)(6))—

(i) A separate line should be used for each PBN specification authorisation granted (e.g. RNAV 10, RNAV 1, RNP 4);

(ii) With appropriate limitations or conditions listed in the "Specific Approvals" and/or "Remarks" columns.

Note: Limitations, conditions and regulatory basis for operational approval associated with the performance-based navigation specifications (e.g. GNSS, DME/DME/IRU).

(5) For Continuing Airworthiness (paragraph (f)(7)—

(i) Insert the name of the person/organisation responsible for ensuring that the continuing airworthiness of the aircraft is maintained; and

(ii) The regulation that requires the work, i.e. within the AOC regulation or a specific approval.

(6) For other authorisations (paragraph (f)(8)—

(i) Additional authorisations or data can be entered here, using one line (or one multi-line block) per authorisation.

(ii) These authorisations could included special approach authorisation, MNPS, approved navigation performance).

APPENDIX 1 TO 12.065: CERTIFICATION OF SINGLE-PILOT AIR TAXIS

(a) The full initial certification process shall be implemented by the Authority for single-pilot AOC applicants.

(b) The exceptions of Part 12 for single-pilot air taxis may be considered for those operators with fewer than 3 qualified PICs.

(c) The aircraft must be able to maintain performance requirements for such operations.

(d) No AOC holder may be authorised to operate an aircraft under the IFR or at night by a single pilot unless the—

(1) Flight manual does not require a flight crew of more than one;

(2) The aeroplane is propeller-driven;

(3) Maximum approved passenger seating configuration is not more than nine;

(4) Maximum certificated take-off mass does not exceed 5 700 kg;

(5) Aeroplane is equipped as described in Part 7 for single-pilot IFR and night operations; and

(6) PIC has satisfied requirements of experience, training, checking and recency of Part 14, including demonstration of briefing for emergency evacuation, use of autopilot during IFR operations, and used of condensed navigation documentation.

APPENDIX 2 TO 12.065: NIGHT & IMC OPS: SINGLE-ENGINE TURBINE-POWERED AIRCRAFT

(a) The following airworthiness and operational requirements are provided to ensure a valid certification of an applicant for an AOC to operate single-engine turbine-powered aircraft in commercial air transport at night and IMC—

1. Turbine engine reliability

(a) Turbine engine reliability shall be shown to have a power loss rate of less than 1 per 100 000 engine hours. Power loss in this context is defined as any loss of power, the cause of which may be traced to faulty engine or engine component design or installation, including design or installation of the fuel ancillary or engine control systems.

(b) The operator shall be responsible for engine trend monitoring.

(c) To minimize the probability of in-flight engine failure, the engine shall be equipped with—

(1) An ignition system that activates automatically, or is capable of being operated manually, for take-off and landing, and during flight, in visible moisture;

(2) A magnetic particle detection or equivalent system that monitors the engine, accessories gearbox, and reduction gearbox, and which includes a flight deck caution indication; and

(3) An emergency engine power control device that permits continuing operation of the engine through a sufficient power range to safely complete the flight in the event of any reasonably probable failure of the fuel control unit.

2. Systems and equipment

(a) Single-engine turbine-powered aeroplanes approved to operate at night and/or in IMC shall be equipped with the following systems and equipment intended to ensure continued safe flight and to assist in achieving a safe forced landing after an engine failure, under all allowable operating conditions—

(b) two separate electrical generating systems, each one shall satisfy the following: capable of supplying all probable combinations of continuous in-flight electrical loads for instruments, equipment and systems required at night and/or in IMC;

(1) a radio altimeter;

(2) an emergency electrical supply system of sufficient capacity and endurance, following loss of all generated power, to as a minimum

(i) maintain the operation of all essential flight instruments, communication and navigation systems during a descent from the maximum certificated altitude in a glide configuration to the completion of **a** landing;

(ii) lower the flaps and landing gear, if applicable;

(iii) provide power to one pilot heater, which must serve an air speed indicator clearly visible to the pilot;

(iv) provide for operation of the landing light specified in 2 j);

(v) provide for one engine restart, if applicable; and

(vi) provide for the operation of the radio altimeter;

(3) two attitude indicators, powered from independent sources;

(4) a means to provide for at least one attempt at engine re-start;

(5) airborne weather radar;

(6) a certified area navigation system capable of being programed with the positions of aerodromes and safe forced landing areas, and providing instantly available track and distance information to those locations;

(7) for passenger operations, passenger seats and mounts which meet dynamically-tested performance standards and which are fitted with a shoulder harness or a safety belt with a diagonal shoulder strap for each passenger seat;

(8) for all occupants for descent following engine failure at the maximum glide performance from the maximum certificated altitude to an altitude at which supplemental oxygen is no longer required;

(9) a landing light that is independent of the landing gear and is capable of adequately illuminating the touchdown area in a night forced landing; and

(10) an engine fire warning system.

3. Minimum equipment list

(a) The Authority requires that the minimum equipment list of an operator approved to specify the operating equipment required for night and/or IMC operations, and for day/VMC operations.

4. Flight manual information

(a) The flight manual shall include limitations, procedures, approval status and other information relevant to operations by single-engine turbine-powered aeroplanes at night and/or in IMC.

5. Event reporting

(a) An operator approved for operations by single-engine turbine-powered aeroplanes at night and/or in IMC shall report all significant failures, **malfunctions** or defects to the Authority who in turn will notify the State of Design.

(b) The Authority shall review the safety data and monitor the reliability information so as to be able to take any actions necessary to ensure that the intended safety level is achieved.

(c) The Authority will notify major events or trends of particular concern to the appropriate Type Certificate Holder and the State of Design

6. Operator planning

(a) Operator route planning shall take account of all relevant information in the assessment of intended routes or areas of operations, including the following—

(1) the nature of the terrain to be overflown, including the potential for carrying out a safe forced landing in the event of an engine failure or major malfunction;

(2) weather information, **including** seasonal and other adverse meteorological influences that **may** affect the flight; and

(3) other criteria and limitations as specified by the Authority.

(b) An operator shall identify aerodromes or safe forced landing areas available for use in the event of engine failure, and the position of these shall be programmed into the area navigation system.

(1) A 'safe' forced landing in this context means a landing in an area at which it can reasonably be expected that it will not lead to serious injury or loss of life, even though the aeroplane may incur extensive damage.

(2) Operation over routes and in weather conditions that permit a safe forced landing in the event of an engine failure is not a criteria for this type of aircraft, The availability of forced landing areas at all points along a route is not specified for these aeroplanes because of the very high engine reliability, additional systems and operational equipment, procedures and training requirements specified in this Appendix.

7. Flight crew experience, training and checking

(a) The Authority shall prescribe the minimum flight crew experience required for night/I1VIC operations by single-engine turbine-powered **aeroplanes.**

(b) An operator's flight crew training and checking shall be appropriate to night and/or IMC operations by single-engine turbine-powered aeroplanes, covering normal, abnormal and emergency procedures and, in particular, engine failure, including descent to a forced landing in night and/or in IMC conditions

8. Route limitations over water

(a) The Authority shall evaluation and apply route limitation criteria for single-engine turbine-powered aeroplanes operating at night and/or in IMC on over water operations if beyond gliding distance from an area suitable for a safe forced landing/ditching having regard to the—

(1) characteristics of the aeroplane,

(2) seasonal weather influences, including likely sea state and temperature, and

(3) the availability of search and rescue services

9. Operator certification or validation

(a) The operator shall demonstrate the ability to conduct operations by single-engine turbine-powered aeroplanes at night and/or in IMC through a certification and approval process specified by the Authority.

APPENDIX 3 TO 12.065 NIGHT & IMC OPS: HELICOPTERS IN PERFORMANCE CLASS 3

(a) The following airworthiness and operational requirements are provided to ensure a valid certification of an applicant for an AOC to operate a Performance Class 3 Helicopter in commercial air transport at night and IMC—

1. Engine reliability

(a) Attaining and maintaining approval for engines used by helicopters operating in performance Class 3 in IMC:

(b) In order to attain initial approval for existing in-service engine types, reliability shall be shown to have a nominal power loss rate of less than 1 per 100 000 engine hours based on a risk management process.

(c) In order to attain initial approval for new engine types, the State of Design shall assess engine models for acceptance for operations in performance Class 3 in IMC on a case-by-case basis.

(d) In order to maintain approval, the State of Design shall, through the continuing airworthiness process, ensure that engine reliability remains consistent with the intent of the reliability requirements.

(e) The operator shall be responsible for a program for ongoing engine trend monitoring.

(f) To minimize the probability of in-flight engine failure, the engine shall be equipped with—

(1) for turbine engines: a re-ignition system that activates automatically or a manually selectable continuous ignition system unless the engine certification has determined that such a system is not required, taking into consideration the likely environmental conditions in which the engine is to be operated;

(2) a magnetic particle detection, or equivalent, system that monitors the engine, accessories gearbox, and reduction gearbox, and which includes a flight deck caution indication; and

(3) a means that would permit continuing operation of the engine through a sufficient power range to safely complete the flight in the event of any reasonably probable failure of the fuel control unit.

2. Systems and equipment

(a) Helicopters operating in performance Class 3 in IMC shall be equipped with the following systems and equipment intended to ensure continued safe flight or to assist in achieving a safe forced landing after an engine failure, under all allowable operating conditions—

(1) either two separate electrical generating systems, each one capable of supplying all probable combinations of continuous in-flight electrical loads for instruments, equipment and systems required in IMC; or a primary electrical source and a standby battery or other alternate source of electric power that is capable of supplying 150 per cent of electrical loads of all required instruments and equipment necessary for safe emergency operations of the helicopter for at least one hour; and

(2) an emergency electrical supply system of sufficient capacity and endurance, following loss of all normally generated power to, as a minimum—

Note.— If a battery is used to satisfy the requirement for a second power source an additional electrical power supply may not be required.

(i) maintain the operation of all essential flight instruments, communication and navigation systems during a descent from the maximum certificated altitude in an autorotational configuration to the completion of a landing;

(ii) maintain the operation of the stabilisation system, if applicable;

(iii) lower the landing gear, if applicable;

(iv) where required, provide power to one pitot heater, which must serve an airspeed indicator clearly visible to the pilot;

(v) provide for the operation of the landing light;

(vi) provide for one engine restart, if applicable; and

(vii) provide for the operation of the radio altimeter;

(b) a radio altimeter;

(c) an autopilot if intended as a substitute for a second pilot. In these cases, the State of Operator shall ensure the operator's approval clearly states any conditions or limitations on its use;

(d) a means to provide for at least one attempt at engine re-start;

(e) an area navigation system approved for use in IFR, capable of being used to locate suitable landing areas in the event of an emergency;

(f) a landing light that is independent of retractable landing gear and is capable of adequately illuminating the touchdown area in a night forced landing; and

(g) an engine fire warning system.

3. Minimum serviceability requirements: operating equipment

(a) The minimum serviceability requirements for operating equipment in helicopters operating in performance Class 3 in IMC shall conform to the specifications of the Authority.

4. Operations manual information

(a) The operations manual shall include limitations, procedures, approval status and other information relevant to operations in performance Class 3 in IMC.

5. Event reporting

(a) An operator approved to conduct operations by helicopters in performance Class 3 in IMC shall report all significant failures, malfunctions or defects to the Authority who in turn shall notify the State of Design.

(b) The Authority shall monitor operations in performance Class 3 in IMC so as to be able to take any actions necessary to ensure that the intended safety level is maintained.

(c) The Authority shall notify major events or trends of particular concern to the appropriate type certificate holder and the State of Design.

6. Operator planning

(a) Operator route planning shall take account of all relevant information in the assessment of intended routes or areas of operations, including the following—

(1) the nature of the terrain to be overflown, including the potential for carrying out a safe forced landing in the event of an engine failure or major malfunction;

(2) weather information, including seasonal and other adverse meteorological influences that may affect the flight; and

(3) other criteria and limitations as specified by the Authority.

7. Flight crew experience, training and checking

(a) The Operator shall conform to the minimum flight crew experience for helicopters operating in performance Class 3 in IMC.

(b) An operator's flight crew training and checking program shall be appropriate to operations in performance Class 3 in IMC, covering—

(1) normal, abnormal and emergency procedures and,

(2) in particular, detection of engine failure including—

(i) descent to a forced landing in IMC and,

(ii) for single engine helicopters, entry into a stabilized autorotation.

8. Operator certification or validation

(a) The operator shall demonstrate the ability to conduct operations in performance Class 3 in IMC through a certification and approval process specified by the Authority.

APPENDIX 1 TO 12.085: ALTERNATE AIRPORT SELECTION

(a) Notwithstanding the requirements of Part 10 regarding selection of alternate airports; the Authority may, based on the results of a specific safety risk assessment conducted by the operator which demonstrates how an equivalent level of safety will be maintained, approve operational variations to alternate airport selection criteria. The specific safety risk assessment shall include at least the—

(3) Capabilities of the operator;
(4) Overall capability of the aircraft and its systems;
(5) Available airport technologies, capabilities and infrastructure;
(6) Quality and reliability of meteorological information;
(7) Identified hazards and safety risks associated with each alternate airport variation; and
(8) Specific mitigation measures.

APPENDIX 2 TO 12.085: MINIMUM FUEL REQUIREMENTS

(a) Notwithstanding the requirements of Part 10 regarding minimum fuel for a flight; the Authority may, based on the results of a specific safety risk assessment conducted by the operator which demonstrates how an equivalent level of safety will be maintained, approve variations to the pre-flight fuel calculation of taxi fuel, trip fuel, contingency fuel, destination alternate fuel, and additional fuel. The specific safety risk assessment shall include at least the—

(9) Flight fuel calculations;
(10) Capabilities of the operator to include—
(i) A data-driven method that includes a fuel consumption monitoring programme; and/or
(ii) The advanced use of alternate airports; and
(iii) Specific mitigation measures.

APPENDIX 3 TO 12.085: EDTO DIVERSION REQUIREMENTS

(a) Notwithstanding the requirements of Part 10 regarding maximum diversion times; the Authority may, based on the results of a specific safety risk assessment conducted by the operator which demonstrates how an equivalent level of safety will be maintained, approve operations beyond the time limits of the most time-limited system. The specific safety risk assessment shall include at least the—

(11) Capabilities of the operator;
(12) Overall reliability of the aeroplane;
(13) Reliability of each time limited system;
(14) Relevant information from the aeroplane manufacturer; and
(15) Specific mitigation measures.

APPENDIX 1 TO 12.130: REQUIRED MANAGEMENT PERSONNEL

(b) The AOC holder shall make arrangements to ensure continuity of supervision if operations are conducted in the absence of any required management personnel.

(c) Required management personnel shall be contracted to work sufficient hours such that the management functions are fulfilled.

(d) A person serving in a required management position for an AOC holder may not serve in a similar position for any other AOC holder, unless a deviation is issued by the Authority.

(e) The minimum initial qualifications for the Flight Operations senior manager are—

(1) An ATP license; and
(2) 3 years experience as PIC in commercial air transport operations of large aircraft.

(f) The minimum initial qualifications for the Crew Training senior manager are—
  (1) An ATP license (or Commercial License) with the appropriate ratings for at least one of the aircraft used in the AOC holder's operations; and
  (2) 3 years experience as PIC in commercial air transport operations.

(g) The minimum initial qualifications for the senior manager of the maintenance system are—
  (1) License and qualifications in accordance with Part 4 and 7; and
  (2) 3 years experience in maintaining the same category and class of aircraft used by the AOC holder including 1 year in the capacity of returning aircraft to service.

(h) The minimum initial qualifications for the senior managers of operations and maintenance quality assurance shall conform to those of the senior crew training manager and senior manager of the maintenance system respectively.

(i) An AOC holder may employ a person who does not meet the appropriate airman qualification or experience if the Authority issues a waiver finding that person has comparable experience and can effectively perform the required management functions.

APPENDIX 1 TO 12.165: PREPAREDNESS PROGRAM: COMMUNICATIVE DISEASES

Communications

(a) The AOC holder shall establish—
  (1) a contact point for policy formulation and operational organisation of preparedness; and
  (2) a position with responsibility for the operational implementation of the airline preparedness plan, having reasonable autonomy/flexibility for rapid policy and decision making.

(b) The AOC holder shall establish communication links with the following aviation internal and local entities—
  (1) airport authorities;
  (2) handling agents;
  (3) airport medical service providers;
  (4) emergency medical services;
  (5) maintenance service providers;
  (6) cleaning service providers;
  (7) baggage handling services;
  (8) air traffic management;
  (9) local public health authority;
  (10) local hospital(s);
  (11) police;
  (12) immigration;
  (13) customs;
  (14) security service providers; and
  (15) other stakeholders as necessary

(c) Communication links should be established, with the following external entities—
  (1) travellers—
    (i) before reaching the airport
    (ii) when in the terminal building
  (2) travel agents;
  (3) international organisations involved with migration;
  (4) media

At the Airport (Pre- and Post-Flight)

(d) The AOC holder shall—

(1) establish general guidelines for passenger agents who may be faced with a suspected case of communicable disease, relevant to airline operations, at the airport; and,

(2) cooperate with airport and public health authorities on logistics e.g. dealing with a sick traveller.

Note: It is not the role of airline staff or handling agents to have prime responsibility for screening and managing travellers who may have a communicable disease: this is usually a public health responsibility

In-Flight Illness

(e) The AOC holder shall establish—

(1) a system enabling cabin crew to identify travelers suspected of having a communicable disease;

(2) a system of managing travelers who are suspected of having a communicable disease, including—

(i) advice from medical ground support (if available)

(ii) sick traveler relocation, away from other travelers, if possible

(iii) carriage of appropriate first-aid equipment and supplies, cabin crew training in its use (in accordance with ICAO, Annex 6, 6.2) and general sanitary precautions

(iv) clean-up of areas occupied by the affected traveler, when necessary

(v) reallocation of cabin crew duties

(vi) use of appropriate personal protective equipment by passenger and crew e.g. masks, gloves

(vii) disposal of contaminated supplies and equipment

(viii) personal hygiene measures to reduce risk

(3) procedures for informing air traffic control that a case of a communicable disease is on board, so that the public health authority at the destination can be advised appropriately in a timely manner.

Aircraft maintenance

(f) The AOC holder establish for the maintenance crew—

(1) a policy concerning the removal of re-circulated air filters including—

(i) use of personal protective equipment

(ii) precautions to be implemented when removing the filter

(iii) precautions to be implemented when disposing of filters

(iv) personal hygiene measures to reduce risk

(v) reference to the filter manufacturer's guidelines for frequency of filter replacement

(2) a policy concerning the venting of vacuum waste tanks; and,

(3) a policy for tasks that involve removing bird debris associated with a bird strike

Aircraft Cleaning

(j) For crew tasked with cleaning an aircraft having transported a traveller suspected of having a communicable disease that may pose a serious public health risk, the AOC holder shall establish a policy consistent with the national public health and aviation authorities that would include—

(4) use of appropriate personal protective equipment

(5) personal hygiene measures to reduce risk

(6) surfaces to be cleaned

(7) use of cleaning agents/disinfectants

(8) disposal of personal protective equipment and soiled material

Cargo and Baggage Handling

(g) The AOC holder shall encourage cargo and baggage handlers to frequently wash their hands and, if required, provide advice concerning any further precautions they may need.

(h) The AOC holder shall co-operate with the public health authority with respect to baggage and cargo inspections (IHR (2005) Article 23 (b)).

Miscellaneous

(i) The AOC shall establish methods to continue operating with greatly reduced staff numbers.

APPENDIX 1 TO 12:200: SUMMARY OF RECORD RETENTION REQUIREMENTS

a) An operator shall ensure that the following information or documentation is retained for the periods shown in the tables below.

b) Flight crew records—

Flight, duty and rest time	2 years
License and medical certificate	Until 12 months after the flight crew member has left the employ of the operator
Ground and flight training (all types)	Until 12 months after the flight crew member has left the employ of the operator
Route and airport/heliport qualification training.	Until 12 months after the flight crew member has left the employ of the operator
Dangerous good training	Until 12 months after the flight crew member has left the employ of the operator
Security training	Until 12 months after the flight crew member has left the employ of the operator
Proficiency and qualification checks (all types)	Until 12 months after the flight crew member has left the employ of the operator

c) Cabin crew records—

Flight, duty and rest time	2 years
License and medical certificate	Until 12 months after the flight crew member has left the employ of the operator
Ground and flight training (all types) and qualification training	Until 12 months after the flight crew member has left the employ of the operator
Dangerous good training	Until 12 months after the flight crew member has left the employ of the operator
Security training	Until 12 months after the flight crew member has left the employ of the operator
Competency checks (all types)	Until 12 months after the flight crew member has left the employ of the operator

d) Records for other AOC Personnel

Training/qualification of other personnel for who an approved training program is required by these regulations.	Until 12 months after the flight crew member has left the employ of the operator
License (if required) and medical certificate (if required)	Until 12 months after the flight crew member has left the employ of the operator
Proficiency or competency checks, if required.	Until 12 months after the flight crew member has left the employ of the operator

e) Completed Forms Related to Flight Preparation

Load Manifest	3 months after the completion of the flight
Mass & Balance Report	3 months after the completion of the flight
Dispatch/Flight Releases	3 months after the completion of the flight
Flight Plan (ATS)	3 months after the completion of the flight
Operational Flight Plan	3 months after the completion of the flight
Passenger Manifest	3 months after the completion of the flight
Weather Reports & Forecasts	3 months after the completion of the flight

f) Flight Recorder Records—

Cockpit Voice Recordings	Preserved after an accident or incident for 60 days or longer if requested by the Authority
Flight Data Recordings	Preserved after an accident or incident for 60 days or longer if requested by the Authority

g) Aircraft Technical Logbook—

Journey Logbook Section	6 months after the last date of the records contained in the logbook
Maintenance Records Section	as long as the aircraft is operated of the operator, or for three months, whichever is longer

h) Maintenance Record of the Aircraft

Total time in service (hours, calendar time and cycles, as appropriate) of the aircraft and all life-limited component	3 months after the unit to which they refer has been permanently withdrawn from service
Current status of compliance with all mandatory continuing airworthiness information	3 months after the unit to which they refer has been permanently withdrawn from service
Appropriate details of modifications and repairs to the aircraft and its components	3 months after the unit to which they refer has been permanently withdrawn from service

Total time in service (hours, calendar time and cycles, as appropriate) since the last overhaul of the aircraft or its components subject to a mandatory overhaul life	3 months after the unit to which they refer has been permanently withdrawn from service
The detailed maintenance records to show all requirements for a maintenance release have been met.	I year after signing of the maintenance release

i) Other Records

Quality system records	5 years
Dangerous goods transport document	6 months after the completion of the flight
Dangerous goods acceptance checklist	6 months after the completion of the flight
Records on cosmic and solar radiation dosage, if AOC holder operates aircraft that fly above 15,000 m (49,000 ft)	Until 12 months after the crew member has left the employ of the AOC holder

APPENDIX 1 TO 12.235: CONTENTS OF AN AOC JOURNEY LOG

(a) Unless otherwise authorised by the Authority, the AOC shall use a journey log which includes the following information—

(1) The operator's name (and logo, if desired);
(2) Aircraft nationality and registration [I];
(3) Names of crew members [III];
(4) Duty assignments of crew members [IV];
(5) Signature of pilot-in-command (or person in charge); [XII]
(6) Nature of flight [X], (general aviation, aerial work, scheduled or unscheduled commercial air transport);
(7) A date column [II], followed by columns for (8) through (12) in a row format;
(8) A column for the departure point (place of departure) [V];
(9) A column for the arrival point (place of arrival) [VI];
(10) A column for the out-of-chocks time of departure [VII];
(11) A column for the in-to-chocks time of arrival [VIII];
(12) A column for the total hours of flight time [IX]; and
(13) A section for trip events, incidents and observations [XI].

(b) The AOC holder should use the roman characters with the form labels to clarify the content of information provided.

(c) The Journey Log may be combined with the Aircraft Technical Log where approved by the Authority.

APPENDIX 2 TO 12.240: CONTENTS OF THE AIRCRAFT TECHNICAL LOG

(a) Unless otherwise authorised by the Authority, the AOC holder shall use an aircraft technical log which includes an aircraft maintenance record section containing the following information for each aircraft—

(1) The AOC holder's company name;
(2) A unique page numbering system;
(3) Left margin date entry column; preceding items (4) through (6) in a row format;
(4) Airport entry column including the departure and arrival airport on the same row;

(5) An In-service time per leg column, including take-off and landing times on the same row,
(6) Fuel and oil uplift columns, including, on the same row, the amounts for
  (i) uplift,
  (ii) take-off total and
  (iii) en-route usage.
(7) Method for entering defects found during flight in a column and row format, including
  (i) A method for numbering each defect
  (ii) Identifying the airport where it was entered;
  (iii) A description of the defected noted;
  (iv) A description of the correction or deferment of the defect;
  (v) The certificate number of the person making the correction; and
  (vi) The signature or 3 letter initials of the person making the correction;
(8) A method for collecting the critical summary information, such as airframe hours, landing gear cycles, etc.
(9) A method for collecting any special inspection or maintenance status information that is applicable to the AOC holder's operations, such as VOR receiver checks, ETDO status, etc.
(10) A separate provision for the current release to service, including
(11) The proper terminology for the release;
(12) The name and signature for the release.
(13) A separate provision for the pilot's flight preparation certification that the document illustrates that the aircraft is airworthy, has the required operational equipment and proper release to service.
(14) A provision for tracking the deferred defects, which may be included as a separate page or pages in the front or back of the technical log.

(b) The operator may combine the prescribed contents of the journey log and the aircraft technical log.

APPENDIX 1 TO 12.315: DRY LEASING OF FOREIGN REGISTERED AIRCRAFT

(a) An AOC holder may dry lease an aircraft for the purpose of commercial air transportation to any AOC holder of a State which is signatory to the Chicago Convention provided that the following conditions are met—
  (1) The aircraft carries an appropriate airworthiness certificate issued, in accordance with ICAO Annex 8, by the country of registration and meets the registration and identification requirements of that country.
  (2) The aircraft is of a type design which complies with all of the requirements that would be applicable to that aircraft were it registered in Rwanda, including the requirements which shall be met for issuance of a Rwanda standard airworthiness certificate (including type design conformity, condition for safe operation, and the noise, fuel venting, and engine emission requirements).
  (3) The aircraft is maintained according to an approved maintenance program.
  (4) The aircraft is operated by Rwanda-certified airmen employed by the AOC holder.
(b) The AOC holder shall provide the Authority with a copy of the dry lease to be executed.
(c) Operational control of any dry leased aircraft rests with the AOC holder operating that aircraft.
(d) The Authority will remove a dry leased aircraft from the lessors AOC holder's operations specifications and list it on the foreign AOC holder lessee's operations specifications.
(e) The AOC holder engaged in dry leasing aircraft shall make the dry lease agreement explicit concerning the maintenance program and MEL to be followed during the term of the dry lease.

APPENDIX 1 TO 12.320: AIRCRAFT INTERCHANGE

(a) Before operating under an interchange agreement, The AOC holder shall show that—

(1) The procedures for the interchange operation conform with safe operating practices;
(2) Required crew members and Operational Control Persons meet approved training requirements for the aircraft and equipment to be used and are familiar with the communications and dispatch procedures to be used;
(3) Maintenance personnel meet training requirements for the aircraft and equipment, and are familiar with the maintenance procedures to be used;
(4) Flight crew members and Operational Control Persons meet appropriate route and airport qualifications;
(5) The aircraft to be operated are essentially similar to the aircraft of the AOC holder with whom the interchange is effected; and
(6) The arrangement of flight instruments and controls that are critical to safety are essentially similar, unless the authority determines that the AOC holder has adequate training programs to insure that any potentially hazardous dissimilarities are safely overcome by flight crew familiarisation.

(b) The AOC holder conducting an interchange agreement shall include the pertinent provisions and procedures of the agreement in its manuals.

(c) The AOC holder shall amend their operations specifications to reflect an interchange agreement.

(d) The AOC holder shall comply with the applicable regulations of the State of Registry of an aircraft involved in an interchange agreement while it has operational control of that aircraft.

APPENDIX 1 TO 12.325: WET LEASING

(a) The AOC holder shall provide the Authority with a copy of the wet lease to be executed.

(b) The Authority will determine which party to a wet lease agreement has operational control considering the extent and control of certain operational functions such as—
(1) Initiating and terminating flights.
(2) Maintenance and servicing of aircraft.
(3) Scheduling crew members.
(4) Paying crew members.
(5) Training crew members.

(c) The AOC holder engaged in a wet leasing arrangement shall amend its operations specifications to contain the following information—
(1) The names of the parties to the agreement and the duration of the agreement.
(2) The make, model, and series of each aircraft involved in the agreement.
(3) The kind of operation.
(4) The expiration date of the lease agreement.
(5) A statement specifying the party deemed to have operational control.
(6) Any other item, condition, or limitation the Authority determines necessary.

APPENDIX 1 TO 12.355: OPERATIONS MANUAL

(a) The AOC holder shall ensure that the contents and structure of the operations manual are in accordance with rules and regulations of the Authority, and is relevant to the area(s) and type(s) of operation.

(b) An AOC holder may design a manual to be more restrictive than the Authority's requirements.

(c) The AOC holder shall ensure that the operations manual presents the items of information listed below, to meet the prescribed requirements.
(1) The manual may consist of two or more parts containing together all such information in a format and manner based upon the outline presented in paragraph (d) below.
(2) Each part of the operations manual must contain all information required by each group of personnel addressed in that part.

(d) An operations manual may be issued in separate parts corresponding to specific aspects of operations and may, at a minimum, be organized with the following structure—

(1) General (such as Operations Manual-Part A);
(2) Aircraft operating information (such as Operations Manual-Part B);
(3) Routes and aerodromes (such as Operations Manual-Part C); and
(4) Training (such as Operations Manual-Part D).

A. General

(1) Instructions outlining the responsibilities of operations personnel pertaining to the conduct of flight operations.
(2) Information and policy relating to fatigue management including—
  (i) Rules pertaining to flight time, flight duty period, duty period limitations and rest requirements for flight and cabin crew members; and
  (ii) Policy and documentation pertaining to the operator's FRMS.
(3) A list of the navigational equipment to be carried including any requirements relating to operations where performance-based navigation is prescribed
(4) Where relevant to the operations, the long-range navigation procedures, engine failure procedure for ETDO and the nomination and utilisation of diversion aerodromes.
(5) The circumstances in which a radio listening watch is to be maintained.
(6) The method for determining minimum flight altitudes.
(7) The methods for determining aerodrome operating minima.
(8) Safety precautions during refuelling with passengers on board.
(9) Ground handling arrangements and procedures.
(10) Procedures as prescribed in Part 19 for pilots-in-command observing an accident.
(11) The flight crew for each type of operation including the designation of the succession of command.
(12) Specific instructions for the computation of the quantities of fuel and oil to be carried, having regard to all circumstances of the operation including the possibility of the failure of one or more powerplants while en route.
(13) The conditions under which oxygen shall be used and the amount of oxygen determined to be carried. determined in accordance with Part 6.
(14) Instructions for mass and balance control.
(15) Instructions for the conduct and control of ground de-icing/anti-icing operations.
(16) The specifications for the operational flight plan.
(17) Standard operating procedures (SOP) for each phase of flight.
(18) Instructions on the use of normal checklists and the timing of their use.
(19) Departure contingency procedures.
(20) Instructions on the maintenance of altitude awareness and the use of automated or flight crew altitude call-out.
(21) Instructions on the use of auto pilots and auto-throttles in IMC.
(22) Instructions on the clarification and acceptance of ATC clearances, particularly where terrain clearance is involved.
(23) Departure and approach briefings
(24) Procedures for familiarisation with areas, routes and aerodromes
(25) Stabilized approach procedure.
(26) Limitation on high rates of descent near the surface
(27) Conditions required to commence or to continue an instrument approach
(28) Instructions for the conduct of precision and non-precision instrument approach procedures.

(29) Allocation of flight crew duties and procedures for the management of crew workload during night and IMC instrument approach and landing operations.
(30) Instructions and training requirements for the avoidance of controlled flight into terrain and policy for the use of the ground proximity warning system (GPWS).
(31) Policy, instructions, procedures and training requirements for the avoidance of collisions and the use of the airborne collision avoidance system (ACAS).
(32) Information and instructions relating to the interception of civil aircraft including—
  (i) Procedures, as prescribed in Part 10, for pilots-in-command of intercepted aircraft; and
  (ii) Visual signals for use by intercepting and intercepted aircraft, as contained in Part 10.
(33) For aeroplanes intended to be operated above 15 000 m (49 000 ft)—
  (i) Information which will enable the pilot to determine the best course of action to take in the event of exposure to solar cosmic radiation; and
  (ii) Procedures in the event that a decision to descend is taken, covering—
    (A) The necessity of giving the appropriate ATS unit prior warning of the situation and of obtaining a provisional descent clearance; and
    (B) The action to be taken in the event that communication with the ATS unit cannot be established or is interrupted.
(34) Details of the Safety Management System [SMS].
(35) Information and instructions on the carriage of dangerous goods, in accordance with this Part and Part 18, including action to be taken in the event of an emergency.
(36) Security instructions and guidance.
(37) The bomb search procedure checklist.
(38) Instructions and training requirements for the use of head-up displays (HUD) and enhanced vision systems (EVS)
(39) The acceptable level of aerodrome RFFS protection for each aircraft fleet and type of operation.
(40) Procedures, to avoid unnecessary airborne collision avoidance system (ACAS II) resolution advisories in aircraft at or approaching adjacent altitudes or flight levels, operators should specify procedures by which an aeroplane climbing or descending to an assigned altitude or flight level, especially with an autopilot engaged, may do so at a rate less than 8 m/sec or 1 500 ft/min (depending on the instrumentation available) throughout the last 300 m (1 000 ft) of climb or descent to the assigned level when the pilot is made aware of another aircraft at or approaching an adjacent altitude or flight level.
(41) Instructions and training requirements for the use of the EFB, as applicable.

B. Aircraft Operating Information

(1) Certification limitations and operating limitations.
(2) The normal, abnormal and emergency procedures to be used by the flight crew and the checklists relating thereto.
(3) Operating instructions and information on climb performance with all engines operating.
(4) Flight planning data for pre-flight and in-flight planning with different thrust/power and speed settings.
(5) Maximum crosswind and tailwind components for each aeroplane type operated and the reductions to be applied to these values having regard to gust, low visibility, runway surface conditions, crew experience, use of autopilot
(6) Instructions and data for mass and balance calculations.
(7) Instructions for aircraft loading and securing of load.
(8) Aircraft systems, associated controls and instructions for their use.

(9) The minimum equipment list and configuration deviation list for the aircraft types operated and specific operations authorised, including any requirements relating to operations in RVSM and RNP airspace.
(10) Checklist of emergency and safety equipment and instructions for its use.
(11) Emergency evacuation procedures, including type-specific procedures, crew coordination, assignment of crew's emergency positions and the emergency duties assigned to each crew member.
(12) The normal, abnormal and emergency procedures to be used by the cabin crew, the checklists relating thereto and aircraft systems information as required, including a statement related to the necessary procedures for the coordination between flight and cabin crew.
(13) Survival and emergency equipment for different routes and the necessary procedures to verify its normal functioning before take-off, including procedures to determine the required amount of oxygen and the quantity available.
(14) The ground-air visual signal code for use by survivors.

C. Routes and Aerodromes

(1) A route guide to ensure that the flight crew will have, for each flight, information relating to communication facilities, navigation aids, aerodromes, instrument approaches, instrument arrivals and instrument departures as applicable for the operation, and such other information as the operator may deem necessary for the proper conduct of flight operations.
(2) The minimum flight altitudes for each route to be flown.
(3) Aerodrome operating minima for each of the aerodromes that are likely to be used as aerodromes of intended landing or as alternate aerodromes.
(4) The increase of aerodrome operating minima in case of degradation of approach or aerodrome facilities.
(5) The necessary information for compliance with all flight profiles required by these Regulations, including but not limited to, the determination of—
  (i) Take-off runway length requirements for dry, wet and contaminated conditions, including those dictated by system failures which affect the take-off distance;
  (ii) Take-off climb limitations;
  (iii) En-route climb limitations;
  (iv) Approach climb limitations and landing climb limitations;
  (v) Landing runway length requirements for dry, wet and contaminated conditions, including systems failures which affect the landing distance; and
  (vi) Supplementary information, such as tire speed limitations
(6) The level of RFFS protection that is available at each aerodrome.

D. Training

(1) Details of the flight crew training program.
(2) Details of the cabin crew duties training program.
(3) Details of the flight operations officer/flight dispatcher training program when employed in conjunction with a method of flight supervision.

APPENDIX 1 TO 12.385: MINIMUM EQUIPMENT LISTS

(a) If deviations from the requirements of States in the certification of aircraft were not permitted an aircraft could not be flown unless all systems and equipment were operable. These requirements provide that some unserviceability can be accepted in the short term when the remaining operative systems and equipment provide for continued safe operations.

(b) The Authority will approve a minimum equipment list for an AOC holder indicating those systems and items of equipment that may be inoperative for certain flight conditions with the intent that no flight can be conducted with inoperative systems and equipment other than those specified.

(c) A minimum equipment list is based on the master minimum equipment list established for the aircraft type by the organisation responsible for the type design in conjunction with the State of Design.

(d) The AOC holder must, during certification, prepare a minimum equipment list designed to allow the operation of an aircraft with certain systems or equipment inoperative provided an acceptable level of safety is maintained.

(e) The minimum equipment list is not intended to provide for operation of the aircraft for an indefinite period with inoperative systems or equipment. The basic purpose of the minimum equipment list is to permit the safe operation of an aircraft with inoperative systems or equipment within the framework of a controlled and sound program of repairs and parts replacement.

(f) The AOC holder must ensure that no flight is commenced with multiple minimum equipment list items inoperative without determining that any interrelationship between inoperative systems or components will not result in an unacceptable degradation in the level of safety and/or undue increase in the flight crew workload.

(g) The exposure to additional failures during continued operation with inoperative systems or equipment must also be considered in determining that an acceptable level of safety is being maintained. The minimum equipment list may not deviate from requirements of the flight manual limitations section, emergency procedures or other airworthiness requirements of the State of Registry or of the State of the Operator unless the appropriate airworthiness authority or the flight manual provides otherwise.

(h) Systems or equipment accepted as inoperative for a flight should be placarded where appropriate and all such items should be noted in the aircraft technical log to inform the flight crew and maintenance personnel of the inoperative system or equipment.

(i) Based on manufacturer's MMEL, for a particular system or item of equipment to be accepted as inoperative, it may be necessary to establish a maintenance procedure, for completion prior to flight, to de-activate or isolate the system or equipment. It may similarly be necessary to prepare an appropriate flight crew operating procedure.

APPENDIX 1 TO 12.415: PASSENGER BRIEFING CARDS

(a) The AOC holder shall, at each exit seat, provide passenger information cards that include the following information in the primary language in which emergency commands are given by the crew—

(1) Functions required of a passenger in the event of an emergency in which a crew member is not available to assist—

(i) Locate the emergency exit;

(ii) Recognise the emergency exit opening mechanism;

(iii) Comprehend the instructions for operating the emergency exit;

(iv) Operate the emergency exit;

(v) Assess whether opening the emergency exit will increase the hazards to which passengers may be exposed;

(vi) Follow oral directions and hand signals given by a crew member;

(vii) Stow or secure the emergency exit door so that it will not impede use of the exit;

(viii) Assess the condition of an escape slide, activate the slide, and stabilise the slide after deployment to assist others in getting off the slide;

(ix) Pass expeditiously through the emergency exit; and

(x) Assess, select, and follow a safe path away from the emergency exit

(2) A request that a passenger identify himself or herself to allow reseating if he or she—
  (i) Cannot perform the emergency functions stated in the information card;
  (ii) Has a nondiscernible condition that will prevent him or her from performing the functions;
  (iii) May suffer bodily harm as the result of performing one or more of those functions; or
  (iv) Does not wish to perform those functions;
  (v) Lacks the ability to read, speak, or understand the language or the graphic form in which instructions are provided by the AOC holder.

APPENDIX 1 TO 12.420: AERONAUTICAL DATA CONTROL SYSTEM

(a) The AOC holder shall provide aeronautical data for each airport used by the AOC holder which includes the following—
  (1) Airports—
    (i) Facilities.
    (ii) Navigational and communications aids.
    (iii) Construction affecting take-off, landing, or ground operations.
    (iv) Air traffic facilities.
  (2) Runways, clearways, and stopways—
    (i) Dimensions.
    (ii) Surface.
    (iii) Marking and lighting systems.
    (iv) Elevation and gradient.
  (3) Displaced thresholds—
    (i) Location.
    (ii) Dimensions.
    (iii) Take-off or landing or both.
  (4) Obstacles—
    (i) Those affecting take-off and landing performance computations.
    (ii) Controlling obstacles.
    (iii) Instrument flight procedures.
    (iv) Departure procedure.
    (v) Approach procedure.
    (vi) Missed approach procedure.
  (5) Special information—
    (i) Runway visual range measurement equipment.
    (ii) Prevailing winds under low visibility conditions.

APPENDIX 1 TO 12.430: WEATHER REPORTING SOURCES

(a) The Authority approves and considers the following sources of weather reports satisfactory for flight planning or controlling flight movement—
  (1) Rwanda State Meteorological office.
  (2) Rwanda-operated automated surface observation stations provided the station can report all required items for a complete aviation weather report.
  (3) Rwanda-operated supplemental aviation weather reporting stations.
  (4) Observations taken by airport traffic control towers.
  (5) Rwanda-contracted or approved weather observatories.

(6) Any active meteorological office operated by a foreign state which subscribes to the standards and practices of ICAO conventions., provided the office is listed in the MET tables located in ICAO Regional Air Navigation Plans.
(7) Any military weather reporting sources approved by the Authority, provided that the use of military sources is limited to control of those flight operations which use military airports as departure, destination, alternate, or diversionary airports.
(8) Near real time reports such as pilot reports, radar reports, radar summary charts, and satellite imagery reports made by commercial weather sources or other sources specifically approved by the Authority.
(9) An AOC holder operated and maintained weather reporting system approved by the Authority.

APPENDIX 1 TO 12.435: DEICING & ANTI-ICING PROGRAM

(a) Contents of the AOC holder's ground de-icing and anti-icing program shall include a detailed description of—
(1) How the AOC holder determines that conditions are such that frost, ice, or snow may reasonably be expected to adhere to the aircraft and that ground deicing and anti-icing operational procedures shall be in effect;
(2) Who is responsible for deciding that ground deicing and anti-icing operational procedures shall be in effect;
(3) The procedures for implementing ground deicing and anti-icing operational procedures; and
(b) The specific duties and responsibilities of each operational position or group responsible for getting the aircraft safely airborne while ground deicing and anti-icing operational procedures are in effect.
(c) The AOC holder’s program shall include procedures for flight crew members to increase or decrease the determined holdover time in changing conditions.
(d) The holdover time shall be supported by data acceptable to the Authority.
(e) If the maximum holdover time is exceeded, take-off is prohibited unless at least one of the following conditions exists—
(1) A pre-take-off contamination check is conducted outside the aircraft (within five minutes prior to beginning take off) to determine that the wings, control surfaces, and other critical surfaces, as defined in the certificate holder's program, are free of frost, ice, or snow;
(2) It is otherwise determined by an alternate procedure, approved by the Authority and in accordance with the AOC holder’s approved program, that the wings, control surfaces, and other critical surfaces are free of frost, ice, or snow; or
(3) The wings, control surfaces, and other critical surfaces are de-iced again and a new holdover time is determined.

APPENDIX 1 TO 12.540: CONTENTS OF THE MAINTENANCE CONTROL MANUAL

(a) The AOC holder’s maintenance control manual shall contain the following information which may be issued in separate parts.
(1) A description of the required maintenance procedures, including where—
(i) A description of the administrative arrangements between the AOC holder and the approved maintenance organisation;
(ii) A description of the maintenance procedures and the procedures for completing and signing a maintenance release when maintenance is based on a system other than that of an approved maintenance organisation.
(2) The names and duties of the person or persons required to ensure that all maintenance is carrier out in accordance with the maintenance control manual;
(3) A reference to the required maintenance program(s)

(4) A description of the methods for completion and retention of the required AOC holder's maintenance records;
(5) A description of establishing and maintaining a system of analysis and continued monitoring or the performance and efficiency of the maintenance program, in order to correct any deficiency in that program.
(6) A description of the procedures for obtaining and assessing continued airworthiness information and implementing any resulting actions for all aircraft over 5,700 kg and helicopters over 3,175 kg maximum certificated take-off mass, from the organisation responsible for the type design, and shall implement such actions considered necessary by the State of Registry;
(7) A description of procedures for assessing continuing airworthiness information and implementing any resulting actions.
(8) A description of the procedures for implementing action resulting from mandatory continuing airworthiness information.
(9) A description of the procedures for monitoring, assessing and reporting maintenance and operational experience for all aircraft over 5,700 kg and helicopters over 3,175 kg maximum certificated take-off mass;
(10) A description of aircraft types and models to which the manual applies.
(11) A description of procedures for ensuring that unserviceabilities affecting airworthiness are recorded and rectified; and
(12) A description of the procedures for advising the State of Registry of significant in-service occurrences, including failures, malfunctions and defects as required by Section 4.047;.
(13) A description of the procedures to ensure each aeroplane they operate is in an airworthy condition;
(14) A description of the procedures to ensure the operational emergency equipment for each flight is serviceable;
(15) A description of the procedures for the introduction of new aircraft to the fleet;
(16) A description of the procedures for assessment of contractor capabilities, including deicing;
(17) A description of the procedures for control and approval of major repairs and alterations;
(18) The certificate holder's manual must contain the required programs that must be followed in performing maintenance, preventive maintenance, and alterations of the AOC holder's airplanes, including airframes, aircraft engines, propellers, appliances, emergency equipment and parts thereof, and must include at least the following—
    (i) The method of performing routine and nonroutine maintenance (other than required inspections, preventive maintenance, and alterations.
    (ii) A designation of the items of maintenance and alterations that must be inspected (required inspections), including at least those that could result in a failure, malfunction, or defect endangering the safe operations of the aircraft, if not performed properly or if improper parts or materials are used.
    (iii) The method of performing required inspections and a designation by occupational title or personnel authorised to perform each required inspection.
    (iv) Procedures for the reinspection of work performed pursuant to previous required inspections findings ("buy-back") procedures.
    (v) Procedures, standards and limits necessary for required inspections and acceptance or rejections of the items required to be inspected and for periodic inspection and calibration of precision tools, measuring devices and test equipment.
    (vi) Instruction to prevent any person who performs any itme of work from performing any required inspection of that work.
    (vii) Instructions and procedures to prevent any decision of an inspector, regarding any required inspection from being countermanded by persons other than supervisory personnel of the

inspection unit, or a person at that level of administrative control that has overall responsibility for the management of both the required inspection functions and the other maintenance, preventive maintenance and alteration functions.

(viii) Procedures to ensure that required inspection, other maintenance, preventive maintenance and alterations that are not completed as a result of shift changes or similar work interruptions are properly completed before the aircraft is released to service.

(ix) A description of the procedures for preparing the release to service and the circumstances under which the release is to be signed.

(x) A list of personnel authorised to sign the release to service and the scope of their authorisation.

(b) This manual may be organized in any subject order and the subjects may be combined so long as all applicable subjects are included.

APPENDIX 1 TO 12.550: MAINTENANCE QUALITY ASSURANCE PROGRAM

(a) The quality assurance program for maintenance shall be developed to monitor compliance with the approved procedures specified in an operators maintenance control manual to ensure compliance and thereby ensure the maintenance aspects of the operational safety of the aircraft.

(b) Each AOC holder shall establish a plan acceptable to the Authority to show when and how often the activities are required will be monitored.

(c) A reports shall be produced at the completion of each monitoring investigation and include details of discrepancies of non-compliance with procedures or requirements.

(d) The quality assurance system shall include a feedback system to ensure that corrective actions are identified and carried out in a timely manner.

(e) The feedback part of the system shall address who is required to rectify discrepancies and non-compliance in each particular case and the procedure to be followed if rectification is not completed within appropriate time scales. The procedure should lead to the Accountable Manager.

(f) To ensure effective compliance The AOC holder and AOC applicant should use the following elements—

(1) Product sampling - the part inspection of a representative sample of the aircraft fleet;

(2) Defect sampling - the monitoring of defect rectification performance;

(3) Concession sampling - the monitoring of any concession to not carry out maintenance on time;

(4) On time maintenance sampling - the monitoring of when (flying hours/calendar time/flight cycles, etc.) aircraft and their components are brought in for maintenance;

(5) Sample reports of unairworthy conditions and maintenance errors on aircraft and components.

APPENDIX 1 TO 12.615: INITIAL FINANCIAL SUBSTANTIATION

General

(a) Each financial statement containing financial information required under Section 12.615 must—

(1) Be based on accounts prepared and maintained on an accrual basis in accordance with generally accepted accounting principles applied on a consistent basis; and

(2) Contain the name and address of the applicant's public accounting firm, if any;

(3) Be signed by an officer, owner or partner of the applicant or certificate holder.

Financial information required for original issue or renewal of the AOC

(b) Each applicant for the original issue or renewal of a scheduled or non-scheduled international or domestic AOC must submit the following financial information—

(1) A balance sheet that shows assets, liabilities, and net worth, as of a date not more than 60 days before the date of application.

(2) In the case of an application for renewal, the most recent profit and loss statement required to be submitted under paragraph (c) below. Also, if the application for renewal is filed more than 60 days after the date of the applicant's most recent profit and loss statement submitted under paragraph (c) below, the applicant must submit a supplementary profit and loss statement covering the period from the date of the most recent statement to a date not more than 60 days before the date of application for renewal. The applicant shall submit a list of each contract that gave rise to operating income on the supplementary profit and loss statement, including the names and addresses of the contracting parties and the nature, scope, date, and duration of each contract.

(3) An itemization of liabilities more than 60 days past due on the balance sheet date, if any, showing each creditor's name and address, a description of the liability, and the amount and due date of the liability.

(4) An itemization of claims in litigation, if any, against the applicant as of the date of application showing each claimant's name and address and a description and the amount of the claim.

(5) In the case of an application for original issue, a detailed projection of the proposed operation covering 6 complete months after the month in which the certificate is expected to be issued including—

(i) Estimated amount and source of both operating and non-operating revenue, including identification of its existing and anticipated income producing contracts and estimated revenue per mile or hour of operation by aircraft type;

(ii) Estimated amount of operating and non-operating expenses by expense objective classification; and

(iii) Estimated net profit or loss for the period.

(6) An estimate of the cash that will be needed for the proposed operations during the first 6 months after the month in which the certificate is expected to be issued, including—

(i) Acquisition of property and equipment (explain);

(ii) Retirement of debt (explain);

(iii) Additional working capital (explain);

(iv) Operating losses other than depreciation and amortization (explain); and

(v) Other (explain).

(7) An estimate of the cash that will be available during the first 6 months after the month in which the certificate is expected to be issued, from—

(i) Sale of property or flight equipment (explain);

(ii) New debt (explain);

(iii) New equity (explain);

(iv) Working capital reduction (explain);

(v) Operations (profits)(explain);

(vi) Depreciation and amortization (explain); and

(vii) Other (explain).

(8) A schedule of insurance coverage in effect on the balance sheet date showing insurance companies; policy numbers; types, amounts, and periods of coverage; and special conditions, exclusions, and limitations.

(9) Any other financial information that the Authority requires to enable it to determine that the applicant has sufficient financial resources to conduct his operations with the degree of safety required in the public interest.

APPENDIX 2 TO 12.615: PERIODIC FINANCIAL REPORTS

(a) Each AOC holder shall submit a financial report for the first 6 months of each fiscal year and another financial report for each complete fiscal year.

(b) If an AOC is suspended for more than 29 days, the AOC holder shall submit a financial report as of the last day of the month in which the suspension is terminated.

(c) The report required to be submitted by this Section shall be submitted within 60 days of the last day of the period covered by the report and must include—

(1) A balance sheet that shows assets, liabilities, and net worth on the last day of the reporting period;
(2) The information required by paragraphs (b) (3), (8), and (9) of Appendix 1 to 12.615;
(3) An itemization of claims in litigation against the applicant, if any, as of the last day of the period covered by the report;
(4) A profit and loss statement with separation of items relating to applicant's commercial operator activities from his other business activities, if any; and
(5) A list of each contract that gave rise to operating income on the profit and loss statement, including the names and addresses of the contracting parties and the nature, scope, date, and duration of each contract.

APPENDIX 1 TO 12.615: PREPAREDNESS PROGRAM FOR POSSIBLE COMMUNICATIVE DISEASES

Communications

(a) The AOC holder shall establish—

(1) a contact point for policy formulation and operational organization of preparedness; and
(2) a position with responsibility for the operational implementation of the airline preparedness plan, having reasonable autonomy/flexibility for rapid policy and decision making.

(b) The AOC holder shall establish communication links with the following aviation internal and local entities—

(1) airport authorities;
(2) handling agents;
(3) airport medical service providers;
(4) emergency medical services;
(5) maintenance service providers;
(6) cleaning service providers;
(7) baggage handling services;
(8) air traffic management;
(9) local public health authority;
(10) local hospital(s);
(11) police;
(12) immigration;
(13) customs;
(14) security service providers; and
(15) other stakeholders as necessary

(c) Communication links should be established, with the following external entities—

(1) travellers—
(i) before reaching the airport
(ii) when in the terminal building

(2) travel agents—
(3) international organizations involved with migration
(4) media

At the Airport (Pre- and Post-Flight)

(d) The AOC holder shall—
(1) establish general guidelines for passenger agents who may be faced with a suspected case of communicable disease, relevant to airline operations, at the airport; and,
(2) cooperate with airport and public health authorities on logistics e.g. dealing with a sick traveller.

Note: It is not the role of airline staff or handling agents to have prime responsibility for screening and managing travellers who may have a communicable disease: this is usually a public health responsibility

In-Flight Illness

(e) The AOC holder shall establish—
(1) a system enabling cabin crew to identify travelers suspected of having a communicable disease;
(2) a system of managing travelers who are suspected of having a communicable disease, including—
(i) advice from medical ground support (if available)
(ii) sick traveller relocation, away from other travelers, if possible
(iii) carriage of appropriate first-aid equipment and supplies, cabin crew training in its use (in accordance with ICAO, Annex 6, 6.2) and general sanitary precautions
(iv) clean-up of areas occupied by the affected traveler, when necessary
(v) reallocation of cabin crew duties
(vi) use of appropriate personal protective equipment by passenger and crew e.g. masks, gloves
(vii) disposal of contaminated supplies and equipment
(viii) personal hygiene measures to reduce risk
(3) procedures for informing air traffic control that a case of a communicable disease is on board, so that the public health authority at the destination can be advised appropriately in a timely manner.

Aircraft Maintenance

(f) The AOC holder establish for the maintenance crew—
(1) a policy concerning the removal of re-circulated air filters including—
(i) use of personal protective equipment
(ii) precautions to be implemented when removing the filter
(iii) precautions to be implemented when disposing of filters
(iv) personal hygiene measures to reduce risk
(v) reference to the filter manufacturer's guidelines for frequency of filter replacement
(2) a policy concerning the venting of vacuum waste tanks; and,
(3) a policy for tasks that involve removing bird debris associated with a bird strike

Aircraft Cleaning

(k) For crew tasked with cleaning an aircraft having transported a traveller suspected of having a communicable disease that may pose a serious public health risk, the AOC holder shall establish a policy consistent with the national public health and aviation authorities that would include—
(4) use of appropriate personal protective equipment
(5) personal hygiene measures to reduce risk
(6) surfaces to be cleaned
(7) use of cleaning agents/disinfectants

(8) disposal of personal protective equipment and soiled material

Cargo and Baggage Handling

(g) The AOC holder shall encourage cargo and baggage handlers to frequently wash their hands and, if required, provide advice concerning any further precautions they may need.

(h) The AOC holder shall cooperate with the public health authority with respect to baggage and cargo inspections.

Miscellaneous

(i) The AOC shall establish methods to continue operating with greatly reduced staff numbers.

End of RCAR Part 12

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Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA XIII W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX XIII TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE XIII D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 13

Additional Passenger Carrying Requirements

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SUBPART A: GENERAL

13.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as Civil Aviation (Additional Passenger Carrying Requirements) Regulations.

(b) This Part prescribes the passenger-carrying requirements, in addition to the requirements of Part 10, for—
  (1) AOC holders,
  (2) Corporate aviation operations
  (3) Other operators of aeroplanes—
    (i) That are turbojet-powered; or
    (ii) With a maximum take-off gross weight of more than 5700 kg; and/or
    (iii) Have a maximum passenger configuration of more than 9 passengers.
  (4) Persons and entities that operate these aircraft and the persons performing duties on their behalf..

(c) Civil Aviation Technical Standards published by the Authority shall also be applicable to the passenger carrying requirements

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13.005 DEFINITIONS

(a) The definitions applicable to this Part are consolidated in Part 1, Appendix 1 to 1.015.

13.010 ACRONYMS & ABBREVIATIONS

(a) The following acronyms are used in this Part—

AOC = Air Operator Certificate
CCM = Cabin Crew Member
PBE = Protective Breathing Equipment
PIC = Pilot In Command
SIC = Second In Command
SCCM Senior Cabin Crew Member

13.015 WHEN PASSENGER-CARRYING REQUIREMENTS NOT APPLICABLE

(a) The passenger-carrying requirements of this Part do not apply when carrying—
  (1) A crew member not required for the flight;
  (2) A representative of the Authority on official duty;
  (3) A person necessary to the safety or security of cargo or animals; or
  (4) Any person authorised by the operator's Operation Manual.

(b) No person may be carried without compliance to the passenger carrying requirements unless—
  (1) There is an approved seat with an approved seat belt for that person;
  (2) That seat is located so that the occupant is not in any position to interfere with the flight crew members performing their duties;
  (3) There is unobstructed access from their seat to the flight deck or a regular or emergency exit;
  (4) There is a means for notifying that person when smoking is prohibited and when seat belts shall be fastened; and
  (5) That person has been orally briefed by a crew member on the use of emergency equipment and exits.

13.020 REPORTING OF POSSIBLE COMMUNICABLE DISEASE

(a) The CCM shall promptly report any indication of a person having a suspected communicable disease to the PIC and provide the following information:\
  (1) Number of suspected case(s) on board; and

(2) Nature of the public health risk, if known.

A communicable disease could be suspected if a person has a fever (temperature 38C (100F) or greater that is associated with signs or symptoms, such as appearing obviously unwell, persistent coughing, impaired breathing, persistent diarrhoea; persistent vomiting; skin rash, bruising or bleeding without previous injury, confusion of recent onset.

(b) The CCM shall comply with the operator's procedures for handling of persons with a suspected communicable disease.

SUBPART B: CABIN CREW MEMBERS

13.025 REQUIRED CABIN CREW MEMBERS

(a) The operator shall schedule, and the PIC shall ensure that the minimum number of required cabin crew members are on board passenger-carrying flights.

(b) The number of cabin crew members may not be less than minimum prescribed by the Authority in the AOC holder's operations specifications or the following, whichever is greater—

(1) For a seating capacity of 20 to 50 passengers, one cabin crew member; and

(2) One additional cabin crew member for each unit, or part of a unit, of 50 passenger seat capacity

(3) But, in no case, will the number of cabin crew members be less than the number of life rafts carried..

(c) When passengers are on board a parked aircraft, the minimum number of flight attendants shall be one-half that required for the flight operation, but never less than one cabin crew member (or another person qualified in the emergency evacuation procedures for the aircraft).

(d) Where one-half would result in a fractional number, it is permissible to round down to the next whole number.

13.030 CABIN CREW MEMBER PRIVILEGES

(a) A cabin crew member licenced under Part 7 may perform cabin safety services for hire on passenger carrying aircraft when cabin crew members are required by this Part—

(1) *For commercial air transport operations*, when also qualified under the requirements of Parts 8 and 14; or

(2) *For general aviation operations*, after completion of an initial and recurrent training program, including emergency training and drills for the specific aircraft and human factors training.

(b) A cabin crew member shall have in their personal possession during flight operations a current Class 2 medical certificate issued in the last 24 calendar months.

13.035 CABIN CREW MEMBERS AT DUTY STATIONS

(a) During taxi, cabin crew members shall remain at their duty stations with safety belts and shoulder harness fastened except to perform duties related to the safety of the aircraft and its occupants.

(b) During take-off and landing, cabin crew members shall remain at their duty stations with safety belts and shoulder harness fastened.

(c) During en-route phases of flight, the cabin crew member shall be seated at their duty station with safety belts and shoulder harness fastened whenever the PIC so directs.

(d) During take-off and landing, cabin crew members shall be assigned to duty stations as near as practicable to required floor level exits and shall be uniformly distributed throughout the aircraft to provide the most effective egress of passengers in event of an emergency evacuation.

(e) When passengers are on board a parked aircraft, cabin crew members (or another person qualified in emergency evacuation procedures for the aircraft) will be placed in the following manner—

(1) If only one qualified person is required, that person shall be located in accordance with the operator's Operations Manual procedures.
(2) If more than one qualified person is required, those persons shall be spaced throughout the cabin to provide the most effective assistance for the evacuation in case of an emergency.

SUBPART C: PASSENGERS

13.040 DENIAL OF TRANSPORTATION

(a) An operator may deny transportation because a passenger—
  (1) Refuses to comply with the instructions regarding exit seating restrictions prescribed by the Authority; or
  (2) Has a handicap that can be physically accommodated only by an exit row seat.

(b) The following requirements also apply to the right to refuse the carriage of passenger who has got an air ticket and reserved a seat on the flight or in the course of the passenger's journey—
  (1) From condition of the passenger's health the operator obviously realizes that the transport of the passenger or continuing transport of the passenger shall be dangerous or harmful to the passenger, other persons on the aircraft or the flight;
  (2) For the prevention of infectious disease spread;
  (3) The passenger does not observe regulations on aviation safety and security and air transportation;
  (4) The passenger has an act affecting public order, jeopardizing the flight's safety or affecting others' life and health or properties;
  (5) The passenger is under the influence of alcohol, beer and other stimulants that he/she does not control his/her behaviour;
  (6) For the security reasons;
  (7) At the request of competent governmental authority.

13.045 PROHIBITION AGAINST CARRIAGE OF WEAPONS

(a) No person may, while on board an aircraft being operated in commercial air transport, carry on or about their person a deadly or dangerous weapon, either concealed or unconcealed.

(b) Paragraph (a) does not apply to persons specifically authorised in writing by the operator to carry arms on board the flight, provided this authorisation is in accordance with the operator's operations manual procedures and applicable international security requirements.

13.050 CARRIAGE OF SPECIAL SITUATION PASSENGERS

(a) No operator may allow the transportation of special situation passengers except—
  (1) As provided in the operator's Operations Manual procedures; and
  (2) With the knowledge and concurrence of the PIC.

(b) The special situations passengers shall include—
  (1) Blind persons;
  (2) Paraplegic persons (non-ambulatory);
  (3) Persons with reduced mobility;
  (4) Persons requiring medical oxygen;
  (5) Person unable to use seat belts; and.
  (6) Prisoners under escort.

13.055 OXYGEN FOR MEDICAL USE BY PASSENGERS

(a) An operator may allow a passenger to carry and operate equipment for the storage, generation or dispensing of medical oxygen only as prescribed by the Authority.

(b) No person may smoke, and no crew member may allow any person to smoke within 10 feet of oxygen storage and dispensing equipment carried for the medical use of a passenger.

(c) No crew member may allow any person to connect or disconnect oxygen dispensing equipment to or from an oxygen cylinder while any other passenger is aboard the aircraft.

13.060 CARRIAGE OF PERSONS WITH REDUCED MOBILITY

(a) No person may allow a person of reduced mobility to occupy seats where their presence could—

(1) Impede the crew in their duties;

(2) Obstruct access to emergency equipment; or

(3) Impede the emergency evacuation of the aircraft.

13.065 PASSENGER SEAT BELTS

(a) Each passenger occupying a seat or berth shall fasten his or her safety belt and keep it fastened while the "Fasten Seat Belt" sign is lighted or, in aircraft not equipped with such a sign, whenever instructed by the PIC.

(b) No passenger safety belt may be used by more than one occupant during take-off and landing.

(c) At each unoccupied seat, the safety belt and shoulder harness, if installed, shall be secured so as not to interfere with crew members in the performance of their duties or with the rapid egress of occupants in an emergency.

(d) A person who has not reached his or her second birthday may be held by an adult who is occupying a seat or berth.

(e) A berth, such as a multiple lounge or divan seat, may be occupied by two persons provided it is equipped with an approved safety belt for each person and is used during en route flight only.

13.070 EXIT ROW SEATING

(a) No PIC or SCCM may allow a passenger to sit in an emergency exit row if the PIC or SCCM determine that it is likely that the passenger would be unable to understand and perform the functions necessary to open an exit and to exit rapidly.

(b) Before each take-off, the PIC or SCCM shall ensure that all persons seated in an exit row are individually briefed regarding the responsibilities, acceptance of those responsibilities and instructions for operation of the specific exit.

13.075 PASSENGER INFORMATION SIGNS

(a) The PIC shall turn on required passenger information signs during any movement on the surface, for each take-off and each landing, and when otherwise considered to be necessary.

13.080 PASSENGER COMPLIANCE WITH INSTRUCTIONS

(a) Each passenger on a commercial air transport flight shall comply with instructions given by a crew member in compliance with this Section.

13.085 REQUIRED PASSENGER BRIEFINGS

(a) No person may commence a take-off unless the passengers are briefed prior to take-off in accordance with the operator's Operation Manual procedures on—

(1) Smoking limitations and prohibitions;

(2) Emergency exit location and use;
(3) Use of safety belts;
(4) Emergency flotation means location and use;
(5) Placement of seat backs;
(6) If flight is above 12,000 feet MSL, the normal and emergency use of oxygen;
(7) Stowage of carry-on baggage; and
(8) The passenger briefing card.

(b) Immediately before or immediately after turning the seat belt sign off, the PIC or SCCM shall ensure that the passengers are briefed to keep their seat belts fastened while seated, even when the seat belt sign is off.

(c) Before each take-off, the PIC or SCCM shall ensure that any persons of reduced mobility are personally briefed on—
(1) The route to the most appropriate exit; and
(2) The time to begin moving to the exit in event of an emergency.

13.090 PASSENGER BRIEFING: EXTENDED OVERWATER OPERATIONS

(a) No person may commence extended overwater operations unless all passengers have been orally briefed on the location and operations of life preservers, life rafts and other flotation means, including a demonstration of the method of donning and inflating a life preserver.

13.095 PASSENGER BRIEFING CARDS

(a) No person may commence a flight unless a passenger briefing card is available to each passenger prior to the take-off.

(b) The passenger briefing card will contain instructions and graphics for all briefing subjects listed in Sections—
(1) 13.060;
(2) 13.075; and
(3) 13.080.

SUBPART D: SECURING ITEMS OF MASS

13.100 SECURING OF ITEMS OF MASS IN PASSENGER COMPARTMENT

(a) No person may allow the take-off or landing of an aircraft unless each item of mass in the passenger cabin is properly secured to prevent it from becoming a hazard during taxi, take-off and landing and during turbulent weather conditions.

(b) No person may allow an aircraft to move on the surface, take-off or land unless each passenger serving cart is secured in its stowed position.

(c) Expanded requirements for carriage of cargo in passenger compartments are prescribed in Appendix 1 to 13.060.

13.105 CARRY-ON BAGGAGE

(a) No person may allow the boarding of carry-on baggage unless it can be adequately and securely stowed in accordance with the operator's Operations Manual procedures.

(b) No person may allow aircraft passenger entry doors to be closed in preparation for taxi or push back unless at least one required crew member has verified that each article of baggage has been properly stowed in overhead racks with approved restraining devices or doors, or in approved locations aft of the bulkhead.

(c) No person may allow carry-on baggage to be stowed in a location that would cause that location to be loaded beyond its maximum placard weight limitation.

(d) The stowage locations shall be capable of restraining the articles in crash impacts severe enough to induce the ultimate inertia forces specified in the emergency landing conditions under which the aircraft was type-certified.

13.110 CARRIAGE OF CARGO IN PASSENGER COMPARTMENTS

(a) No person may allow the carriage of cargo in the passenger compartment of an aeroplane except as prescribed by the Authority.

(b) Expanded requirements for carriage of cargo in passenger compartments are prescribed in Appendix 1 to 13.095.

SUBPART E: EMERGENCY PREPAREDNESS

13.115 ACCESSIBILITY OF EMERGENCY EXITS & EQUIPMENT

(a) No person may allow carry-on baggage or other items to block access to the emergency exits when the aircraft is moving on the surface, during take-off or landing, or while passengers remain on board.

13.120 EVACUATION CAPABILITY

(a) The PIC, SCCM and other person assigned by the operator shall ensure that, when passengers are on board the aircraft prior to movement on the surface, at least one floor-level exit provides for egress of passengers through normal or emergency means.

13.125 ARMING OF AUTOMATIC EMERGENCY EXITS

(a) No person may cause an aeroplane carrying passengers to be moved on the surface, take-off or land unless each automatically deployable emergency evacuation assisting means installed on the aircraft is ready for evacuation.

13.130 STOPS WHERE PASSENGERS REMAIN ON BOARD

(a) At stops where passengers remain on board the aircraft, the PIC, the SCCM, or both shall ensure that—

(1) All engines are shut down;

(2) At least one floor level exit remains open to provide for the deplaning of passengers; and

(3) There is at least one person immediately available who is qualified in the emergency evacuation of the aircraft and who has been identified to the passengers on board as responsible for the passenger safety.

(b) If refuelling with passengers on board, the PIC or a designated company representative shall ensure that the operator's Operations Manual procedures are followed.

13.135 PASSENGER SEAT BACKS

(a) No PIC or SCCM may allow the take-off or landing of an aircraft unless each passenger seat back is in the upright position.

(b) Exceptions to the requirement of paragraph (a) may only be made in accordance with procedures in the operator's Operations Manual provided the seat back does not obstruct any passenger's access to the aisle or to any emergency exit.

13.140 STOWAGE OF FOOD, BEVERAGE AND PASSENGER SERVICE

(a) No PIC or SCCM may allow the movement of an aircraft on the surface, take-off or land—

(1) When any food, beverage or tableware furnished by the operator is located at any passenger seat; and

(2) Unless each food and beverage tray and seat back tray table is in the stowed position.

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APPENDICES

APPENDIX 1 TO 13.070: EXIT ROW SEATING

(a) No cabin crew member may seat a person in a passenger exit seat if it is likely that the person would be unable to perform one or more of the applicable functions listed below—

(1) The person lacks sufficient mobility, strength, or dexterity in both arms and hands, and both legs—

(i) To reach upward, sideways, and downward to the location of emergency exit and exit-slide operating mechanisms;

(ii) To grasp and push, pull, turn, or otherwise manipulate those mechanisms;

(iii) To push, shove, pull, or otherwise open emergency exits;

(iv) To lift out, hold, deposit on nearby seats, or manoeuvre over the seatbacks to the next row objects the size and weight of over-wing window exit doors;

(v) To remove obstructions of size and weight similar over-wing exit doors;

(vi) To reach the emergency exit expeditiously;

(vii) To maintain balance while removing obstructions;

(viii) To exit expeditiously;

(ix) To stabilise an escape slide after deployment; or

(x) To assist others in getting off an escape slide;

(2) The person is less than 15 years of age or lacks the capacity to perform one or more of the applicable functions listed above without the assistance of an adult companion, parent, or other relative;

(3) The person lacks the ability to read and understand instructions required by this section and related to emergency evacuation provided by the operator in printed or graphic form or the ability to understand oral crew commands,

(4) The person lacks sufficient visual capacity to perform one or more of the above functions without the assistance of visual aids beyond contact lenses or eyeglasses;

(5) The person lacks sufficient aural capacity to hear and understand instructions shouted by flight attendants, without assistance beyond a hearing aid;

(6) The person lacks the ability adequately to impart information orally to other passengers; or

(7) The person has a condition or responsibilities, such as caring for small children, that might prevent the person from performing one or more of the functions listed above; or a condition that might cause the person harm if he or she performs one or more of the functions listed above.

(b) Determinations as to the suitability of each person permitted to occupy an exit seat shall be made by the cabin crew members or other persons designated in the operators's operations manual.

(c) In the event a cabin crew member determines that a passenger assigned to an exit seat would be unable to perform the emergency exit functions, or if a passenger requests a non-exit seat, the cabin crew member shall expeditiously relocate the passenger to a non-exit seat.

(d) In the event of full booking in the non-exit seats, and if necessary to accommodate a passenger being relocated from an exit seat, the cabin crew member shall move a passenger who is willing and able to assume the evacuation functions, to an exit seat.

(e) Each AOC ticket agent shall, prior to boarding, assign seats consistent with the passenger selection criteria and the emergency exit functions, to the maximum extent feasible.

(f) Each AOC ticket agent shall make available for inspection by the public at all passenger loading gates and ticket counters at each aerodrome where it conducts passenger operations, written procedures established for making determinations in regard to exit row seating,

(n) Each cabin crew member shall include in their passenger briefings a request that a passenger identify himself or herself to allow reseating if he or she—

(1) Cannot meet the selection criteria;
(2) Has a nondiscernible condition that will prevent him or her from performing the evacuation functions;
(3) May suffer bodily harm as the result of performing one or more of those functions; or
(4) Does not wish to perform emergency exit functions.

(g) Each cabin crew member shall include in their passenger briefings a reference to the passenger information cards and the functions to be performed in an emergency exit.

(h) Each passenger shall comply with instructions given by a crew member or other authorised employee of the operator implementing exit seating restrictions

(i) No PIC may allow taxi or pushback unless at least one required crew member has verified that all exit rows and escape paths are unobstructed and that no exit seat is occupied by a person the crew member determines is likely to be unable to perform the applicable evacuation functions.

APPENDIX 1 TO 13.110: CARRIAGE OF CARGO IN PASSENGER COMPARTMENTS

(a) Cargo may be carried anywhere in the passenger compartment if it is carried in an approved cargo bin that meets the following requirements—

(1) The bin must withstand the load factors and emergency landing conditions applicable to the passenger seats of the aeroplane in which the bin is installed, multiplied by a factor of 1.15, using the combined weight of the bin and the maximum weight of cargo that may be carried in the bin;
(2) The maximum weight of cargo that the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin must be conspicuously marked on the bin;
(3) The bin may not impose any load on the floor or other structure of the aeroplane that exceeds the load limitations of that structure;
(4) The bin must be attached to the seat tracks or to the floor structure of the aeroplane, and its attachment must withstand the load factors and emergency landing conditions applicable to the passenger seats of the aeroplane in which the bin is installed, multiplied by either the factor 1.15 or the seat attachment factor specified for the aeroplane, whichever is greater, using the combined weight of the bin and the maximum weight of cargo that may be carried in the bin;
(5) The bin may not be installed in a position that restricts access to or use of any required emergency exit, or of the aisle in the passenger compartment;
(6) The bin must be fully enclosed and made of material that is at least flame resistant;
(7) Suitable safeguards must be provided within the bin to prevent the cargo from shifting under emergency landing conditions; and
(8) The bin may not be installed in a position that obscures any passenger's view of the "seat belt" sign, "no smoking" sign, or any required exit sign, unless an auxiliary sign or other approved means for proper notification of the passenger is provided.

(b) Cargo, including carry-on baggage, may be carried anywhere in the passenger compartment of a small (Group B) aeroplane if it is carried in an approved cargo rack, bin, or compartment installed in or on the aeroplane, if it is secured by an approved means, or if it is carried in accordance with each of the following—

(1) For cargo, it is properly secured by a safety belt or other tie-down having enough strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions, or for carry-on baggage, it is restrained so as to prevent its movement during air turbulence;
(2) It is packaged or covered to avoid possible injury to occupants;
(3) It does not impose any load on seats or in the floor structure that exceeds the load limitation for those components;
(4) It is not located in a position that obstructs the access to, or use of, any required emergency or regular exit, or the use of the aisle between the crew and the passenger compartment, or is located in a position that obscures any passenger's view of the "seat belt" sign, "no smoking" sign or placard, or

any required exit sign, unless an auxiliary sign or other approved means for proper notification of the passengers is provided;

(5) It is not carried directly above seated occupants.

(6) It is stowed in compliance with these restrictions during take-off and landing.

(7) For cargo-only operations, if the cargo is loaded so that at least one emergency or regular exit is available to provide all occupants of the aeroplane a means of unobstructed exit from the aeroplane if an emergency occurs.

End of RCAR Part 13

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA XIV W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX XIV TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE XIV D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 14

AOC Personnel Qualification

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SUBPART A: GENERAL

14.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as Civil Aviation (AOC Personnel Qualification) Regulations.

(b) This Part prescribes the minimum requirements for qualification and currency of operations personnel to be able to serve in commercial air transport or to be used by the holder of an Air Operator Certificate issued by Rwanda.

(c) This Part is applicable to the persons and entities engaged in commercial air transport operations and the persons performing duties on their behalf.

(d) Civil Aviation Technical Standards published by the Authority shall also be applicable to the qualification of an air operator operations personnel.

14.005 DEFINITIONS

(a) All definitions applicable to this Part are contained in Part 1 (Appendix 1 to 1.015).

14.010 ACRONYMS & ABBREVIATIONS

(a) The following acronyms and abbreviations are used in this Part—

ACAS – Airborne Collision Alerting System
AFM – Aeroplane Flight Manual
AOC – Air Operator Certificate
CAT – Category
CRM – Crew Resource Management
EDTO – Extended Diversion Time Operations
FE – Flight Engineer
GPS – Global Positioning System
IFR – Instrument Flight Rules
IMC – Instrument Meteorological Conditions
INS – Inertial Navigation System
LDA – Localizer-type Directional Aid
LOC – Localizer
LVTO – Low Visibility Take Off
MDA – Minimum Decent Altitude
RVR – Runway Visibility Range
RVSM – Reduced Vertical Separation Minimum
PBE – Protective Breathing Equipment
PIC – Pilot In Command
SCCM – Senior Cabin Crew Member
sm – Statute Miles
VMC – Visual Meteorological Conditions

SUBPART B: AVIATION PERSONNEL QUALIFICATIONS

14.020 AGE 65 RESTRICTION

(a) No person may serve or may any AOC holder use a person as a pilot of an aircraft engaged in international commercial air transport operations if the license holder has attained:

(1) their 60th birthday; or

(2) In the case of operations requiring more than one pilot, their 65th birthday.

(b) Check airman who have reached their 65th birthday or who do not hold an appropriate medical certificate may continue their check airman functions, but may not serve as or occupy the position of a required pilot flight crew member on an aeroplane with a gross take-off weight of more than 5700 kg engaged in international commercial air transport operations.

14.025 PIC License Requirements: Turbojet or Large Aircraft

(a) No pilot may act as PIC of a turbojet or large aircraft in commercial air transportation operations unless he or she holds an ATP licence and a type rating for that aircraft.

14.030 PIC Licence requirements: Non-Turbojet small Aeroplanes

(a) No pilot may act as a single-pilot PIC of a non-turbojet small aircraft in commercial air transport during—
   (1) IFR operations unless he or she holds a commercial pilot licence with appropriate category and class ratings for the aircraft operated, and an instrument rating, or
   (2) Day VFR operations unless he or she holds a commercial pilot licence with appropriate category and class ratings for the aircraft operated and an instrument rating.

14.035 PIC Aeronautical experience: Small aeroplanes

(a) No pilot may act as a single-pilot PIC of a small aeroplane in commercial air transport during—
   (1) IFR-IMC operations across international borders unless he or she meets the minimum aeronautical experience requirements necessary to qualify for the ATP licence.
   (2) IFR-IMC operations within Rwanda unless he or she has logged a minimum of 500 hours as a pilot, including at least 100 hours in IFR operations.
   (3) VMC operations across international borders unless he or she has logged a minimum of 500 hours of time as a pilot, including at least 100 hours of cross-country flight time including 25 hours of which were at night.
   (4) VMC day-only operations within Rwanda unless he or she has logged a minimum of 250 hours as a pilot, including at least 100 hours of cross-country flight time.

14.037 PIC Aeronautical Experience: Single-Engine Small Aircraft Class

(a) No pilot may act as PIC of a single-engine small helicopters and propeller-driven aeroplanes in commercial air transport unless he has accumulated 50 hours on the class of aircraft, and for—
   (1) For VMC night operations, 15 hours of flight time at night in the single pilot role in the aircraft class, including at least 3 take-off and landings in the preceding 90 days.
   (2) For IFR operations, 25 hours of IFR flight time in the single pilot role in the aircraft class, including, within the preceding 90 days:
      (i) At least 5 IFR flights and 3 instrument approaches, or
      (ii) An IFR instrument approach check carried out on such an aircraft.

14.040 Co-Pilot licence Requirements

(a) No pilot may act as co-pilot of an aircraft in commercial air transport operations unless he or she—
   (1) Holds a commercial pilot licence with appropriate category and class ratings for the aircraft operated; and
   (2) Holds an instrument rating.

14.045 FE Licence requirements

(a) No person may act as the flight engineer of an aircraft unless he or she holds a flight engineer licence with the appropriate class rating.

14.050 One Pilot Qualified to Perform FE FUNCTIONS

(a) The AOC holder shall ensure that, on all flights requiring a flight engineer, there is assigned at least one other flight crew member qualified to perform the FE duties in the event the FE becomes incapacitated.

14.055 Persons Qualified to Flight Release

(a) No person may issue a flight release for a scheduled passenger-carrying commercial air transport operation in aircraft of more than 20 passengers unless that person—
  (1) Holds an flight dispatcher licence or an ATP rating; and
  (2) Is currently qualified with the AOC holder in accordance with the training requirements of this Part performing operational control functions.

(b) No person, other than the PIC, may issue a flight release for any other commercial air transport operation unless that person—
  (1) Holds an ATP rating; or
  (2) Is currently qualified with the AOC holder in accordance with the training requirements of this Part for the performance of operational control functions.

14.060 Pairing of Low Experience Crew Members

(a) The PIC of an aircraft with passenger configuration for more than 9 passengers shall make all take-offs and landings in situations designated as critical by the Authority (in Appendix 1 to 14.060) if the co-pilot has fewer than 50 hours of flight time in the aircraft type, unless the PIC is also an appropriately qualified check airman.

(b) No person may serve and no person may use a pilot in commercial air transport operations in aircraft of over 9 passenger seats unless either the PIC or co-pilot has at least 75 hours of commercial air transport operations in that specific airplane type, either as PIC or co-pilot.

(c) The Authority may, upon application by the certificate holder, authorise deviations from the requirements of this paragraph (b) by an amendment to the operations specifications (with appropriate operating limitations to ensure equivalent level of safety) in any of the following circumstances—
  (1) A newly certificated AOC holder does not employ any pilots who meet the minimum requirements of this paragraph.
  (2) An existing AOC holder adds to its fleet a type airplane not before proven for use in its operations.
  (3) An existing AOC holder establishes a new domicile to which it assigns pilots who will be required to become qualified on the airplanes operated from that domicile.

14.061 Language proficiency

(d) No person may serve and no person may be assigned to a flight crew with duties that include the use of the aircraft communications radio unless the AOC holder has evaluated this person to determine that he is capable of communicating with air traffic services in English at the Extended Level (Level 4).

(e) All pilots required to use the radio telephone aboard an aircraft in flight operations shall be evaluated by the AOC holder for their ability to speak and understand the language used for radiotelephony communications.
  (1) This evaluation will be accomplished before initial assignment to duty and at intervals specified in paragraph (c) and (d).
  (2) The language proficiency requirements of Part 7 will be used to accomplish this evaluation.
  (3) The language evaluated for international flight operations shall be English.
  (4) The results of this evaluation will be recorded in the AOC holder's crew qualification records.

(f) Those persons demonstrating proficiency below the Expert Level (Level 6) shall be formally evaluated at least once every-

(1) 3 calendar years, for Operational Level (Level 4)
(2) 6 calendar years, for Extended Level (Level 5)

(g) Formal evaluation is not required on recurring intervals for persons who demonstrate expert language proficiency, such as native and very proficient non-native speakers with a dialect or accent intelligible to the international aeronautical community, during the initial evaluation

14.063 Common Language

(a) No person may serve and no person may be assigned to a flight crew unless the AOC holder has determined that this person is capable of communicating with other crew members in English at the Extended Level (Level 4) for operation of the aircraft.

Subpart C: Ground Training Requirements

14.065 Company procedures indoctrination

(a) No person may serve nor may any person use a person as a crew member or flight dispatcher unless that person has completed the operator-specific procedures indoctrination training approved by the Authority, which shall include a complete review of operations manual procedures pertinent to the crew member or flight dispatcher's duties.

(b) This training shall include:
(1) Ensuring that all employees when abroad know that they must comply with the laws, regulations and procedures of those States in which operations are conducted.
(2) Ensuring that all pilots are familiar with the laws, regulations and procedures, pertinent to the performance of their duties, prescribed for the areas to be traversed, the aerodromes to be used and the air navigation facilities relating thereto.
(3) Ensuring that other members of the flight crew are familiar with such of these laws, regulations and procedures as are pertinent to the performance of their respective duties in the operation of the aircraft.

(c) The operator shall ensure that each crew member is required to demonstrate during training that he/she is aware the contents of the Operations Manual and the key policies and procedures appropriate to their technical speciality.

See Appendix 1 to 14.065 for recommended knowledge area and program hours.

14.067 Fatigue education & Awareness training

(a) No person may serve nor may any person use a person as a crew member or flight dispatcher or other employees responsible for administering crew scheduling, unless that person has completed the operator-specific fatigue education and awareness training approved by the Authority.

(b) This training program must provide annual fatigue education and awareness training to all crew members, dispatchers, individuals directly involved in the scheduling of flight crew members, individuals directly involved in operational control, and any employee providing direct management oversight of those areas.

(c) The fatigue education and awareness training program must be designed to increase awareness of—
(1) Fatigue;
(2) The effects of fatigue on crew members;
(3) Fatigue countermeasures
(4) The aviation regulations applicable to fatigue;
(5) The operator's policies and procedures relating to fatigue; and
(6) Fatigue reporting requirements.

14.070 Initial Dangerous Goods Training

(a) No person may serve nor may any person use a person as a crew member unless he or she has completed the appropriate initial dangerous goods training approved by the Authority.

(b) The dangerous goods training shall conform to that specified in the most current revision of the ICAO Technical Instructions for the assigned position and duties.

(c) The operator shall ensure that each crew member is required to demonstrate (appropriate to their technical speciality) during training that he/she is aware of the types of dangerous goods which may, and may not, be carried in the—

(1) Cargo compartments;
(2) Cockpit; and
(3) Passenger cabin.

14.075 Initial Security Training

(a) No person may serve nor may any person use a person as a crew member unless he or she has completed the initial security training approved by the Authority.

(b) The approved security program training shall ensure that the crew members act in the most appropriate manner to minimize the consequences of acts of unlawful inference and shall include the following elements—

(1) Determination of the seriousness of any occurrence;
(2) Crew communication and coordination;
(3) Appropriate self-defence responses;
(4) Use of non-lethal protective devices assigned to crew members whose use is authorised by the Authority;
(5) Understanding of behaviour of terrorists so as to facilitate the ability of crew members to cope with hijacker behaviour and passenger responses;
(6) Live situational training exercises regarding various threat conditions;
(7) Flight deck procedures to protect the aeroplane; and
(8) Aeroplane search procedures and guidance on least-risk bomb locations where practicable; and
(9) Preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aircraft so that they contribute to the prevention of acts of sabotage or other forms of unlawful interference.

14.080 Initial Crew Resource Management & Human Performance

(a) No person may serve nor may any person use a person as a crew member or person assigned to operational control functions unless that person has completed the initial CRM training approved by the Authority.

(b) The operator shall ensure that each crew member and dispatcher is required to demonstrate (appropriate to their technical speciality) during training that he/she is knowledgeable about human performance as related to their safety duties including coordination between crew members and dispatchers.

14.083 Initial Threat & Error management

(a) No person may serve nor may any person use a person as a crew member, flight dispatcher or for operational control functions unless that person has completed the initial threat and error management training approved by the Authority.

14.085 Initial Emergency Duties Training

(a) No person may serve nor may any AOC holder use a person as a crew member unless that person has completed the appropriate initial emergency equipment training and drills for the crew member position approved by the Authority for the emergency equipment available on the aircraft to be operated.

(b) The operator shall ensure that each crew member is required to demonstrate during training that he/she is—

(1) Capable of performing the emergency duties appropriate to their technical assignment,

(2) Aware of other crew members' assignments and functions in the event of an emergency so far as is necessary for the fulfilment of the crew member's own duties; and

(3) *For those crew members serving on aircraft operated above 3 000 m (10 000 ft),* knowledgeable as regards the effect of lack of oxygen and, in the case of pressurised aircraft, as regards physiological phenomena accompanying a loss of pressurisation.

(c) The operator shall ensure that each crew member is required during his/her emergency duties training to be drilled and demonstrate capability in the use of emergency and life-saving equipment required to be carried, such as life jackets, life rafts, evacuation slides, emergency exits, portable fire extinguishers, oxygen equipment, first-aid and universal precaution kits, and automated external defibrillators.

See Appendix 1 to 14.085 for sample course syllabus content.

14.090 Initial Aircraft Ground Training

(a) No person may serve nor may any person use a person as a crew member, flight dispatcher or other person assigned operational control duties unless he or she has completed the initial ground training approved by the Authority for the aircraft type(s) on which they serve.

(b) Initial aircraft ground training for flight crew members shall include the pertinent portions of the operations manuals relating to aircraft-specific performance, mass and balance, operational policies, systems, limitations, normal, abnormal and emergency procedures on the aircraft type(s) to which they are assigned.

See Appendix 1 to 14.090 for sample course syllabus for flight crew members.

(c) The AOC holder may have separate initial aircraft ground training syllabi of varying lengths and subject emphasis which recognise the experience levels of flight crew members approved by the Authority.

(d) For cabin crew members, initial aircraft ground training shall include the pertinent portions of the operations manuals relating to aircraft-specific configuration, equipment, normal and emergency procedures for the aircraft type(s) to which they are assigned

See Appendix 2 to 14.090 for sample course syllabus for cabin crew members.

(e) For flight dispatchers and persons assigned operational control duties, aircraft initial ground training shall include the pertinent portions of the operations manuals relating to aircraft-specific flight preparation procedures, performance, mass and balance, systems, and limitations for the aircraft type(s) to which they are assigned.

See Appendix 3 to 14.090 for sample course syllabus for person assigned to operational control functions.

(f) The operator shall ensure that each crew member is required to demonstrate during training that he/she is aware the contents of the aircraft-specific limitations, systems and normal, abnormal and emergency procedures appropriate to their technical speciality.

14.093 Transition or Upgrade Aircraft Ground Training

(a) An AOC holder may request approval for separate initial aircraft ground training syllabi which recognise the experience levels of flight crew members for the purpose of—

(1) Upgrading from one seat assignment and function to another seat position in the same aircraft; or

(2) Transitioning in the same seat assignment in one type of aircraft to another type of aircraft.

SUBPART D: FLIGHT TRAINING REQUIREMENTS

14.095 INITIAL AIRCRAFT FLIGHT TRAINING

(a) No person may serve nor may any person use a person as a flight crew member unless he or she has completed the initial flight training approved by the Authority for the aircraft type.

(b) Initial flight training shall focus on the manoeuvring and safe operation of the aircraft in accordance with AOC holder's normal, abnormal and emergency procedures. This training shall include demonstration of—

(1) Use of the installed equipment such as autopilot and data management devices;

(2) Proper flight crew coordination and training in all types of emergency and abnormal situations or procedures caused by engine, airframe or systems malfunctions, fire or other abnormalities;

(3) Knowledge and skills related to visual and instrument flight procedures for the intended area of operation;

(4) Where applicable, procedures specific to the environment in which the aircraft is to be operated; and

(5) Knowledge of the functions for which they are responsible and the relation of these functions to the functions of other crew members, particularly in regard to abnormal or emergency procedures.

See Appendix 1 to 14.095 for sample flight syllabus.

14.096 INITIAL SINGLE PILOT FLIGHT TRAINING

(c) No person may serve nor may any person use a person in the role of a single pilot PIC unless he or she has completed the initial flight training approved by the Authority including the requirements of Section 14.095 and demonstration of—

(1) Autopilot management;

(2) Simplified inflight documentation; and

(3) Passenger briefing for emergency evacuation.

14.097 TRANSITION OR UPGRADE AIRCRAFT FLIGHT TRAINING

(d) An AOC holder may request approval for separate initial flight training syllabi which recognise the experience levels of flight crew members for the purpose of—

(1) Upgrading from one seat position to another seat position in the same aircraft; or

(2) Transitioning in the same seat position in one type of aircraft to another type of aircraft.

14.100 INITIAL SPECIALIZED OPERATIONS TRAINING

(a) No person may serve nor may any person use a person as a flight crew member unless he or she has completed the appropriate initial specialized operations training approved by the Authority.

(b) Specialized operations for which initial training shall be developed include—

(1) Low minimums operations, including low visibility take-offs and Category II and III operations;

(2) PIC right seat qualification;

(3) ACAS qualification;

(4) Co-pilot left seat qualification;

(5) HUD, NVIS and/or EVS operations;

(6) ETDO operations;

(7) PBN operations, such as RNP-10 Operations;

(8) RNP-APRCH operations;

(9) CPDLC operations;

(10) ADS-B Out operations;

(11) NORPAC operations;
(12) MNPS operations;
(13) Polar operations;
(14) ACAS qualification;
(15) EFB usage; and
(16) Other specialized operations prescribed by the Authority.

See Appendix 1 to 14.100 for recommendations regarding initial specialized operations training syllabi.

14.105 Aircraft Differences or Familiarisation Training

(a) No person may serve nor may any person use a person to perform operational control functions or crew member on an aircraft of a type for which a differences or familiarisation training is included in the AOC holder's approved training program, unless that person has satisfactorily completed that training, with respect to both the crew member position and the particular variant of that aircraft.

See Appendix 1 to 14.105 for recommended aircraft differences training pertaining to person assigned to operational control functions.

(b) For the purpose of aircraft differences training requirements, no person may combine variants of the same type of aircraft with similar characteristics in terms of operating procedures, systems and handling except under the conditions approved by the Authority.

14.110 Use of Simulators & Training Devices

(a) Each aeroplane simulator and other training device that is used for flight crew member qualification shall—
  (1) Be specifically approved by the Authority for—
    (i) The AOC holder;
    (ii) The type aeroplane, including type variations, for which the training or check is being conducted;
    (iii) The particular manoeuvre, procedure, or crew member function involved;
  (2) Maintain the performance, functional, and other characteristics that are required for approval;
  (3) Be modified to conform with any modification to the aeroplane being simulated that results in changes to performance, functional, or other characteristics required for approval;
  (4) Be given a daily functional pre-flight check before use; and
  (5) Have a daily discrepancy log kept by the appropriate instructor or check airman at the end of each training or check flight.

14.115 Introduction of New Equipment or Procedures

(a) No person may serve nor may any person use a person as a flight crew member when that service would require expertise in the use of new equipment or procedures for which a syllabus is included in the AOC holder's approved training program, unless that person has satisfactorily completed that training, with respect to both the crew member position and the particular variant of that aircraft.

Subpart E: Proficiency & Competency Checks

14.120 Pilot Aircraft & Instrument Proficiency Checks

(a) No pilot may serve nor may any person use a pilot flight crew member unless, since the beginning of the 12th calendar month before that service, that person has demonstrated competency in pilot technique and ability to execute emergency procedures in a proficiency check prescribed by the Authority for the make and model and, if applicable, type aircraft on which their services are required.

(b) No pilot may serve nor may any person use a pilot in IFR operations unless, since the beginning of the 6th calendar month before that service, that pilot has demonstrated competency in instrument flight operations in a proficiency check prescribed by the Authority.

(c) If the pilot is to be authorised for use in—

(1) Only VFR commercial air transport operations, the proficiency check of paragraph (a) is required for each make and model of aircraft;

(2) IFR commercial air transport operations, the proficiency checks of both (a) and (b) are required for qualification and currency.

(3) IFR single pilot role in the aircraft category and class, the proficiency check of paragraph (b) shall be conducted in an environment representative of the operation, including the use of the autopilot and simplified in-flight documentation.

(d) A pilot may complete the requirements of paragraphs (a) and (b) simultaneously in a specific aircraft type.

(e) No operator may schedule a flight crew on several variants of the same type of aircraft or different types of aircraft with similar characteristics in terms of operating procedures, systems and handling, unless the Authority has approved the conditions under which the requirements of paragraph (a) and/or (b) may be combined for—

(1) Each variant; or

(2) Each type of aircraft.

(f) For airplanes of 5700 kg or less and requiring a crew composition of only a single pilot, the PIC shall complete the proficiency check specified in paragraph (b) in the single pilot role in the in the class of airplane representative of the operation.

(g) No person may use a flight simulation training device for the checks required by paragraphs (a), (b) and or (f) of this Section unless the Authority has approved the device for the specific—

(1) Operator;

(2) Check or portion of the check; and

(3) Events and procedures to be checked.

(h) If a pilot receives an instrument or aircraft check for prior to the beginning of the next eligibility period, that check will establish a new base month for subsequent eligibility period.

(1) The accomplishment of the check after expiration of an eligibility period also establishes a new base month and eligibility period.

(2) Any 2 such checks which are similar and which occur in a period of 4 calendar months shall not satisfy the requirement of paragraph (b) of this Section.

See Appendix 1 to 14.120 for recommended operation and procedures pertaining to the proficiency checks.

14.125 Flight Engineer Proficiency Checks

(a) No person may serve nor may any person use a flight engineer on an aeroplane unless within the preceding 6 calendar months he or she has had a proficiency check in accordance with the requirements prescribed by the Authority.

See Appendix 1 to 14.125 for recommended procedures used in FE proficiency checks.

14.130 Competence Checks: Cabin Crew Members

(a) No person may serve nor may any person use a person as a cabin crew member unless, since the beginning of the 12th calendar month before that service, that person has passed the competency check prescribed by the Authority performing the emergency duties appropriate to that person's assignment.

See Appendix 1 to 14.130 for recommended content for an operational control competence checks.

(b) The operator shall ensure that this check is adequate to determine that the cabin crew member is competent to execute those safety duties and functions which he/she is assigned to perform in the event of an emergency or in a situation requiring emergency evacuation.

14.135 COMPETENCE CHECKS: OPERATIONAL CONTROL FUNCTIONS

(a) No person may serve nor may any person use a person as a flight dispatcher or other person performing operational control functions unless, since the beginning of the 12th calendar month before that service, that person has passed the competency check, prescribed by the Authority, performing the flight preparation and subsequent duties appropriate to that person's assignment.

See Appendix 1 to 14.135 for recommended content for an operational control competence checks.

SUBPART F: SUPERVISED LINE FLYING

14.140 SUPERVISED LINE FLYING: PILOTS

(a) Each pilot qualifying as PIC or co-pilot in an aircraft type shall complete a consecutive series of flights performing their duties under the supervision of a check airman prior to unsupervised commercial air transport operations.

(b) The minimum supervised line flying requirements shall be—

(1) 15 flights for a PIC qualifying on a turbine-powered aircraft, of which 10 sectors must have been at least 50 nm in length;

(2) 10 flights for a PIC qualifying on a piston aircraft with a passenger capacity of more than 9 passengers;

(3) 10 flights for a co-pilot qualifying on an aircraft with a passenger capacity of more than 9 passengers;

(4) 10 sectors for a qualifying cruise relief pilot.

(c) For aircraft with a passenger capacity of 9 or less, the pilots are not required to complete the supervised line flying requirements of (a) and (b) if the original route check qualification in the type of aircraft was completed under the supervision of an authorised person of the Authority prior to the carriage of passengers in commercial air transport.

(d) During the time that a qualifying PIC is completing the supervised line flying requirements of (a) and (b), a check airman who is also serving as the PIC shall occupy a pilot station.

(e) In the case of a transitioning PIC, the check airman serving as PIC may occupy the observer's seat if—

(1) The transitioning pilot has made at least two take-offs and landings in the type aeroplane used, and

(2) Has satisfactorily demonstrated to the check airman that he is qualified to perform the duties of a PIC for that type of aeroplane.

14.145 SUPERVISED LINE FLYING: FLIGHT ENGINEERS

(a) Each person qualifying as a flight engineer for an aircraft type shall perform those functions for a minimum of five flights under the supervision of a check airman or a qualified flight engineer.

14.150 SUPERVISED LINE EXPERIENCE: CABIN CREW MEMBERS

(a) Each person qualifying as a cabin crew member shall perform those functions for a minimum of two flights under the supervision of a senior cabin crew member.

Note: While qualifying, this person may not be a required crew member.

14.155 LINE OBSERVATIONS: FLIGHT DISPATCHERS

(a) No person may serve nor may any person use a person as a flight dispatcher unless, since the beginning of the 12th calendar month before that service, that person has observed, on the flight deck, the conduct of—

(1) *For airplanes,* two complete flights over routes representative of those for which that person is assigned duties.
(2) *For helicopters*, at least a one-way qualification flight in a helicopter over any area for which that person is authorised to exercise flight supervision, including landings at as many heliports as practicable.

(b) The flight should include landings at as many aerodromes, heliports or landing sites as practicable;

(c) For the purpose of the qualification flight, the flight dispatcher shall be able to—
(1) Monitor the flight crew intercommunication system and radio communications, and
(2) be able to observe the actions of the flight crew.

SUBPART G: CONTINUING QUALIFICATION

14.160 ROUTE & AIRPORT QUALIFICATION

(a) No person may serve nor may any person use a pilot as the PIC of an aeroplane on a route or route segment for which that pilot is not currently qualified until such pilot has complied with the requirements of this Section;

(b) No person may serve nor may any person use a person as a PIC of a helicopter unless, that person has made a flight, representative of the operation with which the pilot is to be engaged which must include a landing at a representative heliport, as a member of the flight crew and accompanied by a pilot who is qualified for the operation.

(c) Each such pilot shall demonstrate to the AOC holder an adequate knowledge of—
(1) The route to be flown, and the aerodromes which are to be used. This shall include knowledge of—
(i) The terrain and minimum safe altitudes;
(ii) The seasonal meteorological conditions;
(iii) The meteorological, communication and air traffic facilities, services and procedures;
(iv) The search and rescue procedures; and
(v) The navigational facilities and procedures, including any long-range navigation procedures, associated with the route along which the flight is to take place; and
(2) Procedures applicable to flight paths over heavily populated areas and areas of high air traffic density, obstructions, physical layout, lighting, approach aids and arrival, departure, holding and instruction approach procedures, and applicable operating minima.

14.162 ROUTE & AREA CHECKS: PILOT QUALIFICATION

(a) No person may serve nor may any person use a person as a pilot in command unless, within the preceding 12 calendar months, that person has passed a route check in which he or she satisfactorily performed their assigned duties in one of the types of aeroplanes they are to fly.

(b) No person may perform PIC duties over a route or within an area where the procedures associated with that route or within any aerodromes intended to be used for take-off or landing require the application of special skills and knowledge unless, within the preceding 12 calendar months that pilot has made at least one trip as—
(1) A pilot member of the flight crew;
(2) A check pilot; or
(3) An observer in the flight crew compartment.

(c) For the purpose of subsequent requalification in the event that more than 12 calendar months elapse in which the pilot has not made such a trip, the pilot shall—
(1) Complete the requirement of paragraph (b); or

(2) In lieu of that course of action, complete procedures training in a training device approved by the Authority for this purpose.

14.165 PIC Low Minimums Authorisation

(a) After initial qualification for Category II approach minimums, a PIC may not plan for or initiate an instrument approach when the ceiling is less than 300 feet and the visibility less than 1 mile until he or she has 15 flights performing PIC duties in the aircraft type (which included 5 approaches to landing using Category II procedures).

(b) After initial qualification for Category III approach minimums, a PIC may not plan for or initiate an approach when the ceiling is less than 100 feet or the visibility is less than 1200 RVR until he or she has 20 flights performing PIC duties in the aircraft type (which included 5 approach and landing using Category III procedures).

14.170 Designated Special Aerodromes & Heliports: PIC Qualification

(a) No person may serve nor may any person use a person as PIC for operations at designated special aerodromes and heliports unless within the preceding 12 calendar months—

(1) The PIC has been qualified by the AOC holder through a pictorial means acceptable to the Authority for that aerodrome; or

(2) The PIC or the assigned co-pilot has made a take-off and landing at that aerodrome while serving as a flight crew member for the AOC holder.

(b) If approved by the Authority, that portion of the demonstration including the arrival, holding, instrument approach and departure may be conducted in a simulator or training device adequate for those purposes.

(c) Designated special aerodrome and heliport limitations are not applicable if the operation will occur—

(1) During daylight hours;

(2) When the visibility is at least 3 miles; and

(3) When the ceiling at that aerodrome is at least 1000 feet above the lowest initial approach altitude prescribed for an instrument approach procedure.

14.173 Recency of Experience

(a) No person may assign and no person may serve as a PIC or co-pilot to operate at the flight controls of a type or variant of a type of aircraft during take-off and landing unless that pilot has operated the flight controls during at least three take-offs and landings within the preceding 90 calendar days on the same type of aircraft or a simulator approved for that purpose.

(b) No person may assign and no person may serve to act in the capacity of cruise relief pilot in a type or variant of a type aircraft unless, within the preceding 90 calendar days that pilot has operated as a pilot-in-command, co-pilot or cruise relief pilot on the same type of aircraft.

(c) For the purpose of recency of experience described in paragraphs (a) and (b), no person may combine variants of the same type of aircraft or different types of aircraft with similar characteristics in terms of operating procedures, systems and handling except under the conditions approved by the Authority.

(d) No person may assign and no person may serve as a PIC of a single-engine aircraft unless, within the preceding 90 calendar days—

(1) *For night operations*, the pilot has made 3 take-offs and landings at night in the same class of aircraft; and/or

(2) *For IFR operations*, the pilot has—

(i) Made 3 instruments approaches in the class of aircraft in the single pilot role; or

(ii) Completed an instrument approach check on such an aircraft.

14.175 Re-Establishing Recency of Experience: Pilot

(a) In addition to meeting all applicable training and checking requirements, a required pilot flight crew member who, in the preceding 90 days has not made at least three take-offs and landings in the type aeroplane in which that person is to serve, shall, under the supervision of a check airman, re-establish recency of experience as follows—

(1) Make at least three take-offs and landings in the type aeroplane in which that person is to serve or in a qualified simulator.

(2) Make at least one take-off with a simulated failure of the most critical powerplant, one landing from the lowest DH authorised for the AOC holder, and one landing to a full stop.

(b) A cruise relief pilot may re-establish currency by flying skill refresher training, including—

(1) Normal, abnormal and emergency procedures specific to cruise flight in the aeroplane type, and

(2) take-off and landing practice as the pilot not flying.

(c) When using a simulator to accomplish any of the take-off and landing training requirements necessary to re-establish recency of experience, each required flight crew member position shall be occupied by an appropriately qualified person and the simulator shall be operated as if in a normal in-flight environment without use of the repositioning features of the simulator.

(d) A check airman who observes the take-offs and landings of a pilot flight crew member shall certify that the person being observed is proficient and qualified to perform flight duty in operations and may require any additional manoeuvres that are determined necessary to make this certifying statement.

14.177 Re-Qualification: Pilot

(a) No person may assign and no person may serve as a PIC or co-pilot to operate at the flight controls of a type or variant of a type of aircraft during commercial air transport operations unless that person has remained in current and qualified status for that operation in accordance with this requirements of this Part.

(b) Before being returned to flight status, a person whose current and qualified status has lapsed shall complete all applicable recurrent and recency requirements of this Part.

(c) In addition to the requirements of paragraph (b), the person shall complete—

(1) Initial aircraft type-specific flight training, if the period exceeded 3 months; and

(2) Initial aircraft type-specific ground training, if the period exceeded 6 months; and

(3) All other initial training requirements, if the period exceed 12 months.

14.178 Re-Qualification: Cabin Crew Member Functions

(a) No person may assign and no person may perform cabin crew member functions after 12 consecutive months of absence from such duty, unless this person successfully completes a new regime of all cabin crew member initial training and qualification requirements of this Part.

(b) In addition to the requirements of paragraph (a), the cabin crew member shall complete, if that the period of absence from duty exceeded—

(1) 3 consecutive months, the initial aircraft-type specific emergency training and drills; and

(2) 6 consecutive months, all other initial training and qualification requirements.

14.179 Re-Qualification: Operational Control Functions

(a) No person may assign and no person may perform operational control functions after 12 consecutive months of absence from such duty, unless this person successfully completes a new regime of all flight dispatcher initial training and qualification requirements of this Part.

(b) In addition to the requirements of paragraph (a), the flight dispatcher shall complete, if that the period of absence from duty exceeded—

(1) 3 consecutive months, the initial aircraft-type specific ground training; and
(2) 6 consecutive months, all other initial training and qualification requirements.

SUBPART H: RECURRENT TRAINING

14.180 RECURRENT TRAINING: FLIGHT CREW MEMBERS

(a) No person may serve nor may any person use a person as a flight crew member unless within the preceding 12 calendar months that person has completed the recurrent ground and flight training approved by the Authority.

(b) The recurrent ground training shall include training on—
(1) Aircraft systems and limitations and normal, abnormal and emergency procedures;
(2) Emergency duties and equipment and drills for performance of these duties and the use of this equipment;
(3) Crew resource management, including human performance and threat and error management;
(4) Recognition or transportation of dangerous goods;
(5) Security training.; and
(6) Other requirements as prescribed by the Authority.

(c) The recurrent flight training shall include—
(1) Manoeuvring and safe operation of the aircraft in accordance with AOC holder's normal, abnormal and emergency procedures;
(2) Manoeuvres and procedures necessary for avoidance of in-flight hazards;
(3) For authorised pilots, at least one low visibility take-off to the lowest applicable minimum LVTO and two approaches to the lowest approved minimums for the AOC holder, one of which is to be a missed approach; and
(4) Other requirements as prescribed by the Authority.

See Appendix 1 to 14.180 for recommended recurrent training content.

(d) If authorised by the Authority, the AOC holder may use satisfactory completion of a proficiency check with the AOC holder for the type aircraft and operation to be conducted in lieu of recurrent flight training.

14.185 RECURRENT TRAINING: CABIN CREW MEMBERS

(a) No person may serve nor may any person use a person as a cabin crew member unless within the preceding 12 calendar months that person has completed the recurrent ground training approved by the Authority.

(b) The recurrent ground training shall include training on—
(1) Aircraft-specific configuration, equipment and procedures;
(2) Emergency and first aid equipment and drills;
(3) Crew resource management and human performance;
(4) Recognition or transportation of dangerous goods; and
(5) Security training.

See Appendix 1 to 14.185 for recommended emergency program training content for cabin crew members.

14.190 RECURRENT TRAINING: OPERATIONAL CONTROL FUNCTIONS

(a) No person may serve nor may any person use a person performing operational control functions unless within the preceding 12 calendar months that person has completed the recurrent ground training approved by the Authority.

(b) The recurrent ground training shall include training on—

(1) Aircraft-specific flight preparation, including flight planning, loading, mass and balance, and performance.;
(2) Weather, including season effects on flight and radio reception
(3) Crew resource management; and
(4) Recognition or transportation of dangerous goods.

See Appendix 1 to 14.190 for recommended recurrent training content for person assigned to operational control functions.

SUBPART I: INSTRUCTOR & CHECK AIRMAN QUALIFICATION

14.195 INSTRUCTOR TRAINING

(a) No person may use and no person may serve as an instructor for an AOC holder unless he or she has completed the initial and recurrent instructor curricula approved by the Authority for those functions for which they are to serve.

14.200 INSTRUCTOR QUALIFICATION

(a) *Flight Crew Training*. No AOC holder may use a person nor may any person serve as a flight instructor in an established flight training program unless, with respect to the aircraft type involved, that person—
(1) Holds the personnel licences and ratings required to serve as a PIC or flight engineer, as applicable;
(2) Has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training and differences training, that are required to serve as a PIC or flight engineer, as applicable;
(3) Has satisfactorily completed the appropriate proficiency, competency and recency of experience checks that are required to serve as a PIC or flight engineer, as applicable;
(4) Has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed in-flight competency check; and
(5) Holds the appropriate medical certificate for service as a required crew member.

(b) *Flight Instructor–Flight Simulation Training*. No person may serve nor may any AOC holder use a person as a flight instructor in a flight simulation training device, unless, since the beginning of the 12th calendar month before that service, that person has—
(1) Flown at least 5 flights as a required crew member for the type of aircraft involved; or
(2) Observed, on the flight deck, the conduct of 2 complete flights in the aircraft type to which the person is assigned.

(c) *Cabin Crew Training*. No AOC holder may use a person nor may any person serve as an instructor in an established cabin crew training program unless, with respect to the aircraft type or position involved, that person-
(1) Holds the qualification required to serve as a cabin crew member;
(2) Has satisfactorily completed the appropriate training phases for the aircraft and position involved, including recurrent training and differences training, that are required to serve as a cabin crew member;
(3) Has satisfactorily completed the appropriate competency and recency of experience checks that are required to service as a cabin crew member;
(4) Has satisfactorily completed the applicable initial or transitional training requirements and a competency check monitored by the Authority.

(d) *Flight Dispatcher Training*. No AOC holder may use a person nor may any person serve as an instructor in an established flight dispatcher training program unless, with respect to the aircraft type and position involved, that person--
(1) Holds the licence required to serve as a flight dispatcher;

(2) Has satisfactorily completed the appropriate training phases for the aircraft or position involved, including recurrent training and differences training, that are required to serve as a flight dispatcher;
(3) Has satisfactorily completed the appropriate competency and recency of experience checks that are required to serve as a flight dispatcher; and
(4) Has satisfactorily completed the applicable initial or transitional training requirements and a competency check monitored by the Authority.

See Appendix 1 to 14.200 for recommended training program content for instructor pilots.

14.205 Persons Approved to Conduct Checks

(a) The Authority may approve the following AOC holder personnel to conduct checks when such personnel meet the requirements for the authorised responsibilities—
(1) Check pilot (or Designated Pilot Examiner)
(2) Check flight engineer (Designated Flight Engineer Examiner).
(3) Check cabin crew member; and.
(4) Check flight dispatcher (Designated Flight Dispatcher Examiner).

(b) The authorized duties of check personnel are, subject to the limitations specified in their designation authorization to—
(1) Conduct initial and recurrent proficiency checks for flight crew and competency checks for cabin crew and flight dispatchers,
(2) Certify as satisfactory, the knowledge and proficiency of the flight crew, and the knowledge and competency of the cabin crew and flight dispatchers; and
(3) For all check personnel, supervise line flying experience.

(c) No person may serve nor may any AOC holder use a person as a check personnel under the AOC holder's crew member checking and standardisation program approved under Part12 unless that person has—
(1) Been identified by name and function and approved in writing by the Authority; and
(2) Successfully completed the AOC holders curricula approved by the Authority for those functions for which he or she is to serve.
(3) Once approved, no person may serve nor may any AOC holder use a person as a check personnel for any flight crew, cabin crew or flight dispatcher checks unless that person has demonstrated the ability to satisfactorily conduct the check for which he or she is approved initially and at least once every 24 calender months thereafter.

14.207 [Reserved]

14.209 Check Person Training

(a) No person may use and no person may serve as a check person for an AOC holder unless he or she has completed the initial and recurrent check person training curricula approved by the Authority for those functions for which they are to serve.

See Appendix 1 to 14.209 for recommended training program content for check airmen.

14.210 Check Person Qualifications

(a) *Check person for flight crew.* No AOC holder may use a person, nor may any person serve as a check person in an established flight crew training program unless, with respect to the aircraft type involved, that person—
(1) Holds the personnel licences and ratings required to serve as a PIC, a flight engineer, or a flight navigator, as applicable;

(2) Has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training and differences training, that are required to serve as a PIC, flight engineer, or flight navigator, as applicable;
(3) Has satisfactorily completed the appropriate proficiency, competency and recency of experience checks that are required to serve as a PIC, flight engineer, or flight navigator, as applicable;
(4) Has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed in-flight competency check for check personnel duties;
(5) Holds the appropriate medical certificate if serving as a required flight crew member; and
(6) Has been approved by the Authority for the check person duties involved.

(b) *Check Person–Simulator:* Additional requirements. No person may serve nor may any AOC holder use a person as a check personnel in a flight simulation training device, unless, since the beginning of the 12th calendar month before that service, that person has-
(1) Flown at least 5 flights as a required crew member for the type of aircraft involved; or
(2) Observed, on the flight deck, the conduct of 2 complete flights in the aircraft type to which the person is assigned.

(c) *Check Person for Cabin Crew.* No AOC holder may use a person, nor may any person serve as a check cabin crew member in an established cabin crew training program unless, with respect to the aircraft type or position involved, that person-
(1) Holds the qualifications required to serve as a cabin crew member;
(2) Has satisfactorily completed the appropriate training phases for the aircraft and or position, including recurrent training and differences training, that are required to serve as a cabin crew member;
(3) Has satisfactorily completed the appropriate competency and recency of experience checks that are required to serve as a cabin crew member;
(4) Has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed competency check for the check personnel duties; and
(5) Has been approved by the Authority for the check cabin crew member duties involved.

(d) *Check Person for Flight Dispatchers*. No AOC holder may use a person, nor may any person serve as a check flight dispatcher in an established flight dispatcher training program unless, with respect to the aircraft type or position involved, that person—
(1) Holds the licence required to serve as a flight dispatcher;
(2) Has satisfactorily completed the appropriate training phases for the aircraft and or position, including recurrent training and differences training, that are required to serve as a flight dispatcher;
(3) Has satisfactorily completed the appropriate competency and recency of experience checks that are required to serve as a flight dispatcher;
(4) Has satisfactorily completed the applicable initial or transitional training requirements and the Authority-observed competency check for the check flight dispatcher duties involved.
(5) Has been approved by the Authority for the check flight dispatcher duties involved.

14.215 CHECK PERSON DESIGNATION

(a) No person may serve nor may any AOC holder use a person as a check person under this Part for any check unless that person has been designated by name and approved function by the Authority within the preceding 12 calendar months.

14.220 [RESERVED]

SUBPART J: ADMINISTRATIVE REQUIREMENTS

14.221 TRAINING FACILITIES

(a) The AOC holder shall include the specifics of the ground and. if applicable, flight training facilities in the training program.

(b) No AOC holder may use ground training facilities that are not acceptable to the Authority.

14.223 CONTRACT TRAINING & QUALIFICATION

(a) The AOC holder shall include the specifics of any contract training arrangements in the training program.

(b) The contract training arrangements shall include—

(1) The official company names;
(2) The specific training program or syllabi of the AOC holder that will be administered;
(3) Specific facilities, equipment and simulation that will be used during the training; and
(4) The requirement that the service provider will use the flight safety document system of the AOC holder for that training.

(c) No AOC holder may use contract training arrangements that are not acceptable to the Authority.

14.225 SUBSTITUTION OF SIMULATOR EXPERIENCE

(a) No AOC holder may use a simulator for training or checking unless that simulator has been specifically approved for the AOC holder in writing by the Authority.

(b) No AOC holder may use a simulator for any purpose other than that specified in the Authority's approval.

14.230 TERMINATION OF A PROFICIENCY, COMPETENCE OR LINE CHECK

(a) If it is necessary to terminate a check for any reason, the AOC holder may not use the crew member or flight dispatcher in commercial air transport operations until the completion of a satisfactory recheck.

14.235 RECORDING OF CREW MEMBER QUALIFICATIONS

(a) The AOC holder shall record in its records maintained for each crew member, flight dispatcher or other person assigned operational control functions, the completion of each of the qualifications required by this Part.

(b) The crew member may complete any syllabus required by this Part concurrently or intermixed with other required training, but completion of each of these syllabi shall be recorded separately.

14.240 MONITORING OF TRAINING & CHECKING ACTIVITIES

(a) To enable adequate supervision of its training and checking activities, the AOC holder shall forward to the Authority at least 48 hours prior to the scheduled activity the dates, report times and report location of all—

(1) Training for which a syllabus is approved in the AOC holder's training program; and
(2) Proficiency, competence and line checks.

(b) Failure to provide the information required by paragraph (a) may invalidate the training or check and the Authority may require that it be repeated for observation purposes.

(c) The Authority may approve a reduced prior notification requirement if it will not interfere with the proper surveillance of such activities.

14.245 ELIGIBILITY PERIOD

(a) Crew members who are required to take a proficiency check, a test or competency check, or recurrent training to maintain qualification for commercial air transport operations may complete those requirements at any time during the eligibility period.

(b) The eligibility period is defined as the 3 calendar month period including the month-prior, the base month-due, and the month-after any required due date.

(c) Completion of the requirement at any time during the period shall be considered as completed in the month-due for calculation of the next due date.

(d) Completion of the requirement before or after the current eligibility period will establish a new base month and eligibility period for the subsequent completion of the requirement.

14.250 REDUCTIONS IN REQUIREMENTS

(a) The Authority may authorise reductions in, or waive, certain portions of the training requirements of this Part, taking into account the previous experience of the crew members.

(b) An AOC holder's request for reduction or waiver shall be made in writing and outline the basis under which the request is made.

(c) If the request was for a specific crew member, the correspondence from the Authority authorising the reduction and the basis for it shall be filed in the record the AOC holder maintains for that crew member.

(d) With the approval of the Authority, correspondence courses or written examinations may be used to reduce the amount of classroom time for ground training subjects.

(e) A person who progresses successfully through flight training, is recommended by their instructor or a check airman, and successfully completes the appropriate flight check, or is permitted by the Authority, to complete a course in less than programmed time, need not complete the programmed hours of flight training for the particular aeroplane.

(f) Whenever the Authority finds that 20 percent of the flight checks given at a particular training base during the previous 6 months are unsuccessful, the provision of paragraph (e) shall not be used by the AOC holder at that base until the Authority finds that the effectiveness of the flight training there has improved.

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APPENDICES

APPENDIX 1 TO 14.060: PAIRING OF LOW EXPERIENCE CREW MEMBERS

(a) Situations designated as critical by the Authority are operations into designated special aerodromes and in other take-offs and landings when one of more of the following conditions exist—

(1) The prevailing visibility value in the latest weather report for the aerodrome is at or below 3/4 mile;
(2) The runway visual range for the runway to be used is at or below 4,000 feet;
(3) The runway to be used has water, snow, slush or similar conditions that may adversely affect aeroplane performance;
(4) The braking action on the runway to be used is reported to be less than "good";
(5) The crosswind component for the runway to be used is in excess of 15 knots;
(6) Windshear is reported in the vicinity of the aerodrome; or
(7) Any other condition in which the PIC determines it to be prudent to exercise the PIC's prerogative.

(b) Circumstances which would be routinely be considered for deviation from the required minimum line operating flight time include—

(1) A newly certified AOC holder does not employ any pilots who meet the minimum flight time requirements;
(2) An existing AOC holder adds to its fleet a type aeroplane not before proven for use in its operations; or
(3) An existing AOC holder establishes a new domicile to which it assigns pilots who will be required to become qualified on the aeroplanes operated from that domicile.

APPENDIX 1 TO 14.065: COMPANY PROCEDURES INDOCTRINATION

(a) Each AOC holder shall ensure that all operations personnel are provided company indoctrination training that covers the following areas—

(1) AOC holder's organisation, scope of operation, and administrative practices as applicable to their assignments and duties.
(2) Appropriate provisions of these Parts and other applicable Parts and guidance materials.
(3) AOC holder policies and procedures.
(4) Applicable crew member manuals.
(5) Appropriate portions of the AOC holder's operations manual.

(b) The AOC holder shall provide a minimum of 40 programmed hours of instruction for company procedures indoctrination training unless a reduction is determined appropriate by the Authority.

APPENDIX 1 TO 14.080: INITIAL CREW RESOURCE MANAGEMENT TRAINING

(a) Each AOC holder shall ensure that the person assigned to operational control functions and all aircraft crew members have CRM training as part of their initial and recurrent training requirements.

(b) A CRM training program shall include—

(1) An initial indoctrination/awareness segment;
(2) A method to provide recurrent practice and feedback; and
(3) A method of providing continuing reinforcement.

(c) Syllabus elements to be contained in an initial CRM training course include—

(1) Communications processes and decision behaviour;
(2) Internal and external influences on interpersonal communications;
(3) Barriers to communication;
(6) Listening skills;
(7) Decision making skills;

(8) Effective briefings;
(9) Developing open communications;
(10) Inquiry, advocacy, and assertion training;
(11) Crew self-critique;
(12) Conflict resolution;
(13) Team building and maintenance;
(14) Leadership and followship training;
(15) Interpersonal relationships;
(16) Workload management;
(17) Situational awareness;
(18) How to prepare, plan and monitor task completions;
(19) Workload distribution;
(20) Distraction avoidance;
(21) Individual factors; and
(22) Stress reduction.

APPENDIX 1 TO 14.085: INITIAL EMERGENCY EQUIPMENT DRILLS

(a) Each aircraft crew member shall accomplish emergency training during the specified training periods, using those items of installed emergency equipment for each type of aeroplane in which he or she is to serve—

(b) During initial training, each aircraft crew member shall perform the following one-time emergency drills—

(1) Protective Breathing Equipment/Fire Fighting Drill—
- (i) Locate source of fire or smoke (actual or simulated fire).
- (ii) Implement procedures for effective crew co-ordination and communication, including notification of flight crew members about fire situation.
- (iii) Don and activate installed PBE or approved PBE simulation device.
- (iv) Manoeuvre in limited space with reduced visibility.
- (v) Effectively use the aircraft's communication system.
- (vi) Identify class of fire.
- (vii) Select the appropriate extinguisher.
- (viii) Properly remove extinguisher from securing device.
- (ix) Prepare, operate and discharge extinguisher properly.
- (x) Utilise correct fire fighting techniques for type of fire.

(2) First Aid
- (i) universal precaution kits, and automated
- (ii) external defibrillators

(3) Emergency Evacuation Drill—
- (i) Recognise and evaluate an emergency.
- (ii) Assume appropriate protective position.
- (iii) Command passengers to assume protective position.
- (iv) Implement crew co-ordination procedures.
- (v) Ensure activation of emergency lights.
- (vi) Assess aircraft conditions.
- (vii) Initiate evacuation (dependent on signal or decision).
- (viii) Command passengers to release seatbelts and evacuate.
- (ix) Assess exit and redirect, if necessary; to open exit, including deploying slides and commanding helpers to assist.

(xi) Command passengers to evacuate at exit and run away from aircraft.
(xii) Assist special need passengers, such as handicapped, elderly, and persons in a state of panic.
(xiii) Actually exit aircraft or training device using at least one of the installed emergency evacuation slides.

Note: The crew member may either observe the aeroplane exits being opened in the emergency mode and the associated exit slide/raft pack being deployed and inflated, or perform the tasks resulting in the accomplishment of these actions

(c) Each aircraft crew member shall accomplish additional emergency drills during initial and recurrent training, including performing the following emergency drills—

(1) Emergency Exit Drill—
(i) Correctly pre-flight each type of emergency exit and evacuation slide or slide/raft (if part of cabin crew member's assigned duties).
(ii) Disarm and open each type of door exit in normal mode.
(iii) Close each type of door exit in normal mode.
(iv) Arm of each type of door exit in emergency mode.
(v) Opening each type of door exit in emergency mode.
(vi) Use manual slide inflation system to accomplish or ensure slide or slide/raft inflation.
(vii) Open each type of window exit.
(viii) Remove escape rope and position for use.

(2) Hand Fire Extinguisher Drill—
(i) Pre-flight each type of hand fire extinguisher.
(ii) Locate source of fire or smoke and identify class of fire.
(iii) Select appropriate extinguisher and remove from securing device.
(iv) Prepare extinguisher for use.
(v) Actually operate and discharge each type of installed hand fire extinguisher.

Note: Fighting an actual or a simulated fire is not necessary during this drill.

(vi) Utilise correct fire fighting techniques for type of fire.
(vii) Implement procedures for effective crew co-ordination and communication, including notification of crew members about the type of fire situation.

(3) Emergency Oxygen System Drill—
(i) Actually operate portable oxygen bottles, including masks and tubing.
(ii) Verbally demonstrate operation of chemical oxygen generators.
(iii) Prepare for use and operate oxygen device properly, including donning and activation.
(iv) Administer oxygen to self, passengers, and to those persons with special oxygen needs.
(v) Utilise proper procedures for effective crew co-ordination and communication.
(vi) Activate PBE.
(vii) Manually open each type of oxygen mask compartment and deploy oxygen masks.
(viii) Identify compartments with extra oxygen masks.
(ix) Implement immediate action decompression procedures.
(x) Reset oxygen system, if applicable.

(4) Flotation Device Drill—
(i) Don and inflate life vests.
(ii) Remove and use flotation seat cushions.
(iii) Demonstrate swimming techniques using a seat cushion.

(5) Ditching Drill, if applicable—

Note: During a ditching drill students shall perform the "prior to impact" and "after impact" procedures for a ditching, as appropriate to the specific operator's type of operation.

(i) Implement crew co-ordination procedures, including briefing with captain to obtain pertinent ditching information and briefing flight attendants.
(ii) Co-ordinate time frame for cabin and passenger preparation.
(iii) Adequately brief passengers on ditching procedures.
(iv) Ensure cabin is prepared, including the securing of carry-on baggage, lavatories, and galleys.
(v) Demonstrate how to properly deploy and inflate slide/rafts.
(vi) Remove, position, attach slide/rafts to aircraft.
(vii) Inflate rafts.
(viii) Use escape ropes at overwing exits.
(ix) Command helpers to assist.
(x) Use slides and seat cushions as flotation devices.
(xi) Remove appropriate emergency equipment from aircraft.
(xii) Board rafts properly.
(xiii) Initiate raft management procedures (i.e., Disconnecting rafts from aircraft, applying immediate first aid, rescuing persons in water, salvaging floating rations and equipment, deploying sea anchor, tying rafts together, activating or ensuring operation of emergency locator transmitter).
(xiv) Initiate basic survival procedures (i.e., Removing and utilising survival kit items, repairing and maintaining raft, ensuring protection from exposure, erecting canopy, communicating location, providing continued first aid, providing sustenance).
(xv) Use heaving line to rescue persons in water.
(xvi) Tie slide/rafts or rafts together.
(xvii) Use life line on edge of slide/raft or raft as a handhold.
(xviii) Secure survival kit items.

(d) Each aircraft crew member shall accomplish additional emergency drill requirements during initial and recurrent training including observing the following emergency drills—

(1) Life Raft Removal and Inflation Drill, if applicable—
(i) Removal of a life raft from the aircraft or training device.
(ii) Inflation of a life raft.

(2) Slide/raft Transfer Drill—
(i) Transfer of each type of slide/raft pack from an unusable door to a usable door.
(ii) Disconnect slide/raft at unusable door.
(iii) Redirect passengers to usable slide/raft.
(iv) Installation and deployment of slide/raft at usable door.

(3) Slide and Slide/raft Deployment, Inflation, and Detachment Drill—
(i) Engage slide girt bar in floor brackets.
(ii) Inflate slides with and without quick-release handle (manually and automatically).
(iii) Disconnecting slide from aircraft for use as a flotation device.
(iv) Arm slide/rafts for automatic inflation.
(v) Disconnecting slide/raft from the aircraft.

(4) Emergency Evacuation Slide Drill—
(i) Open armed exit with slide or slide/raft deployment and inflation.
(ii) Egress from aircraft via the evacuation slide and run away to a safe distance.

APPENDIX 1 TO 14.090: INITIAL AIRCRAFT GROUND TRAINING: FLIGHT CREW

(a) Each AOC holder shall have an initial aircraft ground training for the flight crew applicable to their duties, the type of operations conducted and aircraft flown. Instructions shall include at least the following general subjects—

(1) AOC holder's dispatch, flight release, or flight locating procedures;

(2) Principles and methods for determining weight and balance, and runway limitations for take-off;

(3) Adverse weather recognition and avoidance, and flight procedures which shall be followed when operating in the following conditions—

(i) Icing.

(ii) Fog.

(iii) Turbulence.

(iv) Heavy precipitation.

(v) Thunderstorms.

(vi) Low-level windshear and microburst.

(vii) Low visibility.

(4) Normal and emergency communications procedures and navigation equipment including the AOC holder's communications procedures and ATC clearance requirements;

(5) Navigation procedures used in area departure, en-route, area arrival, approach and landing phases;

(6) Approved crew resource management training;

(7) Air traffic control systems, procedures, and phraseology;

(8) Aircraft performance characteristics during all flight regimes, including—

(i) The use of charts, tables, tabulated data and other related manual information

(ii) Normal, abnormal, and emergency performance problems.

(iii) Meteorological and weight limiting performance factors (such as temperature, pressure, contaminated runways, precipitation, climb/runway limits).

(iv) Inoperative equipment performance limiting factors (such as MEL/CDL, inoperative antiskid).

(v) Special operational conditions (such as unpaved runways, high altitude aerodromes and drift down requirements).

(b) Each AOC holder shall have an initial aircraft ground training syllabus for the flight crew applicable to their duties, the type of operations conducted and aircraft flown, including at least the following aircraft systems—

(1) Aircraft—

(i) Aircraft dimensions, turning radius, panel layouts, cockpit and cabin configurations.

(ii) Other major systems and components or appliances of the aircraft.

(2) Powerplants—

(i) Basic engine description.

(ii) Engine thrust ratings.

(iii) Engine components such as accessory drives, ignition, oil, fuel control, hydraulic, and bleed air features.

(3) Electrical.

(i) Sources of aircraft electrical power (engine driven generators, APU generator, and external power);

(ii) Electrical buses;

(iii) Circuit breakers;

(iv) Aircraft battery; and

(v) Standby power systems.

(4) Hydraulic.
  (i) Hydraulic reservoirs, pumps, accumulators; filters, check valves, interconnects and actuators; and
  (ii) Other hydraulically operated components.
(5) Fuel.
  (i) Fuel tanks (location and quantities);
  (ii) Engine driven pumps;
  (iii) Boost pumps;
  (iv) System valves and crossfeeds;
  (v) Quantity indicators; and
  (vi) Provisions for fuel jettisoning.
(6) Pneumatic.
  (i) Bleed air sources (APU or external ground air); and
  (ii) Means of routing, venting and controlling bleed air via valves, ducts, chambers, and temperature and pressure limiting devices
(7) Air conditioning and pressurisation.
  (i) Heaters, air conditioning packs, fans, and other environmental control devices;
  (ii) Pressurisation system components such as outflow and negative pressure relief valves; and
  (iii) Automatic, standby, and manual pressurisation controls and annunciators.
(8) Flight controls.
  (i) Primary controls (yaw, pitch, and roll devices);
  (ii) Secondary controls (leading/trailing edge devices, flaps, trim, and damping mechanisms);
  (iii) Means of actuation (direct/indirect or fly by wire); and
  (iv) Redundancy devices.
(9) Landing gear.
  (i) Landing gear extension and retraction mechanism including the operating sequence of struts, doors, and locking devices, and brake and antiskid systems, if applicable;
  (ii) Steering (nose or body steering gear);
  (iii) Bogie arrangements;
  (iv) Air/ground sensor relays; and
  (v) Visual downlock indicators.
(10) Ice and rain protection.
  (i) Rain removal systems; and
  (ii) Anti-icing and/or de-icing system(s) affecting flight controls, engines, pitot static probes, fluid outlets, cockpit windows, and aircraft structures.
(11) Equipment and furnishings.
  (i) Exits;
  (ii) Galleys;
  (iii) Water and waste systems;
  (iv) Lavatories;
  (v) Cargo areas;
  (vi) Crew member and passenger seats;
  (vii) Bulkheads;
  (viii) Seating and/or cargo configurations; and
  (ix) Non-emergency equipment and furnishings.
(12) Navigation equipment.

(i) Flight directors;
(ii) Horizontal situation indicator;
(iii) Radio magnetic indicator;
(iv) Navigation receivers (GPS, ADF, VOR, RNAV, Marker Beacon, DME);
(v) Inertial systems (INS, IRS);
(vi) Functional displays;
(vii) Fault indications and comparator systems;
(viii) Aircraft transponders;
(ix) Radio altimeters;
(x) Weather radar; and
(xi) Cathode ray tube or computer generated displays of aircraft position and navigation information.

(13) Auto flight system.
(i) Autopilot;
(ii) Autothrottles;
(iii) Flight director and navigation systems;
(iv) Automatic approach tracking;
(v) Autoland; and
(vi) Automatic fuel and performance management systems.

(14) Flight instruments.
(i) Panel arrangement;
(ii) Flight instruments (attitude indicator, directional gyro, magnetic compass, airspeed indicator, vertical speed indicator, altimeters, standby instruments); and
(iii) Instrument power sources, and instrument sensory sources (e.g., Pitot static pressure).

(15) Display systems.
(i) Weather radar; and
(ii) Other CRT displays (e.g., checklist, vertical navigation or longitudinal navigation displays).

(16) Communication equipment.
(i) VHF/HF radios;
(ii) Audio panels;
(iii) Inflight interphone and passenger address systems;
(iv) Voice recorder; and
(v) Air/ground passive communications systems (ACARS).

(17) Warning systems (including ACAS, GPWS, Windshear).
(i) Aural, visual, and tactile warning systems (including the character and degree of urgency related to each signal); and
(ii) Warning and caution annunciator systems (including ground proximity and take-off warning systems).
(iii) Appropriate actions to be taken when the system sounds or illuminates a warning.

(18) Fire protection.
(i) Fire and overheat sensors, loops, modules, or other means of providing visual and/or aural indications of fire or overheat detection;
(ii) Procedures for the use of fire handles, automatic extinguishing systems and extinguishing agents; and
(iii) Power sources necessary to provide protection for fire and overheat conditions in engines, APU, cargo bay/wheel well, cockpit, cabin and lavatories.

(19) Oxygen.

(i) Passenger, crew, and portable oxygen supply systems;
(ii) Sources of oxygen (gaseous or solid);
(iii) Flow and distribution networks;
(iv) Automatic deployment systems;
(v) Regulators, pressure levels and gauges; and
(vi) Servicing requirements.

(20) Lighting.
(i) Cockpit, cabin, and external lighting systems;
(ii) Power sources;
(iii) Switch positions; and
(iv) Spare light bulb locations.

(21) Emergency equipment.
(i) Fire and oxygen bottles;
(ii) First aid kits;
(iii) Life Rafts and life preservers;
(iv) Crash axes;
(v) Emergency exits and lights;
(vi) Slides and slide/rafts;
(vii) Escape straps or handles; and
(viii) Hatches, ladders and movable stairs.

(22) Auxiliary Power Unit (APU).
(i) Electric and bleed air capabilities;
(ii) Interfaces with electrical and pneumatic systems;
(iii) Inlet doors and exhaust ducts;
(iv) Fuel supply.

(c) Each AOC holder shall have an initial aircraft ground training syllabus for the flight crew applicable to their duties, the type of operations conducted and aircraft flown, including at least the following *aircraft systems integration items*—

(1) Use of checklist.
(i) Safety chocks;
(ii) Cockpit preparation (switch position and checklist flows);
(iii) Checklist callouts and responses; and
(iv) Checklist sequence.

(2) Flight planning.
(i) Performance limitations (meteorological, weight, and MEL/CDL items);
(ii) Required fuel loads;
(iii) Weather planning (lower than standard take-off minimums or alternate requirements).

(3) Navigation systems.
(i) Pre-flight and operation of applicable receivers;
(ii) Onboard navigation systems; and
(iii) Flight plan information input and retrieval.

(4) Autoflight.
(i) Autopilot, autothrust, and flight director systems, including the appropriate procedures, normal and abnormal indications, and annunciators.

(5) Cockpit familiarisation

(i) Activation of aircraft system controls and switches to include normal, abnormal and emergency switches; and
(ii) Control positions and relevant annunciators, lights, or other caution and warning systems.

APPENDIX 2 TO 14.090: INITIAL AIRCRAFT GROUND TRAINING: CABIN CREW MEMBERS

(a) Each AOC holder shall have an initial ground training syllabus for cabin crew members applicable to the type of operations conducted and aircraft flown, including at least the following *general subjects*—

(1) Aircraft familiarisation.
(i) Aircraft characteristics and description;
(ii) Flight Deck configuration;
(iii) Cabin configuration;
(iv) Galleys;
(v) Lavatories; and
(vi) Stowage areas.

(2) Aircraft equipment and furnishings.
(i) Cabin crew member stations;
(ii) Cabin crew member panels;
(iii) Passenger seats;
(iv) Passenger service units and convenience panels;
(v) Passenger information signs;
(vi) Aircraft markings; and
(vii) Aircraft placards.

(3) Aircraft systems.
(i) Air conditioning and pressurisation system;
(ii) Aircraft communication systems (call, interphone and passenger address);
(iii) Lighting and electrical systems;
(iv) Oxygen systems (flight crew, observer and passenger); and
(v) Water system.

(4) Aircraft exits.
(i) General information;
(ii) Exits with slides or slide/rafts (pre-flight and normal operation);
(iii) Exits without slides (pre-flight and normal operations); and
(iv) Window exits.

(5) Crew member communication and co-ordination.
(i) Authority of PIC;
(ii) Routine communication signals and procedures; and
(iii) Crew member briefing.

(6) Routine crew member duties and procedures.
(i) Crew member general responsibilities;
(ii) Reporting duties and procedures for specific aircraft;
(iii) Predeparture duties and procedures prior to passenger boarding;
(iv) Passenger boarding duties and procedures;
(v) Prior to movement on the surface duties and procedures;
(vi) Prior to take-off duties and procedures applicable to specific aircraft;
(vii) Inflight duties and procedures;
(viii) Prior to landing duties and procedures;

(ix) Movement on the surface and arrival duties and procedures;
(x) After arrival duties and procedures; and
(xi) Intermediate stops.

(7) Passenger handling responsibilities.
(i) Crew member general responsibilities;
(ii) Infants, children, and unaccompanied minors;
(iii) Passengers needing special assistance;
(iv) Passengers needing special accommodation;
(v) Carry-on stowage requirements;
(vi) Passenger seating requirements; and
(vii) Smoking and no smoking requirements.

(8) Approved Crew Resource Management (CRM) training for cabin crew members, which includes flight crew-cabin crew coordination.

(9) Human performance training as related to passenger cabin safety duties.

(10) High Altitude Physiology regarding the effect of lack of oxygen and, in the case of pressurised aircraft, the physiological phenomena accompanying a loss of pressurisation.

(b) Each AOC holder shall have an initial ground training syllabus for cabin crew members applicable to the type of operations conducted and aircraft flown, including at least the following *aircraft specific emergency subjects*—

(1) Emergency equipment.
(i) Emergency communication and notification systems;
(ii) Aircraft exits;
(iii) Exits with slides or slide/rafts (emergency operation);
(iv) Slides and slide/rafts in a ditching;
(v) Exits without slides (emergency operation);
(vi) Window exits (emergency operation);
(vii) Exits with tailcones (emergency operation);
(viii) Cockpit exits (emergency operation);
(ix) Ground evacuation and ditching equipment;
(x) First aid equipment;
(xi) Portable oxygen systems (oxygen bottles, chemical oxygen generators, protective breathing equipment (PBE));
(xii) Fire Fighting equipment;
(xiii) Emergency lighting systems; and
(xiv) Additional emergency equipment.

(2) Emergency assignments and procedures.
(i) General types of emergencies specific to aircraft;
(ii) Emergency communication signals and procedures;
(iii) Awareness of the other crew members' assignments and functions in the event of an emergency so far as is necessary for the fulfillment of the cabin crew member's own duties.
(iv) Rapid decompression;
(v) Insidious decompression and cracked window and pressure seal leaks;
(vi) Fires;
(vii) Ditching;
(viii) Ground evacuation;
(ix) Unwarranted evacuation (i.e., passenger initiated);

(x) Illness or injury;
(xi) Abnormal situations involving passengers or crew members;
(xii) Hijacking;
(xiii) Bomb threat;
(xiv) Turbulence;
(xv) Other unusual situations; and
(xvi) Previous aircraft accidents and incidents.

(3) Aircraft specific emergency drills.
(i) Emergency exit drill;
(ii) Hand fire extinguisher drill;
(iii) Emergency oxygen system drill;
(iv) Flotation device drill;
(v) Ditching drill, if applicable;
(vi) Life Raft removal and inflation drill, if applicable;
(vii) Slide/raft pack transfer drill, if applicable;
(viii) Slide or slide/raft deployment, inflation, and detachment drill, if applicable; and
(ix) Emergency evacuation slide drill, if applicable.

(c) Each AOC holder shall ensure that initial ground training for cabin crew members includes a competence check given by the appropriate supervisor or ground instructor to determine his or her ability to perform assigned duties and responsibilities.

(d) Each AOC holder shall ensure that initial ground training for cabin crew members consists of at least the following programmed hours of instruction—
(1) Multi-engine turbine: 16 hours; and
(2) Multi-engine piston: 8 hours.

APPENDIX 3 TO 14.090: INITIAL TRAINING: OPERATIONAL CONTROL FUNCTIONS

(a) Each AOC holder shall provide initial aircraft ground training for person assigned to operational control functions that include instruction in at least the following general dispatch subjects—
(1) Applicable contents of the Operations Manual
(2) Normal and emergency communications procedures
(3) Available sources of weather information
(4) Actual and prognostic weather charts
(5) Interpretation of weather information
(6) Seasonal meteorological conditions and the sources of meteorological information
(7) Adverse weather phenomena (e.g., clear air turbulence, windshear, and thunderstorms)
(8) Effects of meteorological conditions on radio reception in the aeroplanes used;
(9) Notice to Airmen (NOTAM) system
(10) Peculiarities and limitations of each navigation system which is used by the operation,
(11) Navigational charts and publications
(12) Air traffic control (ATC) and instrument procedures
(13) Familiarisation with operational area
(14) Characteristics of special aerodromes and other operationally significant aerodromes which the operator uses (i.e., terrain, approach aids, or prevailing weather phenomena)
(15) Joint operational control functions/pilot responsibilities
(16) Approved Crew Resource Management (CRM) training for person assigned to operational control functions, to include the knowledge and skills related to human performance relevant to these duties.

(b) Each AOC holder shall provide initial aircraft ground training for person assigned to operational control functions that include instruction in at least the following aircraft characteristics—
  (1) General operating characteristics of the AOC holder's aircraft
  (2) Aircraft specific training with emphasis on the following topics:
    (i) Aircraft loading instructions;
    (ii) Aircraft operating and performance characteristics,
    (iii) Radio communications and navigation equipment capability,
    (iv) Instrument approach and communications equipment, and
    (v) Emergency equipment.
  (3) Flight manual training
  (4) Equipment training

(c) Each AOC holder shall provide initial aircraft ground training for person assigned to operational control functions that include instruction in at least the following emergency procedures—
  (1) Assisting the flight crew in an emergency
  (2) Alerting of appropriate governmental, company and private agencies

(d) Each AOC holder shall ensure that initial ground training for person assigned to operational control functions includes a competence check given by an appropriate supervisor or ground instructor that demonstrates the required knowledge and abilities to accomplish the—
  (1) Assistance of the PIC in the flight preparation and providing of relevant information;
  (2) Assistance in the operational and ATC flight plan preparation;
  (3) Furnish the PIC while in flight the information which may be necessary to safe conduct of the flight; and
  (4) In the event of an emergency, initiate such procedures as may be outlined in the operations manual..

APPENDIX 1 TO 14.095: INITIAL AIRCRAFT FLIGHT TRAINING

(a) Each AOC holder shall ensure that pilot initial flight training includes at least the following—

Note: Flight training may be conducted in an appropriate aircraft or adequate training simulator (simulator shall have landing capability).

  (1) Preparation
    (i) Visual inspection (for aircraft with a flight engineer, use of pictorial display authorised)
    (ii) Pre-taxi procedures
    (iii) Performance limitations
  (2) Surface operation
    (i) Pushback
    (ii) Powerback taxi, if applicable to type of operation to be conducted
    (iii) Starting
    (iv) Taxi
    (v) Pre take-off checks
  (3) take-off
    (i) Normal
    (ii) Crosswind
    (iii) Rejected
    (iv) Power failure after V_1
    (v) Lower than standard minimum, if applicable to type of operation to be conducted
  (4) Climb

(i) Normal
(ii) One-engine inoperative during climb to en-route altitude

(5) en-route
(i) Steep turns (PIC only)
(ii) Approaches to stalls (take-off, en-route, and landing configurations)
(iii) Inflight powerplant shutdown
(iv) Inflight powerplant restart
(v) High speed handling characteristics

(6) Descent
(i) Normal
(ii) Maximum rate

(7) Approaches
(i) VFR procedures
(ii) Visual approach with 50% loss of power on one-engine (2 engines inoperative on 3-engine aeroplanes) (PIC only)
(iii) Visual approach with slat/flap malfunction
(iv) IFR precision approaches (ILS normal and ILS with one-engine inoperative)
(v) IFR non-precision approaches (NDB normal and VOR normal)
(vi) Non-precision approach with one engine inoperative (LOC backcourse procedures, SDF/LDA, GPS, TACAN and circling approach procedures)

Note: Simulator shall be qualified for training/checking on the circling manoeuvre.

(vii) Missed approach from precision approach
(viii) Missed approach from non-precision approach
(ix) Missed approach with powerplant failure

(8) Landings
(i) Normal with a pitch mis-trim (small aircraft only)
(ii) Normal from precision instrument approach
(iii) Normal from precision instrument approach with most critical engine inoperative
(iv) Normal with 50% loss of power on one side (2 engines inoperative on 3-engine aeroplanes) (PIC only)
(v) Normal with flap/slat malfunction
(vi) Rejected landings
(vii) Crosswind
(viii) Manual reversion/degraded control augmentation
(ix) Short/soft field (small aircraft only)
(x) Glassy/rough water (seaplanes only)

(9) After landing
(i) Parking
(ii) Emergency evacuation
(iii) Docking, mooring, and ramping (seaplanes only)

(10) Other flight procedures during any airborne phase
(i) Holding
(ii) Ice accumulation on airframe
(iii) Air hazard avoidance
(iv) Windshear/microburst

(11) Normal, abnormal and alternate systems procedures during any phase

(i) Pneumatic/pressurisation
(ii) Air conditioning
(iii) Fuel and oil
(iv) Electrical
(v) Hydraulic
(vi) Flight controls
(vii) Anti-icing and de-icing systems
(viii) Autopilot
(ix) Flight management guidance systems and/or automatic or other approach and landing aids
(x) Stall warning devices, stall avoidance devices, and stability augmentation systems
(xi) Airborne weather radar
(xii) Flight instrument system malfunction
(xiii) Communications equipment
(xiv) Navigation systems

(12) Emergency systems procedures during any phase
(i) Aircraft fires
(ii) Smoke control
(iii) Powerplant malfunctions
(iv) Fuel jettison
(v) Electrical, hydraulic, pneumatic systems
(vi) Flight control system malfunction
(vii) Landing gear and flap system malfunction

(b) Each AOC Holder shall ensure that flight engineer flight training includes at least the following—
(1) Training and practice in procedures related to the carrying out of flight engineer duties and functions. This training and practice may be accomplished either in flight, in an aeroplane simulator or a training device.
(2) A proficiency check

(c) Each AOC holder shall ensure that flight training includes at least the following—
(1) Initial flight training for flight navigators must include flight training and a flight check that is adequate to ensure the crew member's proficiency in the performance of his/her assigned duties.
(2) The flight training and check specified in paragraph (1) must be performed-
(i) In-flight or in an appropriate training device; or
(ii) In commercial air transport operations, if performed under the supervision of a qualified flight navigator.

APPENDIX 1 TO 14.100: INITIAL SPECIALIZED OPERATIONS TRAINING

(a) Each AOC holder shall provide initial specialized operations training to ensure that each pilot and person assigned to operational control functions is qualified in the type of operation in which he or she serves and in any specialized or new equipment, procedures, and techniques, such as—
(1) Class II navigation
(i) Knowledge of specialized navigation procedures, such as MNPS
(ii) Knowledge of specialized equipment, such as INS, LORAN, OMEGA
(2) CAT II and CAT III approaches
(i) Special equipment, procedures and practice
(ii) A demonstration of competency
(3) Lower than standard minimum take-offs

(i) Runway and lighting requirements
(ii) Rejected take-offs at, or near, V_1 with a failure of the most critical engine
(iii) Taxi operations
(iv) Procedures to prevent runway incursions under low visibility conditions

(4) Extended range operations with two engine aeroplanes
(5) Airborne radar approaches
(6) Autopilot instead of co-pilot

APPENDIX 1 TO 14.105: AIRCRAFT DIFFERENCES: OPERATIONAL CONTROL FUNCTIONS

(a) Each AOC holder shall provide aircraft differences training for person assigned to operational control functions when the operator has aircraft variances within the same type of aircraft, which includes at least the following—

(1) Operations procedures—
(i) Operations under adverse weather phenomena conditions, including clear air turbulence, windshear, and thunderstorms;
(ii) Weight and balance computations and load control procedures;
(iii) Aircraft performance computations, to include take-off weight limitations based on departure runway, arrival runway, and en-route limitations, and also engine-out limitations;
(iv) Flight planning procedures, to include route selection, flight time, and fuel requirements analysis;
(v) Dispatch release preparation;
(vi) Crew briefings;
(vii) Flight monitoring procedures;
(viii) Flight Crew response to various emergency situations, including the assistance the person assigned to operational control functions can provide in each situation;
(ix) MEL and CDL procedures;
(x) Manual performance of an required procedures in case of the loss of automated capabilities;
(xi) Training in appropriate geographic areas;
(xii) ATC and instrument procedures, to include ground hold and central flow control procedures; and
(xiii) Radio/telephone procedures.

(2) Emergency procedures—
(i) Actions taken to aid the flight crew; and
(ii) AOC holder and Authority notification.

APPENDIX 1 TO 14.120: AIRCRAFT AND INSTRUMENT PROFICIENCY CHECK: PILOT

(a) Satisfactory completion of a PIC proficiency check following completion of an approved air carrier training program for the particular type aircraft, satisfies the requirement for an aircraft type rating practical test if—

(1) That proficiency check includes all manoeuvres and procedures required for a type rating practical test.; and
(2) Proficiency checks are be conducted by an check airman approved by the Authority.

(b) Aircraft and instrument proficiency checks for PIC and co-pilot must include the following operations and procedures listed in Table A. As noted, examiners may waive certain events on the flight test based on an assessment of the pilot's demonstrated level of performance.

TYPE OF OPERATION OR PROCEDURE	PIC or Co-pilot	Notes
Ground Operations		
Preflight inspection	PIC/Co-pilot	
Taxiing	PIC/Co-pilot	Both pilots may take simultaneous credit.
Powerplant checks	PIC/Co-pilot	Both pilots may take simultaneous credit.
take-offs		
Normal	PIC/Co-pilot	
Instrument	PIC/Co-pilot	
Crosswind	PIC/Co-pilot	
With powerplant failure	PIC/Co-pilot	
Rejected take-off	PIC/Co-pilot	Both pilots may take simultaneous credit. May be waived.
Instrument Procedures		
Area departure	PIC/Co-pilot	May be waived.
Area arrival	PIC/Co-pilot	May be waived.
Holding	PIC/Co-pilot	May be waived.
Normal ILS approach	PIC/Co-pilot	
Engine-out ILS	PIC/Co-pilot	
Coupled ILS approach	PIC/Co-pilot	Both pilots may take simultaneous credit
Nonprecision approach	PIC/Co-pilot	
Second nonprecision approach	PIC/Co-pilot	
Missed approach from an ILS	PIC/Co-pilot	
Second missed approach	PIC only	
Circling approach	PIC/Co-pilot	Only when authorised in the AOC holder's Operations Manual. May be waived.
Inflight Maneuvers		
Steep turns	PIC only	May be waived.
Specific flight characteristics	PIC/Co-pilot	
Approaches to stalls	PIC/Co-pilot	May be waived.
Powerplant failure	PIC/Co-pilot	
2 engine inoperative approach (3 and 4 engine aircraft)	PIC/Co-pilot	
Normal landing	PIC/Co-pilot	
Landing from an ILS	PIC/Co-pilot	
Crosswind landing	PIC/Co-pilot	
Landing with engine-out	PIC/Co-pilot	
Landing from circling approach	PIC/Co-pilot	Only if authorised in Operations Manual. May be waived.
Normal And Non-Normal Procedures	PIC/Co-pilot	
Rejected landing	PIC/Co-pilot	
2 engine inoperative landing (3 and 4 engine aircraft)	PIC only	
Other Events	PIC or Co-pilot	Examiner's discretion.

(c) The oral and flight test phases of a proficiency check should not be conducted simultaneously.

(d) When the examiner determines that an applicant's performance is unsatisfactory, the examiner may terminate the flight test immediately or, with the consent of the applicant, continue with the flight test until the remaining events are completed.

(e) If the check must be terminated (for mechanical or other reasons) and there are events which still need to be repeated, the examiner shall issue a letter of discontinuance, valid for 60 days, listing the specific areas of operation that have been successfully completed.

APPENDIX 1 TO 14.125: FLIGHT ENGINEER PROFICIENCY CHECKS

(a) Examiners shall include during proficiency checks for flight engineers an oral or written examination of the normal, abnormal, and emergency procedures listed below—

(1) Normal procedures—
  (i) Interior pre-flight
  (ii) Panel set-up
  (iii) Fuel load
  (iv) Engine start procedures
  (v) Taxi and before take-off procedures
  (vi) take-off and climb Pressurisation
  (vii) Cruise and fuel management
  (viii) Descent and approach
  (ix) After landing and securing
  (x) Crew co-ordination
  (xi) Situational awareness, traffic scan, etc.
  (xii) Performance computations
  (xiii) Anti-ice, de-ice

(2) Abnormal and emergency procedures—
  (i) Troubleshooting
  (ii) Knowledge of checklist
  (iii) Ability to perform procedures
  (iv) Crew co-ordination
  (v) Minimum equipment list (MEL) and configuration deviation list (CDL)
  (vi) Emergency or alternate operation of aeroplane flight systems

APPENDIX 1 TO 14.130: COMPETENCE CHECKS: CABIN CREW MEMBERS

(a) The cabin crew member competency check shall include, for each cabin crew member, a live, timed one-on-one demonstration of the performance of assigned duties at a representative emergency exit during an emergency evacuation. The standard of performance shall be that, from the cockpit evacuation signal, the crew member shall be able to perform all required tasks, including actuation of the evacuation slide and all standardized passenger instructions (call-outs) within 7.5 seconds.

(b) The cabin crew member shall be required to demonstrate at least two other passenger emergency call-outs and associated actions selected by the person conducting the check. The standard of performance shall be that the crew member be able to enunciate the call-outs using the correct phraseology and perform the tasks associated with the particular call-outs.

(c) The cabin crew member shall be required to participate as an assigned crew member in a emergency ditching demonstration. All cabin crew members will be assigned specific positions in the aircraft for the start of the demonstration. The standard of performance shall be than, from the cockpit signal, the crew members shall be able to perform all required tasks within 6 minutes. Then, from the instructor signal that the aircraft is motionless in the water, The crew members shall be able to perform (or simulate the performance of) all tasks to deploy and board the rafts.

APPENDIX 1 TO 14.135: COMPETENCE CHECKS: OPERATIONAL CONTROL FUNCTIONS

(a) Flight dispatcher competency checks shall include demonstration to the operator a knowledge of:
  (1) The contents of the operations manual (and volumes);
  (2) The radio equipment in the aircraft used; and
  (3) The navigation equipment in the aircraft used;

(b) The flight dispatcher competency check shall also include demonstration to the operator a knowledge of the following details concerning operations for which the dispatcher is responsible and areas in which that individual is authorized to exercise flight supervision:

(23) The seasonal meteorological conditions and the sources of meteorological information;

(24) The effects of meteorological conditions on radio reception in the aeroplanes used;

(25) The peculiarities and limitations of each navigation system which is used by the operation; and

(26) The aeroplane loading instructions.

(c) The competency check shall also demonstrate to the operator

(1) Knowledge and skills related to human performance relevant to dispatch duties; and

(2) The ability to perform the duties specified in Part 16.

APPENDIX 1 TO 14.180: RECURRENT TRAINING: FLIGHT CREW

(a) Each AOC holder shall establish a recurrent training program for all flight crew members in the AOC holder's operations manual and shall have it approved by the Authority.

(b) Each flight crew member shall undergo recurrent training relevant to the type or variant of aeroplane on which he or she is certified to operate and for the crew member position involved.

(c) Each AOC holder shall have all recurrent training conducted by suitably qualified personnel.

(d) Each AOC holder shall ensure that flight crew member recurrent ground training includes at least the following—

(1) General subjects

(i) Flight locating procedures

(ii) Principles and method for determining weight/balance and runway limitations

(iii) Meteorology to ensure practical knowledge of weather phenomena including the principles of frontal system, icing, fog, thunderstorms, windshear, and high altitude weather situations

(iv) ATC systems and phraseology

(v) Navigation and use of navigational aids

(vi) Normal and emergency communication procedures

(vii) Visual cues before descent to MDA

(viii) Accident/incident and occurrence review

(ix) Other instructions necessary to ensure the pilot's competence

(2) Aircraft systems and limitations

(i) Normal, abnormal, and emergency procedures

(ii) Aircraft performance characteristics

(iii) Engines and or propellers

(iv) Major aircraft components

(v) Major aircraft systems (i.e., flight controls, electric, hydraulic and other systems as appropriate)

(vi) Ground icing and de-icing procedures and requirements

(3) Emergency equipment and drills

(4) Every 12 months—

(i) Location and use of all emergency and safety equipment carried on the aeroplane;

(ii) The location and use of all types of exits;

(iii) Actual donning of a life jacket where fitted;

(iv) Actual donning of protective breathing equipment; and

(v) Actual handling of fire extinguishers.

(5) Every 3 years—

(i) Operation of all types of exits;

(ii) Demonstration of the method used to operate a slide, where fitted; and
(iii) Fire-fighting using equipment representative of that carried in the aeroplane on an actual or simulated fire;

Note: With halon extinguishers, an alternative method acceptable to the authority may be used.

(iv) Effects of smoke in an enclosed area and actual use of all relevant equipment in a simulated smoke-filled environment;
(v) Actual handling of pyrotechnics, real or simulated, where fitted;
(vi) Demonstration in the use of the life-raft(s), where fitted;
(vii) An emergency evacuation drill;
(viii) A ditching drill, if applicable; and
(ix) A rapid decompression drill, if applicable.

(6) Crew resource management—
(i) Decision making skills;
(ii) Briefings and developing open communication;
(iii) Inquiry, advocacy, and assertion training;
(iv) Workload management; and
(v) Situational awareness.

(7) Dangerous goods—
(i) Recognition of and transportation of dangerous goods;
(ii) Proper packaging, marking, and documentation; and
(iii) Instructions regarding compatibility, loading, storage and handling characteristics.

(8) Security—
(i) Hijacking; and
(ii) Disruptive passengers.

(e) Each AOC holder shall verify knowledge of the recurrent ground training by an oral or written examination.

(f) Each AOC holder shall ensure that pilot recurrent flight training include at least the following—

(1) Preparation—
(i) Visual inspection (use of pictorial display authorised); and
(ii) Pre-taxi procedures.

(2) Surface operation—
(i) Performance limitations;
(ii) Cockpit management;
(iii) Securing cargo;
(iv) Pushback;
(v) Powerback taxi;
(vi) Starting;
(vii) Taxi; and
(viii) Pre take-off checks.

(3) take-off—
(i) Normal;
(ii) Crosswind;
(iii) Rejected;
(iv) Power failure after V_1;
(v) Powerplant failure during second segment; and
(vi) Lower than standard minimum.

(4) Climb—
  (i) Normal; and
  (ii) One-engine inoperative during climb to en-route altitude.
(5) en-route—
  (i) Steep turns;
  (ii) Approaches to stalls (take-off, en-route, and landing configurations);
  (iii) Inflight powerplant shutdown;
  (iv) Inflight powerplant restart; and
  (v) High speed handling characteristics.
(6) Descent—
  (i) Normal; and
  (ii) Maximum rate.
(7) Approaches—
  (i) VFR procedures;
  (ii) Visual approach with 50% loss of power on one-engine (2 engines inoperative on 3-engine aeroplanes) (PIC only);
  (iii) Visual approach with slat/flap malfunction;
  (iv) IFR precision approaches (ILS normal and ILS with one-engine inoperative);
  (v) IFR non-precision approaches (NDB normal and VOR normal);
  (vi) Non-precision approach with one engine inoperative (LOC backcourse, SDF/LDA, GPS, TACAN and circling approach procedures);

Note: Simulator shall be qualified for training/checking on the circling manoeuvre.

  (vii) Missed approach from precision approach;
  (viii) Missed approach from non-precision approach; and
  (ix) Missed approach with powerplant failure.
(8) Landings—
  (i) Normal with a pitch mistrim (small aircraft only);
  (ii) Normal from precision instrument approach;
  (iii) Normal from precision instrument approach with most critical engine inoperative;
  (iv) Normal with 50% loss of power on one side (2 engines inoperative on 3-engine aeroplanes) (PIC only);
  (v) Normal with flap/slat malfunction;
  (vi) Rejected landings;
  (vii) Crosswind;
  (viii) Short/soft field (small aircraft only); and
  (ix) Glassy/rough water (seaplanes only).
(9) After landing—
  (i) Parking;
  (ii) Emergency evacuation; and
  (iii) Docking, mooring, and ramping (seaplanes only).
(10) Other flight procedures during any airborne phase—
  (i) Holding;
  (ii) Ice accumulation on airframe;
  (iii) Air hazard avoidance; and
  (iv) Windshear/microburst.
(11) Normal, abnormal and alternate systems procedures during any phase—

(i) Pneumatic/pressurisation;
(ii) Air conditioning;
(iii) Fuel and oil;
(iv) Electrical;
(v) Hydraulic;
(vi) Flight controls;
(vii) Anti-icing and de-icing systems;
(viii) Flight management guidance systems and/or automatic or other approach and landing aids;
(ix) Stall warning devices, stall avoidance devices, and stability augmentation systems;
(x) Airborne weather radar;
(xi) Flight instrument system malfunction;
(xii) Communications equipment;
(xiii) Navigation systems;
(xiv) Auto-pilot;
(xv) Approach and landing aids; and
(xvi) Flight instrument system malfunction.

(12) Emergency systems procedures during any phase—
(i) Aircraft fires;
(ii) Smoke control;
(iii) Powerplant malfunctions;
(iv) Fuel jettison;
(v) Electrical, hydraulic, pneumatic systems;
(vi) Flight control system malfunction; and
(vii) Landing gear and flap system malfunction.

(g) Each AOC holder shall ensure that flight engineer recurrent flight training includes at least the flight training specified herein.

(h) Each AOC holder shall ensure that flight navigator recurrent training includes enough training and an in-flight check to ensure competency with respect to operating procedures and navigation equipment to be used and familiarity with essential navigation information pertaining to the AOC holder's routes that require a flight navigator.

(i) The AOC holder may combine recurrent training with the AOC holder's proficiency check.

(j) Recurrent ground and flight training may be accomplished concurrently or intermixed, but completion of each of these curriculum segments shall be recorded separately.

APPENDIX 1 TO 14.185: RECURRENT EMERGENCY TRAINING: CABIN CREW MEMBERS

(a) Each AOC holder shall establish and have approved by the Authority a recurrent training program for all cabin crew members.

(b) Each cabin crew member shall undergo recurrent training in evacuation and other appropriate normal and emergency procedures and drills relevant to their assigned positions and the type(s) and/or variant(s) of aeroplane on which they operate.

(c) Each AOC holder shall have all recurrent training conducted by suitably qualified personnel.

(d) Each AOC holder shall ensure that, every 12 months, each cabin crew member receive recurrent training in at least the following—

(1) Emergency equipment—
(i) Emergency communication and notification systems;
(ii) Aircraft exits;

(iii) Exits with slides or slide/rafts (emergency operation);
(iv) Slides and slide/rafts in a ditching;
(v) Exits without slides (emergency operation);
(vi) Window exits (emergency operation);
(vii) Exits with tailcones (emergency operation);
(viii) Cockpit exits (emergency operation);
(ix) Ground evacuation and ditching equipment;
(x) First aid equipment;
(xi) Portable oxygen systems (oxygen bottles, chemical oxygen generators, protective breathing equipment (PBE));
(xii) Fire Fighting equipment;
(xiii) Emergency lighting systems; and
(xiv) Additional emergency equipment.

(2) Emergency procedures—
(i) General types of emergencies specific to aircraft;
(ii) Emergency communication signals and procedures;
(iii) Rapid decompression;
(iv) Insidious decompression and cracked window and pressure seal leaks;
(v) Fires;
(vi) Ditching;
(vii) Ground evacuation;
(viii) Unwarranted evacuation (i.e., passenger initiated);
(ix) Illness or injury;
(x) Abnormal situations involving passengers or crew members;
(xi) Turbulence; and
(xii) Other unusual situations.

(3) Emergency drills.

(4) Every 12 months—
(i) Location and use of all emergency and safety equipment carried on the aeroplane;
(ii) The location and use of all types of exits;
(iii) Actual donning of a life jacket where fitted;
(iv) Actual donning of protective breathing equipment; and
(v) Actual handling of fire extinguishers.

(5) Every 3 years—
(i) Operation of all types of exits;
(ii) Demonstration of the method used to operate a slide, where fitted;
(iii) Fire-fighting using equipment representative of that carried in the aeroplane on an actual or simulated fire;

Note: With Halon extinguishers, an alternative method acceptable to the Authority may be used.

(iv) Effects of smoke in an enclosed area and actual use of all relevant equipment in a simulated smoke-filled environment;
(v) Actual handling of pyrotechnics, real or simulated, where fitted;
(vi) Demonstration in the use of the life-raft(s), where fitted;
(vii) An emergency evacuation drill;
(viii) A ditching drill, if applicable;
(ix) A rapid decompression drill, if applicable;

(6) Crew resource management—
  (i) Decision making skills;
  (ii) Briefings and developing open communication;
  (iii) Inquiry, advocacy, and assertion training; and
  (iv) Workload management.
(7) Dangerous goods—
  (i) Recognition of and transportation of dangerous goods;
  (ii) Proper packaging, marking, and documentation; and
  (iii) Instructions regarding compatibility, loading, storage and handling characteristics.
(8) Security—
  (i) Hijacking; and
  (ii) Disruptive passengers.

(e) An AOC holder may administer each of the recurrent training curriculum segments concurrently or intermixed, but shall record completion of each of these segments separately.

APPENDIX 1 TO 14.190: RECURRENT TRAINING: PERSONS ASSIGNED TO OPERATIONAL CONTROL FUNCTIONS

(a) Each AOC holder shall establish and maintain a recurrent training program, approved by the Authority and established in the AOC holder's operations manual, to be completed annually by each person assigned to operational control functions.

(b) Each person assigned to operational control functions shall undergo recurrent training relevant to the type(s) and/or variant(s) of aeroplane and operations conducted by the AOC holder.

(c) Each AOC holder shall conduct all recurrent training by suitably qualified personnel.

(d) An AOC holder shall ensure that, every 12 months, each person assigned to operational control functions receives recurrent training in at least the following—
  (1) Aircraft-specific flight preparation;
  (2) Emergency assistance to flight crews;
  (3) Crew Resource Management; and
  (4) Dangerous goods.

(e) An AOC holder may administer each of the recurrent ground and flight training curriculum segments concurrently or intermixed, but shall record completion of each of these sements separately.

APPENDIX 1 TO 14.200: INSTRUCTOR PILOT TRAINING

(a) No person may use a person, nor may any person serve as an instructor pilot instructor in a training program unless—
  (1) That person has satisfactorily completed initial or transition flight instructor training; and
  (2) Within the preceding 24 calendar months, that person satisfactorily conducts instruction under the observation of an inspector from the Authority, an AOC holder's check airman, or an examiner employed by the AOC holder.

(b) An AOC holder may accomplish the observation check for a instructor pilot, in part or in full, in an aeroplane, a flight simulator, or a flight training device.

(c) Each AOC holder shall ensure that initial ground training for instructor pilots includes the following—
  (1) Flight instructor duties, functions, and responsibilities;
  (2) Applicable Part and the AOC holder's policies and procedures;
  (3) Appropriate methods, procedures, and techniques for conducting the required checks;
  (4) Proper evaluation of student performance including the detection of—
  (5) Improper and insufficient training, and

(6) Personal characteristics of an applicant that could adversely affect safety;
(7) Appropriate corrective action in the case of unsatisfactory checks;
(8) Approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aeroplane;
(9) Except for holders of a flight instructor licence—
(i) The fundamental principles of the teaching-learning process;
(ii) Teaching methods and procedures; and
(iii) The instructor-student relationship.

(d) Each AOC holder shall ensure that the transition ground training for instructor pilotss includes the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the aeroplane to which the flight instructor is in transition.

(e) Each AOC holder shall ensure that the initial and transition flight training for instructor pilots (aeroplane), flight engineer instructors (aeroplane), and flight navigator instructors (aeroplane) includes the following—
(1) The safety measures for emergency situations that are likely to develop during instruction.
(2) The potential results of improper, untimely, or non-execution of safety measures during instruction.
(3) For instructor pilot (aeroplane)—
(i) Inflight training and practice in conducting flight instruction from the left and right pilot seats in the required normal, abnormal, and emergency procedures to ensure competence as an instructor; and
(ii) The safety measures to be taken from either pilot seat for emergency situations that are likely to develop during instruction.
(4) For flight engineer instructors (aeroplane) and flight navigator instructors (aeroplane), in-flight training to ensure competence to perform assigned duties.

(f) An AOC holder may accomplish the flight training requirements for inspector pilots in full or in part in flight, in a flight simulator, or in a flight training device, as appropriate.

(g) An AOC holder shall ensure that the initial and transition flight training for instructor pilots (simulator) includes the following—
(1) Training and practice in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight instruction required by this part. This training and practice shall be accomplished in full or in part in a flight simulator or in a flight training device.
(2) Training in the operation of flight simulators or flight training devices, or both, to ensure competence to conduct the flight instruction required by this Part.

APPENDIX 1 TO 14.209: CHECK AIRMAN TRAINING

(a) No person may use a person, nor may any person serve as a check airman (aeroplane) or check airman (simulator) in a training program unless, with respect to the aeroplane type involved, that person has satisfactorily completed the appropriate training phases for the aeroplane, including recurrent training, that are required to serve as PIC or flight engineer, as applicable.

(b) Each AOC holder shall ensure that initial ground training for check airman includes—
(1) Check airman duties, functions, and responsibilities;
(2) Applicable Parts and the AOC holder's policies and procedures;
(3) Appropriate methods, procedures, and techniques for conducting the required checks;
(4) Proper evaluation of student performance including the detection of—
(5) Improper and insufficient training, and
(6) Personal characteristics of an applicant that could adversely affect safety;
(7) Appropriate corrective action in the case of unsatisfactory checks; and

(8) Approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aeroplane.

(c) Transition ground training for all check airman shall include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the aeroplane to which the check airman is in transition.

(d) Each AOC holder shall ensure that the initial and transition flight training for check airman (aeroplane) includes—

(1) Training and practice in conducting flight evaluations (from the left and right pilot seats for pilot check airmen) in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight checks;

(2) The potential results of improper, untimely, or non-execution of safety measures during an evaluation; and

(3) The safety measures (to be taken from either pilot seat for check airman for emergency situations that are likely to develop during an evaluation.

(e) Each AOC holder shall ensure that the initial and transition flight training for check airman (simulator) includes—

(1) Training and practice in conducting flight checks in the required normal, abnormal, and emergency procedures to ensure competence to conduct the evaluations checks required by this Part (this training and practice shall be accomplished in a flight simulator or in a flight training device).

(2) Training in the operation of flight simulators or flight training devices, or both, to ensure competence to conduct the evaluations required by this Part.

(f) An AOC holder may accomplish flight training for check airman in full or in part in an aircraft, in a flight simulator, or in a flight training device, as appropriate.

End of RCAR Part 14

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA XV W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX XVTO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE XV D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 15

Fatigue Management

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SUBPART A: GENERAL

15.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as Civil Aviation (Fatigue Management) Regulations,

(b) This Part prescribes the requirements of Rwanda regarding the maximum duty periods, maximum flight time and minimum rest periods and acceptable variations to these prescriptive requirements based on risk management to ensure that key crew and operations personnel do not experience fatigue during their assigned aviation duties.

(c) This Part is applicable to operators, flight and cabin crews in general aviation, aerial work and commercial air transport operations of Rwanda-registered aircraft or where Rwanda has authorised these operations.

(d) Civil Aviation Technical Standards published by the Authority shall also be applicable to the management of fatigue for an operator's operations personnel.

15.005 DEFINITIONS

(a) All definitions applicable to this Part are contained in Part 1 (Appendix 1 to 1.015).

15.010 ACRONYMS & ABBREVIATIONS

(a) The following acronyms and abbreviations are used in this Part—

AOC = Air Operator Certificate
FDP = Flight Duty Period
FE = Flight Engineer
FRMS = Fatigue Risk Management System

15.011 KNOWLEDGE OR SUSPICION OF CREW FATIGUE

(b) No person may act as a crew member of an aircraft in commercial air transport if he knows or suspects that he is suffering from such fatigue as may endanger the safety of the flight.

(c) No person may cause or permit a crew member to fly in commercial air transport if that person knows or suspects that the crew member is suffering from such fatigue as may endanger the safety of the flight.

15.012 FITNESS FOR DUTY

(d) Each crew member must report for any flight duty period rested and prepared to perform his or her assigned duties.

(e) No operator may assign and no flight crew member may accept assignment to a flight duty period if the flight crew member has reported for a flight duty period too fatigued to safely perform his or her assigned duties.

(f) No operator may permit a crew member to continue a flight duty period if the crew member has reported him or herself too fatigued to continue the assigned flight duty period.

(g) As part of the dispatch or flight release, as applicable, each flight crew member must affirmatively state he or she is fit for duty prior to commencing flight.

15.015 PRESCRIPTIVE VS FATIGUE RISK MANAGEMENT

(a) Where the operator adopts prescriptive fatigue management regulations for part of all of its operations, the Authority may approve, in exceptional circumstances, variations to these regulations on the basis of a risk assessment provided by the operator. To be eligible for that approval, the proposed variations shall provide a level of safety equivalent to, or better than that achieved through the prescriptive fatigue management regulations.

(b) No operator may exceed any prescriptive requirement of this Part unless an operator-specific FRMS has been approved by the Authority under Section 12.365 of these regulations and meets the requirements of Subpart E of this Part.

15.017 Mirroring of Flight & Cabin Crew schedules

(a) An operator may elect to apply the flight crew member flight duty and rest requirements to the cabin crew members without seeking separate approval from the Authority.

15.019 Record keeping Responsibilities

(a) The operator shall ensure that the required records for tracking flight and duty times and rest periods are maintained in a manner so that an updated record is available before a person begins their duty day or their first flight of the day.

(b) Every person for whom this Part establishes maximum flight and/or duty and minimum rest periods shall ensure that the required records have been updated to the day on which they begin duty.

Subpart B: Prescriptive Flight Time limitations

15.020 Maximum Number of Flight Time Hours

(c) No person may schedule any flight crew member and no person may accept an assignment for flight time in commercial air transport, if that flight crew member's total flight time for any consecutive 24 hour period will exceed:

(1) 8 hours if the operation is conducted with a 2-pilot flight crew;
(2) 13 hours if the operation is conducted with a 3-pilot flight crew; or
(3) 17 hours if the operation is conducted with a 4-pilot flight crew.

(d) No person may schedule any flight crew member and no flight crew member may accept an assignment in commercial air transport as a required crew member for more than:

(1) 10 flights during a 10-hour consecutive duty period; or
(2) 7 flights during an 18-hour consecutive duty period.

(e) No person may schedule any flight crew member and no person may accept an assignment for flight time if that flight crew member's total flight time will exceed

(1) 34 hours in any consecutive 7-day period;
(2) 100 hours in any consecutive 28-day period; or
(3) 1000 hours in any consecutive 12 calendar months period.

(f) No person may schedule any flight crew member and no flight crew member may accept an assignment for flight time in commercial air transport, if that crew member's total flight time, total flights or duty aloft in commercial flying will exceed the limitations prescribed by the Authority.

15.025 Exceeding Flight Time in Unforeseen Circumstances

(a) If unforeseen operational circumstances arise after takeoff that are beyond the operator's control, a flight crew member may exceed the maximum and cumulative flight time specified in Section 15.020 to the extent necessary to safely land the aircraft at the next destination airport or alternate, as appropriate.

(b) Each operator must report to the Authority within 10 days any flight time that exceeded the maximum flight time limits permitted by this Subpart or Subpart C.

(c) The report must contain a description of the extended flight time limitation and the circumstances surrounding the need for the extension.

SUBPART C: PRESCRIPTIVE DUTY PERIODS

15.030 DUTY PERIODS

(a) A person is considered to be on duty if they are performing any tasks on behalf of the operator, whether scheduled, requested or self-initiated.

(b) The Authority will consider a person in compliance with prescribed duty limitations, if he or she exceeds those limitations during an emergency or adverse situations beyond the control of the operator.

15.033 CUMULATIVE DUTY HOURS

(a) With respect to duty periods, no person may schedule any crew member and no person may accept an assignment for duty which will exceed:
  (1) 1800 hours in any 12 consecutive months;
  (2) 190 hours in any 28 consecutive days; and
  (3) 55 hours in any 7 consecutive days.

(b) With regard to the cumulative duty hours, a break during a split-duty assignment will be calculated in the following manner:
  (1) If the break is less than 8 hours, the full period of the break is accountable.
  (2) 7If the break is 8 hours or more, 50% of the period of the break is accountable.

15.035 FLIGHT DUTY PERIOD

(a) No person may schedule any crew member and no person may accept an assignment for a FDP that will exceed the limitations approved by the Authority.

Note: See Appendix 1 to 15.035 for the allowable FDPs for multi-pilot operations.

Note: See Appendix 2 to 15.035 for the allowable FDPs for single-pilot operations.

(b) A person is considered to be on duty if they are performing any tasks on behalf of the operator, whether scheduled, requested or self initiated.

(c) All time spent on an aircraft as an assigned or relief flight crew member, whether resting or performing tasks shall be included in the determination of the FDP.

(d) If a person requires a flight crew member to engage in deadhead transportation for more than 4 hours, one half of that time shall be included in the calculation of the FDP, unless they are given 10 hours of rest on the ground before being assigned to flight duty.
  (1) All time spent in deadhead transportation is duty and is not rest.
  (2) For purposes of determining the maximum flight duty period, deadhead transportation is not considered a flight segment.

(e) No person may schedule any crew member and no person may accept an assignment involving the extension of the FDP for cabin crew up to a maximum of 18 hours, unless:
  (1) No more than 2 landings are carried out within a FDP:
  (2) Rest facilities are available on board for resting cabin crew members; and
  (3) Each cabin crew member is relieved of all tasks during a part of the flight.

15.037 SPLIT-DUTY ASSIGNMENTS

(a) An operator may increase the allowable planned FDP through the application of the split-duty policies approved by the Authority subject to the following conditions—

Note: See Appendix 1 to 15.037 for the acceptable split-duty extensions.

  (1) The FDP shall not consist of more than 2 periods of duty;
  (2) There shall be a single break of sufficient length;

(3) The crew member is notified in advance. and
(4) Adequate facilities shall be provided; or
(5) Suitable accommodations shall be provided, if the break—
(i) If the break is 6 hours or more; or
(ii) Covers 3 hours or more of the period 2200- 0600 local time at the place where it occurs.

(b) Subject to the conditions of paragraph (a), no person may schedule any crew member and no person may accept an assignment involving a split-duty assignment, unless—
(1) Parts of the FDP before. and after the break do not exceed 10 hours, and
(2) The total FDP does not exceed 18 hours.

(c) If the total travelling time in both directions between the place of duty and the adequate facilities or suitable accommodation exceeds one hour, any travelling time in excess of 1hour total is deducted from the break for the purpose of calculating the increased FDP.

(d) Split-duty shall not be combined with the provisions for an augmented flight crew or, for cabin crew, extension of the allowable FDP.

15.040 Augmented Flight Crew Assignments

(a) No person may schedule any crew member and no person may accept an assignment involving the use of an augmented flight crew to increase the length of a FDP for more than:
(1) 18 hours, where every flight crew member can leave his post for at least 50% of the total flight time of all flights within the FDP, or
(2) 16 hours, where every flight crew member can leave his post for at least 25% of the total flight time of all flights within the FDP

(b) No person may schedule any crew member and no person may accept an assignment involving the use of an augmented flight crew to increase the length of a FDP unless that crew scheduled to carry out no more than:
(1) 2 landings within an FDP; or
(2) 3 landings, if the following conditions are met:
(i) The flight time for one sector is 3 hours or less; and
(ii) The rest period immediately following the FDP is increased by 6 hours;

(c) No person may schedule any crew member and no person may accept an assignment involving the use of an augmented flight crew to increase the length of a FDP unless there are adequate rest facilities approved by the Authority available on board the aircraft for all resting flight crew members.

15.040 Mixed Flying Types Of Operation

(a) No person may schedule any flight crew member and no person may accept an assignment for mixed flying types of operation, such as flight simulator and conversion/recurrent training flights prior to commercial air transport flights, except as prescribed by the Authority.

(b) Where a flight crew member carries out either flight simulator or training flights prior to a commercial air transport flight, the duration of flight simulator or training flights shall be doubled for the purpose of calculating the limits of that FDP.

Note: The number of landings during flight simulator and training flights need not be taken into account.

15.045 On-Call Duty

(a) When using the scheduled on-call duty crew members, operators must:
(1) Apply the on-call duty period limitation for flight crew members in Appendix 1 to 15.045;
(2) To ensure to provide suitable rest facilities if:

(i) Member of the flight crew requested for call duty at a distance base.
(ii) On-call duty to be carried out at the aerodrome.

(3) Make sure the following items are included in the total duty time prescribed in this Part:
(i) 50% of the on-call duty time (excluding the first 4 hours of on-call duty done at home);
(ii) If being notified for the duty, 50% of the notification time is calculated if the notice period is less than 10 hours.

(4) Ensure that a flight crew member has completed on-duty call time without doing the duty, this crew member will have rest period of at least 10 hours before commencing duty or the next on-call duty.

15.047 Time Zone Difference

(a) The operator must ensure that, when there is a time zone difference between the start and end of a duty time period of 4 hours or more, the following conditions are applied if:
(1) The time difference between the place at which the flight duty period begins and ends is 6 hours or less, the next rest period must be at least equal to the period of the previous duty or 14 hours, whichever is greater; or

(b) The time difference between the place at which the flight duty period begins and ends is more than six hours, the next rest period must be at least equal to the previous duty period or 16 hours, whichever is greater.

Subpart D: Rest Periods

15.050 Rest Period

(a) With respect to rest periods, no person may—
(1) Perform duties for an aviation operator unless that person has had at least the minimum rest period applicable to those duties as prescribed by the Authority; or
(2) Accept an assignment to any duty with the operator during any required rest period.

(b) The operator may exercise the option to reduce a crew member's rest period within the limitations prescribed by the Authority.

See Appendix 1 to 15.050 for the acceptable methods for reducing rest periods

15.055 Local & Deadhead Transportation not rest

(a) Time spent in local transportation in excess of 30 minutes will not be considered a part of a crew member's rest period.

(b) Time spent in transportation, not local in character, that is required by the operator to position crew members to or from flights is not considered part of a rest period.

(c) Time spent in transportation on aircraft (at the insistence of the operator) to or from a crew member's home station is not considered part of a rest period.

15.060 Minimum rest Period

(a) No rest period will be less than:
(1) 9 hours for flight crew members; or
(2) 8 hours for cabin crew members.

(b) The operator shall ensure that, before the start of a FDP, a crew member has completed a rest period:
(1) At least as long as the preceding duty period, or
(2) 11 hours, whichever is the greater.

(c) The minimum rest period following a FDP in which split-duty credit has been used:
(1) Shall be at least as long as the total FDP, including the break;

(2) Except that, if suitable accommodations were provided, the duration of the break need not be included in the rest period calculation.

(d) The operator may reduce the rest period calculated in accordance with paragraph (a) by not more than 3 hours, but not less than 11 hours, subject to the following conditions:
(1) The previous rest period must have been completed in accordance with paragraph (a);
(2) The amount by which the rest period is reduced must be added to the next rest period, which cannot be reduced; and
(3) The amount of time by which the rest period is reduced must be deducted from the subsequent allowable FDP.

15.065 Minimum Rest Period Each Seven or Ten Consecutive Day Period

(a) The operator shall relieve the flight crew member, flight dispatcher or cabin crew member from all duties for:
(1) 36 consecutive hours during any 7 consecutive day period, and
(2) 60 consecutive hours during any 10 consecutive day period.

Subpart E: Fatigue Risk Management Systems

15.070 Applicability

(a) This Subpart is applicable to those operators that have approved FRMS systems in lieu of, or in concert with, the prescriptive requirements of this Part.

15.075 Approval of Fatigue Risk Management System

(a) The Authority may approve an operator's FRMS to take the place of any or all of the prescriptive fatigue management regulations. To be eligible for that approval, the operator's proposed FRMS shall provide a level of safety equivalent to, or better than, the prescriptive fatigue management regulations.

(b) The operator's FRMS shall establish a process to ensure that an FRMS provides a level of safety equivalent to, or better than, the prescriptive fatigue management regulations. As part of this process, the Authority shall:
(1) Require that the operator establish maximum values for flight times and/or flight duty period(s) and duty period(s), and minimum values for rest periods. These values shall be based upon scientific principles and knowledge, subject to safety assurance processes, and acceptable to the Authority;
(2) Mandate a decrease in maximum values and an increase in minimum values in the event that the operator's data indicates these values are too high or too low, respectively; and
(3) Approve any increase in maximum values or decrease in minimum values only after evaluating the operator's justification for such changes, based on accumulated FRMS experience and fatigue-related data.

(c) To be eligible for approval by the Authority, the operator's FRMS to manage fatigue-related safety risks shall, as a minimum, meet the following general process requirements and the implementing requirements outlined in the Appendices 1 through 5 to 15.075:
(1) Incorporate scientific principles and knowledge within the FRMS;
(2) Identify fatigue-related safety hazards and the resulting risks on an ongoing basis;
(3) Ensure that remedial actions, necessary to effectively mitigate the risks associated with the hazards, are implemented promptly;
(4) Provide a system for continuous monitoring and regular assessment of the mitigation of fatigue risks achieved by such actions; and
(5) Provide for performance evaluation and continuous improvement to the overall performance of the FRMS.

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APPENDICES

Each operator, scheduling official, and crew member shall use the following tables to consolidate all scheduling and actual event requirements with respect to flight crew member flight time, duty and rest periods for commercial air transport operations.

APPENDIX 1 TO 15.020: MAXIMUM UNINTERRUPTED FIGHT TIME

(a) The maximum uninterrupted flight time for a crew of 1 or 2 shall be:

Local Time of Start	Maximum Uninterrupted Flight Time
0700- 1359	11 hours
1400- 1759	10 hours
1800-0459	9 hours
0500-0659	10 hours

APPENDIX 1 TO 15.035: ALLOWABLE FLIGHT DUTY PERIODS – MULTI-PILOT

(a) The maximum allowable FDP may be extended during multi-pilot operations as provided in the following table:

Reporting time	Number of landings as operating crew member				
	1-2	3	4	5	>= 6
0700-1759	1300	1230	1200	1100	1030
1800-2159	1230	1200	1130	1030	1000
2200-0459	1200	1130	1100	0930	0900
0500-0659	1230	1200	1130	1030	1000

APPENDIX 2 TO 15.035: ALLOWABLE FLIGHT DUTY PERIOD - SINGLE PILOT

(a) The maximum allowable FDP may be extended for single-pilot operations as provided in the following table:

Reporting time	Number of landings as operating flight crew member		
	1 - 4	5	>=6
0700 - 1759	0930	0830	0800
1800- 2159	0830	0800	0800
2200 - 0459	0800	0800	0800
0500 - 0659	0830	0800	0800

(b) For flights operated by a single pilot and conducted wholly under VFR, allowable FDPs must be derived from first column (column addressing 1-4 landings).

(1) This, although, in this case, there is no limit to the number of landings.

(2) Where the number of landings exceeds an average of 4 per hour. a break of at least 30 minutes must be taken within any period of 3 consecutive hours.

APPENDIX 1 TO 15.037: ACCEPTABLE SPLIT-DUTY EXTENSION

(a) The following table outlines the acceptable use of a split-duty assignment to increase an FDP, subject to the conditions of §15.037:

Consecutive hours break	Increase in Flight Duty Period
0- 2hours 59 minutes	NIL
3 - 6 hours 59 minutes	1/2 length of break
7 - 10 hours 59 minutes	2/3 length of break or 1 1/2 length of break if at least 8 hours of the break fall between 2000-0800 local time where the break occurs

APPENDIX 1 TO 15.045: ON-CALL DUTY LIMITATION

Notification Time	Maximum On-Call Duty Period
0 - 5 hours 59 minutes	12 Hours
From 6 hours and more	18 Hours

APPENDIX 1 TO 15.075: FRMS POLICY

(a) A Fatigue Risk Management System (FRMS) established in accordance with this Part shall contain, at a minimum:

(1) The operator shall define its FRMS policy, with all elements of the FRMS clearly identified.
(2) The policy shall require that the scope of FRMS operations be clearly defined in the operations manual.

(b) The policy shall:

(1) Reflect the shared responsibility of management, flight and cabin crews, and other involved personnel;
(2) Clearly state the safety objectives of the FRMS;
(3) Be signed by the accountable executive of the organization;
(4) Be communicated, with visible endorsement, to all the relevant areas and levels of the organization;
(5) Declare management commitment to effective safety reporting;
(6) Declare management commitment to the provision of adequate resources for the FRMS;
(7) Declare management commitment to continuous improvement of the FRMS;
(8) Require that clear lines of accountability for management, flight and cabin crews, and all other involved personnel are identified; and
(9) Require periodic reviews to ensure it remains relevant and appropriate.

APPENDIX 2 TO 15.075: FRMS DOCUMENTATION

(a) An operator shall develop and keep current FRMS documentation that describes and records:

(1) FRMS policy and objectives;
(2) FRMS processes and procedures;

(3) Accountabilities, responsibilities and authorities for these processes and procedures;
(4) Mechanisms for ongoing involvement of management, flight and cabin crew members, and all other involved personnel;
(5) FRMS training programmes, training requirements and attendance records;
(6) Scheduled and actual flight times, duty periods and rest periods with significant deviations and reasons for deviations noted; and
(7) FRMS outputs including findings from collected data, recommendations, and actions taken.

APPENDIX 3 TO 15.075: FATIGUE RISK MANAGEMENT PROCESSES

Identification of Hazards

(a) An operator shall develop and maintain three fundamental and documented processes for fatigue hazard identification:

Predictive

(b) The predictive process shall identify fatigue hazards by examining crew scheduling and taking into account factors known to affect sleep and fatigue and their effects on performance. Methods of examination may include but are not limited to:
(1) Operator or industry operational experience and data collected on similar types of operations;
(2) Evidence-based scheduling practices; and
(3) Bio-mathematical models.

Proactive

(c) The proactive process shall identify fatigue hazards within current flight operations. Methods of examination may include but are not limited to:
(1) Self-reporting of fatigue risks;
(2) Crew fatigue surveys;
(3) Relevant flight and cabin crew performance data;
(4) Available safety databases and scientific studies; and
(5) Analysis of planned versus actual time worked.

Reactive

(d) The reactive process shall identify the contribution of fatigue hazards to reports and events associated with potential negative safety consequences in order to determine how the impact of fatigue could have been minimized. At a minimum, the process may be triggered by any of the following:
(1) Fatigue reports;
(2) Confidential reports;
(3) Audit reports;
(4) Incidents; and
(5) Flight data analysis events.

Risk Assessment

(e) An operator shall develop and implement risk assessment procedures that determine the probability and potential severity of fatigue-related events and identify when the associated risks require mitigation.

(f) The risk assessment procedures shall review identified hazards and link them to:
(6) Operational processes;
(7) Their probability;
(8) Possible consequences; and

(9) The effectiveness of existing safety barriers and controls.

Risk Mitigation

(g) An operator shall develop and implement risk mitigation procedures that:

(1) Select the appropriate mitigation strategies;

(2) Implement the mitigation strategies; and

(3) Monitor the strategies' implementation and effectiveness.

APPENDIX 4 TO 15.075: FRMS SAFETY ASSURANCE PROCESSES

(a) The operator shall develop and maintain FRMS safety assurance processes to:

(1) Provide for continuous FRMS performance monitoring, analysis of trends, and measurement to validate the effectiveness of the fatigue safety risk controls. The sources of data may include, but are not limited to:

(i) Hazard reporting and investigations;

(ii) Audits and surveys; and

(iii) Reviews and fatigue studies;

(2) Provide a formal process for the management of change which shall include but is not limited to:

(i) Identification of changes in the operational environment that may affect FRMS;

(ii) Identification of changes within the organisation that may affect FRMS; and

(iii) Consideration of available tools which could be used to maintain or improve FRMS performance prior to implementing changes; and

(3) Provide for the continuous improvement of the FRMS. This shall include but is not limited to:

(i) The elimination and/or modification of risk controls that have had unintended consequences or that are no longer needed due to changes in the operational or organisational environment;

(ii) Routine evaluations of facilities, equipment, documentation and procedures; and

(iii) The determination of the need to introduce new processes and procedures to mitigate emerging fatigue-related risks.

APPENDIX 5 TO 15.075: FRMS PROMOTION PROCESSES

(a) FRMS promotion processes support the ongoing development of the FRMS, the continuous improvement of its overall performance, and attainment of optimum safety levels.

(b) The following shall be established and implemented by the operator as part of its FRMS:

(1) Training programs to ensure competency commensurate with the roles and responsibilities of management, flight and cabin crew, and all other involved personnel under the planned FRMS; and

(2) An effective FRMS communication plan that:

(i) Explains FRMS policies, procedures and responsibilities to all relevant stakeholders; and

(ii) Describes communication channels used to gather and disseminate FRMS-related information.

End of RCAR Part 15

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
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Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA 16 W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX 16 TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE 16 D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 16

Operational Control

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SUBPART A: GENERAL

16.001 APPLICABILITY

(a) These Regulations may be cited as Civil Aviation (Operational Control) Regulations.

(b) This Part prescribes the requirements of the Republic of Rwanda for the flight release of aircraft by operators required to exercise operational control of their aircraft.

(c) This Part is applicable to both the operator, the person designated by the operator to issue a flight release, and any other person that performs a function regarding the flight can be construed to fall under the definition of operational control.

(d) Civil Aviation Technical Standards published by the Authority shall also be applicable to the operational control of aircraft operations.

16.005 DEFINITIONS

(a) The definitions applicable to this Part are consolidated in Part 1, Appendix 1 to 1.015.

16.010 ACRONYMS & ABBREVIATIONS

(a) The following acronyms and abbreviations are used in this Part—

(1) **AOC** = Air Operator Certificate
(2) **ATC** = Air Traffic Control
(3) **NOTAM** = Notice to Airmen
(4) **PIC** = Pilot In Command

SUBPART B: OPERATIONAL CONTROL

16.015 OPERATIONAL CONTROL

(a) Any operator that is required to exercise operational control of the aircraft it operates shall have qualified person(s) and equipment necessary to perform the functions and tasks related to that process.

(b) The primary task of operational control is the decision-making necessary to authorise, continue, divert, or terminate a flight.

(c) The responsibility for operational control shall be delegated only to the pilot-in-command and to a flight dispatcher, where the operator's approved method of control and supervision of flight operations requires the use of flight dispatcher personnel

(d) Any person who participates in the decision-making for any of the tasks and functions associated with operational control is considered to be a party to the flight release of the aircraft and subject to the requirements of this Part.

16.020 FUNCTIONS ASSOCIATED WITH OPERATIONAL CONTROL

(a) The person(s) exercising responsibility for operational control for an AOC holder shall—

(1) Authorise the specific flight operation;
(2) Ensure that an airworthy aircraft properly equipped for the flight is available;
(3) Ensure that qualified personnel and adequate facilities are available to support and conduct the flight;
(4) Ensure that proper flight planning and preparation is made;
(5) Ensure that flight locating and flight following procedures are followed; and
(6) For flights on a scheduled basis with 20 or more passenger seats, ensure the monitoring and aircraft tracking of the progress of the flight and the provision of information to the flight crew that may be necessary to safety.

(b) A flight dispatcher assigned to duty should maintain complete familiarization with all features of the operation which are pertinent to such duties, including knowledge and skills related to human performance.

16.025 Qualified Persons Required for Operational Control Functions

(a) A qualified person shall be designated by the AOC holder to exercise the functions and responsibilities for operational control of each flight in commercial air transport.

(b) No person may be assigned for duty as a flight dispatcher or other operational control functions unless that person has completed an operator-specific training curriculum that addresses all of the specific components of the approved method of control and supervision of flight operations.

(c) For passenger-carrying flights conducted on a scheduled basis, a operational control person or flight dispatcher shall be on-duty at an operations base to perform the operational control functions.

(d) The AOC holder shall use a flight dispatcher licenced in accordance with Part 7 and qualified in accordance with Part 14 to perform the operational control and dispatcher functions for flights of aircraft with 20 or more passenger seats.

(e) For all other flights, a person qualified in accordance with Part 14 may exercise operational control responsibilities and shall be available for consultation prior to, during and immediately following the flight operation.

(f) A single pilot air taxi operator is not required to have a qualified person other than the PIC.

16.030 Flight Dispatcher Privileges & Limitations

(a) Any flight dispatcher licenced under Part 7 may, when also qualified in accordance with Part 14, exercise the privileges of this licence as the on-duty supervisor or in the immediate dispatch of aircraft in the flight progress (flight watch) system of a scheduled air carrier.

(b) No person may assign a flight dispatcher for more than 10 consecutive hours of duty within a 24 consecutive hour period, unless he or she is given an intervening rest period of 8 hours.

(c) No person may assign a flight dispatcher to duty after 12 consecutive months of absence from such duty unless the dispatcher re-qualifies for that position in accordance with the requirements of Part 14.

16.035 Pilot-in-Command Responsibilities

(a) For all flights, the PIC shares in the responsibility for operational control of the aircraft and has the situational authority to make decisions regarding operational control issues in-flight.

(b) Where a decision of the PIC differs from that recommended, the person making the recommendation shall make a record of the associated facts.

(c) The PIC may be designated as the sole person to exercise operational control when the operator is authorised to use flight-locating as the primary method of flight supervision.

16.040 Operational Control Duties

(a) For passenger-carrying flights conducted on a published schedule, the qualified person performing the duties—

(1) Assist the PIC in flight preparation and provide the relevant information required;
(2) Assist the PIC in preparing the operational and ATC flight plans;
(3) Sign the dispatch copy of the flight release;
(4) Furnish the PIC while in flight, by appropriate means, with information which may be necessary for the safe conduct of the flight; and
(5) notify the appropriate ATS unit when the position of the aeroplane cannot be determined by an aircraft tracking capability and attempts to establish communication are unsuccessful.

(b) In the event of an emergency, the qualified person performing operational control duties shall—

(i) Initiate such procedures as outlined in the operations manual while avoiding taking any action that would conflict with ATC procedures; and

(ii) Convey safety-related information to the pilot-in-command that may be necessary for the safe conduct of the flight, including information related to any amendments to the flight plan that become necessary in the course of the flight.

(c) A qualified person performing the operational control duties shall avoid taking any action that would conflict with the procedures established by—

(1) Air traffic control;

(2) The meteorological service;

(3) The communications service; or

(4) AOC holder.

(d) If an emergency situation which endangers the safety of the aeroplane or persons becomes known first to the flight dispatcher, action by that person shall include, where necessary, notification to the appropriate authorities of the nature of the situation without delay, and requests for assistance if required.

16.045 Methods of Flight Supervision

(a) The three methods of flight supervision that are to be practised by operators required to have a system of operational control are—

(1) Flight locating,

(2) Flight following, and

(3) Flight watch.

(b) Operators of non-turbojet aircraft with a gross takeoff weight of less than 5700 kg. and carrying less than 9 passengers in non-scheduled flights may be authorised by the Authority to use flight locating as the primary method of flight supervision.

(c) Flight locating shall be the minimum acceptable system of flight supervision for domestic operations.

(d) Operators of turbine aircraft weighing more than 5700 kg and/or with a passenger carrying capacity of 20 or more passengers shall use:

(1) flight watch, which includes aircraft tracking, or

(2) for domestic flights, a combination of flight watch and flight locating, if approved by the Authority.

16.050 Operational Instructions

(a) Each person transmitting operational instructions to an aircraft involving a change to a flight plan should co-ordinate those changes with the appropriate ATS unit prior to transmission to the flight crew.

Subpart C: Flight Release

16.055 Flight Release: Decision-Making Records

(a) No person may issue a flight release unless the required flight preparation documents have been reviewed and determined to be complete and accurate.

(b) The decision to authorise the flight release of an aircraft in commercial air transport operations must be recorded using a method that can be verified at any time within 3 months after the flight.

(c) The signature of the PIC, and any other required person, on a filed operational flight plan will be the primary method of recording that decision.

(d) This flight release documentation must be retained at the point of departure by a designated representative of the operator unless the Authority has approved a different method.

16.060 Flight Release: Aircraft Requirements

(a) No person may issue a flight release unless the aircraft is airworthy and properly equipped for the intended flight operation.

(b) No person may issue a flight release for a commercial air transport operation using an aircraft with inoperative instruments and equipment installed, except as specified in the Minimum Equipment List approved for the operator for that type aircraft.

16.065 Flight Release: Crew Requirements

(a) No person may issue a flight release unless the crew is qualified in accordance with the requirements of:

(1) for commercial air transport, Parts 14 and 15.

(2) for all other operators required to have an operational control system, the applicable regulations

16.070 Flight Release: Facilities & NOTAMs

(a) No person may release an aircraft over any route or route segment unless there are adequate communications and navigational facilities in satisfactory operating condition as necessary to conduct the flight safely.

(b) The Operational Control Person shall ensure that the PIC is provided all available current reports or information on aerodrome conditions and irregularities of navigation facilities that may effect the safety of the flight.

(c) For their review of the operational flight plan, the PIC shall be provided with all available NOTAMs with respect to the routing, facilities and aerodromes.

16.075 Flight Release: Weather Reports & Forecasts

(a) No person may release a flight unless he or she is thoroughly familiar with reported and forecast weather conditions on the route to be flown.

(b) No person may release a flight unless he or she has communicated all information and reservations they may have regarding weather reports and forecasts to the PIC.

16.080 Flight Release: In Icing Conditions

(a) No person may release an aircraft, when in their opinion or that of the PIC, the icing conditions that may be expected or are met exceed that for which the aircraft is certified and has sufficient operational de-icing or anti-icing equipment.

(b) No person may release an aircraft any time conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft, unless there is the available to the PIC at the aerodrome of departure adequate facilities and equipment to accomplish the procedures approved for the AOC holder by the Authority for ground de-icing and anti-icing.

16.085 Flight Release: Under VFR or IFR

(a) No person may release a flight under VFR or IFR unless the weather reports and forecasts indicated that the flight can reasonably be expected to be completed as specified in the release.

16.090 Flight Release: Minimum Fuel Supply

(a) No person may issue a flight release unless the fuel supply specified in the release is equivalent to or greater than the minimum flight planning requirements of Parts 10 and 12, including anticipated contingencies.

16.095 Flight Release: Aircraft Loading & Performance

(a) No person may issue a flight release unless he or she is familiar with the anticipated loading of the aircraft and is reasonably certain that the proposed operation will not exceed the—

(1) Centre of gravity limits;
(2) Aircraft operating limitations; and
(3) Minimum performance requirements.

16.100 Flight Release: Amendment or Re-Release En Route

(a) Each person who amends a flight release while the flight is en route shall record that amendment.

(b) No person may amend the original flight release to change the destination or alternate aerodrome while the aircraft is en route unless the flight preparation requirements for routing, aerodrome selection and minimum fuel supply are met at the time of amendment or re-release.

(c) No person may allow a flight to continue to an aerodrome to which it has been released if the weather reports and forecasts indicate changes which would render that aerodrome unsuitable for the original flight release.

16.105 Flight Release: With Airborne Weather Radar Equipment

(a) No person may release a large aeroplane carrying passengers under IFR or night VFR conditions when current weather reports indicate that thunderstorms, or other potentially hazardous weather conditions that can be detected with airborne weather radar, may reasonably be expected along the route to be flown, unless the airborne weather radar equipment is in satisfactory operating condition.

End of RCAR Part 16

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA 17 W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX 17 TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE 17 D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 17

Mass & Balance & Performance

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SUBPART A: GENERAL

17.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as Civil Aviation (Mass, Balance and Performance) Regulations.

(b) This Part prescribes mass and balance and aircraft performance and operating limitations in addition to those in Part 10.

(c) These requirements of this Part apply to aircraft used in—

(1) Commercial air transport operations; and

(2) General aviation operations, by—

(i) Turbojet airplanes; and

(ii) Large airplanes.

(d) This Part is applicable to the persons and entities that operate the aircraft and the persons performing duties on their behalf.

(e) Civil Aviation Technical Standards published by the Authority shall also be applicable to the mass, balance and performance of aircraft operations.

17.005 DEFINITIONS: GENERAL

(a) All definitions applicable to this Part are contained in Part1 (Appendix 1 to 1.015).

17.010 ACRONYMS & ABBREVIATIONS

(a) The following acronyms are used in this Part and shall apply to both aero planes and helicopters—

C.G. = Center of Gravity

ft = feet

m = meters

MEA = Minimum Enroute Altitude

MSL = Mean Sea Level

PIC = Pilot In Command

sm = Statute Miles

Vy = Best rate of climb speed.

(b) The following acronyms and abbreviations s apply to the airplanes performance requirements of this Part—

ASDA = Accelerate-stop distance available

AFM = Aeroplane Flight Manual.

LDA = Landing distance available

$\mathbf{V_1}$ = Takeoff decision speed

$\mathbf{V_{mo}}$. = Maximum operating speed

$\mathbf{V_{so}}$. = Stalling speed or the minimum steady flight speed in the landing configuration

(c) The following acronyms and abbreviations s apply to the helicopter performance requirements of this Part—

D = Maximum dimension of helicopter

DPBL = Defined point before landing

DPATO = Defined point after take-off

DR = Distance travelled (helicopter)

FATO = Final approach and take-off area

HFM = Helicopter flight manual

HOGE OEI = Hover Out of Ground Effect with One Engine Inoperative

LDP = Landing decision point
LDAH = Landing distance available (helicopter)
LDRH = Landing distance required (helicopter)
R = Rotor radius of helicopter
RFM = Rotorcraft Flight Manual
RTODR – Rejected take-off distance required (helicopter)
TDP = Take-off decision point
TLOF = Touchdown and lift-off area
TODAH = Take-off distance available (helicopter)
TODRH = Take-off distance required (helicopter)
V_{TOSS} = Take-off safety speed

17.015 Minimum requirements

(a) Each person operating an aircraft subject to the applicability of this Part shall comply with the minimum performance approved or accepted by the Authority under the provisions of this Part.

(b) The Authority may authorize deviations from the requirements of this Part if special circumstances make a literal observance of a requirement unnecessary for safety.

(c) Where full compliance with the requirements of the Part cannot be shown due to specific design characteristics (e.g., seaplanes, airships, or supersonic aircraft), the operator shall apply approved performance standards that ensure a level of safety not less restrictive than those of relevant requirements of this Part that are acceptable to the Authority.

Subpart B: Applicable Code Of Performance

17.020 Applicability

(a) This Subpart provides the requirements applicable to the code of performance that shall be used by those operators subject to this Part.

17.025 Approval of Code of Performance

(a) For aircraft of Rwanda registry, the operators of such aircraft must comply with the comprehensive and detailed code of performance approved for their aircraft during the process of certification by the Authority.

(b) For aircraft of other States of Registry to be operated under a Rwanda registry, the operators of such aircraft must comply with the comprehensive and detailed code of performance accepted for their aircraft during the process of certification by the Authority, provided that such codes are found to meet the minimum requirements of this Part.

17.030 Acceptable Codes of Performance

(a) The following comprehensive and detailed codes of performance will be available to and may be required by the Authority for commercial air transport operations of the category and class of aircraft—
  (1) United States Federal Aviation Administration,
  (2) European Joint Aviation Authorities,
  (3) Canadian Ministry of Transport;
  (4) National Civil Aviation Agency of Brazil.; and
  (5) Any other code of performance accepted by the Authority following the provisions of Section 17.035.

17.035 Consideration of Other Codes of Performance

(a) To be eligible for approval or acceptance by the Authority, the comprehensive and detailed code of performance issued by an ICAO Contracting State for commercial air transport may be considered provided—

(1) The Code is in conformance with the applicable Standards of ICAO Annex 6 and 8;
(2) The use of this Code will result in performance that meets the minimum requirements contained in this Part;
(3) This Code is in English or certified translation to English;
(4) A copy of this Code is provided with the application for including the aircraft on Rwanda registry, and
(5) There is a satisfactory method of updating the Authority's copy of this Code throughout the period of time the aircraft is registered in Rwanda.

17.037 Exceptions to Adopted International Performance Standards

(a) Where new or revised ICAO Annex 8 Standards for required performance affecting a specific aircraft type are adopted, the Authority may grant an exception to allow continued operations after the effective date while the aircraft is modified to meet the new Standard.

(b) The aircraft owner or operator must petition the Authority for this exception, citing the basis and propose the plan for modification to meet the new Standard as soon as practicable.

Subpart C: Mass & Balance

17.040 Applicability

(a) This Subpart is applicable to the general requirements for the supervision and procedures that are applicable to mass and balance.

17.045 Supervision of Loading

(a) Each AOC holder shall designate in writing the person(s) that is to—

(1) Supervise the proper loading of the aircraft,
(2) Make the computation of the load manifest for aircraft loading and centre of gravity, and
(3) Determine that the aircraft will be capable of meeting the applicable performance requirements.

(b) This person(s) will be trained to competence for these tasks on each aircraft type and variant before being allowed to sign the load manifest.

(c) The person(s) supervising the loading and computing the aircraft load, centre of gravity and performance shall be provided the relevant current weights and aircraft limitations that will effect the performance of the that aircraft.

17.050 Approved method Required

(a) No person shall compute the load manifest using any method, policy or information other that specifically approved by the Authority for the—

(1) Aircraft type,
(2) Supplemental loading documents,
(3) Seasonal issues,
(4) Non-standard passengers, and
(5) Type of operation to be conducted.

17.055 SIGNATURE REQUIRED

(a) The person preparing the load manifest shall be named on the document.
(b) The person supervising the loading of the aircraft shall confirm by signature that the load and its distribution and in accordance with the load manifest.

17.060 LAST MINUTE CHANGES

(a) Last minute changes to aircraft loading will be provided to the PIC and the person(s) responsible for computation of the aircraft loading and C.G.

(b) Unless there is an approved methodology for considering last minute changes to passenger or cargo weights, the person responsible for the computation will recompute all factors.

(c) The effect of the last minute changes will be provided to the PIC and the person(s) responsible for the computation of the aircraft loading and C.G.

(d) This information shall be noted on the load manifest that is retained at the airport of departure.

17.065 DETERMINATION OF AIRCRAFT EMPTY OPERATING WEIGHT

(a) The aircraft's empty or dry operating weight must be determined through a weighing of the aircraft 2 years after the date of manufacture and thereafter at intervals not exceeding 5 years and at such times as the Authority may require.

(b) This information shall be provided to the person who is responsible for the computation of the mass and balance and centre of gravity.

17.070 DETERMINATION OF ACTUAL PASSENGER WEIGHTS

(a) When making the determination of actual weights, the passengers' personal belongings and carry on baggage must be included.

(b) The weighing of the passengers and their items shall be conducted immediately prior to boarding and at a adjacent location.

17.075 DETERMINATION OF AVERAGE PASSENGER WEIGHTS

(a) No person may use average passenger weights in the computation of aircraft loading and C.G., unless there has been a determination of the relationship between the actual weights being carried and the selected average weights to determine their validity.

(b) The method for the determination of the relationships shall be determined through the method prescribed by the Authority.

SUBPART D: COMPUTATIONS OF APPLICABLE WEIGHTS & PERFORMANCE

17.080 APPLICABILITY

(a) This Subpart is applicable to the general requirements applicable to computations of weight, balance and operating performance for specific flights.

17.085 SOURCE OF PERFORMANCE DATA

(a) An operator shall ensure that the approved performance data contained in the approved flight manual is used to determine compliance with the requirements of this Part supplemented as necessary with other data acceptable to the Authority.

17.090 Obstacle Data

(a) The operator shall use available obstacle data applicable to the take-off, initial climb, approach and landing phases for the performance computations detailed in this Part.

(b) The operator shall use obstacle data from a source acceptable to the Authority for takeoff and landings and maneuvering for these procedures for operations of—
  (1) Large aero planes; and
  (2) Turbine-powered aero planes; and
  (3) Helicopters in congested hostile environments.

(c) The computations shall take into account the factors which may affect charting accuracy when using the obstacle data.

17.095 Aircraft performance Calculations

(a) No person may commence a flight without ensuring that the applicable operating and performance limitations required for this Part can be accurately computed based on the AFM, RFM, or other data source approved by the Authority.

(b) Each person calculating performance and operating limitations for aircraft shall ensure that performance data used to determine compliance with this Part can, during any phase of flight, accurately account for—
  (1) Any reasonably expected adverse operating conditions that may affect aircraft performance;
  (2) One engine failure for aircraft having two engines, if applicable; and
  (3) Two engine failure for aircraft having three or more engines, if applicable.

(c) When calculating the performance and limitation requirements, each person performing the calculation shall, for all engines operating and for inoperative engines, accurately account for—
  (1) In all phases of flight—
    (i) The mass of the aircraft;
    (ii) Operating procedures;
    (iii) The effect of fuel and oil consumption on aircraft weight;
    (iv) The effect of fuel consumption on fuel reserves resulting from changes in flight paths, winds, and aircraft configuration;
    (v) The effect of fuel jettisoning on aircraft weight and fuel reserves, if applicable and approved;
    (vi) The effect of any ice protection system, if applicable and weather conditions require its use;
    (vii) Ambient temperatures and winds along intended route and any planned diversion;
    (viii) Flight paths and minimum altitudes required to remain clear of obstacles.
  (2) During takeoff and landing—
    (i) The condition of the takeoff surface or area to be used, including any contaminates (e.g., water, slush, snow, ice on runway for landplanes; water surface conditions for seaplanes);
    (ii) The gradient (slope) of runway to be used;
    (iii) The runway length including clearways and stop ways, if applicable;
    (iv) Pressure altitudes appropriate to the elevation at takeoff and landing sites;
    (v) Current ambient temperatures and winds at takeoff;
    (vi) Forecast ambient temperatures and winds at each destination and planned alternate landing site;
    (vii) The ground handling characteristics (e.g., braking action) of the type of aircraft; and
    (viii) Landing aids and terrain that may affect the takeoff path, landing path, and landing roll.
  (3) Such factors shall be taken into account directly as operational parameters or indirectly by means of allowances or margins, which may be provided in the scheduling of performance data.
  (4) Where conditions are different from those on which the performance is based, compliance may be determined by interpolation or by computing the effects of changes in the specific variables, if the

results of the interpolation or computations are substantially as accurate as the results of direct tests.

(d) To allow for wind effect, takeoff data based on still air may be corrected by taking into account not more than 50 percent of any reported headwind component and not less than 150 percent of any reported tailwind component.

(e) The operator of the aircraft shall take such precautions as are reasonably possible to ensure that the general level of safety and risk associated with the intent of this Section is maintained under all expected operating conditions, including those not covered specifically by the requirements of this Part.

17.100 Mass Limitations

(a) No person may operate an aircraft if at the mass of the aircraft at the start of takeoff would exceed the maximum mass:

(1) Specified as limitations for that aircraft in the approved flight manual;
(2) That ensures safe stopping prior to reaching the takeoff safety speed;
(3) That ensures safe lift-off and climb after takeoff;
(4) The clearing of all obstacles en-route by a safe margin, considering the expected reductions in mass including fuel jettisoning;
(5) Required for safe landing at the destination and alternate aerodromes (or, in the case of helicopters, heliport, helideck, elevated platforms and operational sites) at the expected time of arrival;
(6) Required for compliance with the applicable noise certification standards for that aircraft at all aerodromes and operational sites.

(b) All calculations relating in the determination of maximum mass shall include the pressure altitude appropriate to the elevation and, if used as a parameter to determine the maximum mass, any other local condition.

(c) The operator may exceed the requirement of paragraph (a)(6) in locations where the competent authority of that State of the Aerodrome has authorized an exception in exceptional circumstances where there is no noise disturbance problem.

Subpart E: Aeroplane Performance & Operating limitations

17.105 Applicability

(a) The Subpart is applicable to completing the performance computations for the operations of aero planes subject to this Part.

Subdivision I: Restricted Performance Aero planes

17.120 Single Engine AERO PLANES

(a) No person may operate a single-engine aeroplane used for passenger carrying operations in commercial air transport unless that aircraft is continually operated—

(1) In daylight;
(2) VMC, excluding over the top of any cloud layer; and
(3) Over such routes and diversions therefrom that permit a safe forced landing to be executed in the event of engine failure.

(b) No person may operate a single-engine turbine-powered aircraft in passenger carrying operations in commercial air transport at night or IFR, unless has been demonstrated to the Authority that such operations will occur under a reliable level of safety and performance.

17.125 Restricted performance multi-Engine AERO PLANES

(a) No person may operate a restricted performance multi-engine aeroplane with a passenger capacity of 9

passengers or less in commercial air transport carrying passengers that will be unable to comply with the performance limitations of this Part, unless that aircraft is continually operated at a weight that will allow it to climb, with the critical engine inoperative—

(1) At least 200 feet per minute immediately after takeoff;
(2) At least 50 feet a minute when operating at the MEAs of the intended route or any planned diversion, or at 5,000 feet MSL, whichever is higher; and
(3) At least 200 feet per minute in the climb out following a balked landing.

(b) If the performance capability of the aeroplane is computed to be less than specified in paragraph (a), the person(s) operating that aircraft shall comply with the performance restrictions applicable to single-engine aeroplane.

Subdivision II: Large or Turbine-Engined Aero planes

17.130 TAKEOFF & CLIMB PHASE

(a) No person may commence a takeoff in aircraft unless, in the event of a critical engine failing, or for other reasons, at any point in the takeoff, the performance calculations demonstrate that is possible to:
(1) Discontinue the take-off and stop within either the accelerate-stop distance available or the runway available; or
(2) To continue the take-off and clear all obstacles along the flight path by an adequate margin as specified in paragraph (c) until the aeroplane is in a position to comply with safe en-route flight.

(b) The determination of the length of the runway available shall take into account any loss of runway length due to alignment of the aeroplane prior to take-off.

(c) No person may takeoff an aeroplane unless the following requirements are met when determining the maximum permitted take-off mass—
(1) The takeoff run shall not be greater than the length of the runway.
(2) For turbine engine powered aero planes—
(i) The takeoff distance shall not exceed the length of the runway plus the length of any clearway, except that the length of any clearway included in the calculation shall not be greater than 1/2 the length of the runway; and
(ii) The accelerate-stop distance shall not exceed the length of the runway, plus the length of any stopway, at any time during takeoff until reaching V_1.
(3) *For piston engine powered aero planes*—
(i) The accelerate-stop distance shall not exceed the length of the runway at any time during takeoff until reaching V_1.
(4) If the critical engine fails at any time after the aeroplane reaches V_1, to continue the takeoff flight path and clear all obstacles either—
(i) By a height of at least 9.1 m (35 ft) vertically for turbine engine powered aero planes or 15.2 m (50 ft) for piston engine powered aero planes; and
(ii) By at least 60 m (200 ft) horizontally within the aerodrome boundaries and by at least 90 meters (300 feet) horizontally after passing the boundaries, without banking more than 15 degrees at any point on the takeoff flight path.

17.135 EN-ROUTE PHASE: ALL ENGINES OPERATING

(a) No person may take off a piston engine powered aeroplane at a weight that does not allow a rate of climb of at least 6.9 $V_{so,}$ (that is, the number of feet per minute obtained by multiplying the aircraft's minimum steady flight speed by 6.9) with all engines operating, at an altitude of at least 300 m (1,000 ft) above all terrain and obstructions within ten miles of each side of the intended track.

17.140 EN-ROUTE PHASE: ONE ENGINE INOPERATIVE

(a) No person may commence a takeoff unless the performance calculations demonstrate that the aircraft can, in the event of the critical engine becoming inoperative at any point along the route or planned diversions therefrom, continue the flight to an aerodrome where a landing within the safety margins specified in Section 17.150 without flying below the minimum obstacle clearance altitude at any point.

(b) No person may take off an aeroplane having two engines unless that aeroplane can, in the event of a power failure at the most critical point en route, continue the flight to a suitable aerodrome where a landing can be made while allowing—

(1) *For piston engine powered aero planes*—

(i) At least a rate of climb of 0.079 - (0.106/number of engines installed) V_{so}^2 (when V_{so} is expressed in knots) at an altitude of 300 m (1,000 ft) above all terrain and obstructions within 9.3 km (5 sm), on each side of the intended track; and

(ii) A positive slope at an altitude of at least 450 m (1,500 ft) above the aerodrome where the aeroplane is assumed to land.

(2) *For turbine engine powered transport category aero planes*—

(i) A positive slope at an altitude of at least 300 m (1,000 ft) above all terrain and obstructions within 9.3 km (5 sm), on each side of the intended track;

(ii) A net flight path from cruising altitude to the intended landing aerodrome that allows at least 600 m (2,000 ft) clearance above all terrain and obstructions within 9.3 km (5 sm), on each side of the intended track; and

(iii) A positive slope at an altitude of at least 450 m (1,500 ft) above the aerodrome where the aeroplane is assumed to land;

(c) The climb rate specified in paragraph (a)(1)(i) may be amended to 0.026 V_{so}^2 for large transport category aircraft issued a type certificate prior to 1953.

(d) The 9.3 km (5 sm) clearance margin stated in paragraph (a) shall be increased to 18.5 km (10 sm) if navigational accuracy does not meet the 95% containment level.

17.145 EN-ROUTE PHASE: TWO ENGINES INOPERATIVE

(a) No person may takeoff an aeroplane having three or more engines at such a weight where there is no suitable landing aerodrome within 90 minutes at any point along the intended route (with all engines operating at cruising power), unless that aircraft can, in the event of simultaneous power failure of two critical engines at the most critical point along that route, continue to a suitable landing aerodrome while allowing—

(1) For turbine engine powered aero planes—

(i) A net flight path (considering the ambient temperatures anticipated along the track) clearing vertically by at least 2,000 feet all terrain and obstructions within five statute miles (4.34 nautical miles) on each side of the intended track;

(ii) A positive slope at 1,500 feet above the aerodrome of intended landing; and

(iii) Enough fuel to continue to the aerodrome of intended landing, to arrive at an altitude of at least 1,500 feet directly over the aerodrome, and thereafter to fly for 15 minutes at cruise power.

(2) For piston engine powered aero planes—

(i) A rate of climb at 0.013 V_{so}^2 feet per minute (that is, the number of feet per minute is obtained by multiplying the number of knots squared by 0.013) at an altitude of 1,000 feet above the highest ground or obstruction within 10 miles on each side of the intended track, or at an altitude of 5,000 feet, whichever is higher; and

(ii) Enough fuel to continue to the aerodrome of intended landing and to arrive at an altitude of at least 300 m (1,000 ft) directly over that aerodrome.

(b) The performance calculation shall consider that the consumption of fuel and oil after the engine failure is the same as the consumption that is allowed for in the net flight path data in the AFM.

(c) When the two engines of the piston aeroplane are predicted to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb need not be shown during the descent from the cruising altitude to the prescribed minimum altitude, if those requirements can be met once the prescribed minimum altitude is reached, and assuming descent to be along a net flight path and the rate of descent to be 0.013 V_{so}^2 greater than the rate in the approved performance data.

(d) If fuel jettisoning is authorized (or planned), the aero plane's weight at the point where the two engines fail is considered to be not less than that which would include enough fuel to proceed to an aerodrome and to arrive at an altitude of at least 300 m (1,000 ft) directly over that aerodrome.

17.150 Approach & Landing Phase

(a) The operator shall assess the performance data to ensure that the aeroplane, at the aerodrome of intended landing and at any alternate aerodrome, after clearing all obstacles in the approach path by a safe margin, will be able to land, with assurance that it can come to a stop or, for a seaplane, to a satisfactorily low speed, within the landing distance available, in compliance with the requirements of this Section.

(b) The operator shall make allowance for expected variations in the approach and landing techniques, if such allowance has not been made in the scheduling of the manufacturer's performance data.

(c) No person may take off an aeroplane used in commercial operations unless its weight on arrival at either the intended destination aerodrome or any planned alternate aerodrome would allow a full stop landing from a point 50 feet above the intersection of the obstruction clearance plane and the runway, and within—
  (1) For turbine engine powered aero planes, 60 percent of the effective length of each runway.
  (2) For piston engine powered aero planes, 70 percent of the effective length of each runway.

(d) For the purpose of determining the allowable landing weight at the destination aerodrome, each person determining the landing limit shall ensure that—
  (1) The aeroplane is landed on the most favorable runway and in the most favorable direction, in still air; or
  (2) The aeroplane is landed on the most suitable runway considering the probable wind velocity and direction, runway conditions, the ground handling characteristics of the aeroplane, and considering other conditions such as landing aids and terrain.

(e) If the runway at the landing destination is reported or forecast to be wet or slippery, the landing distance available shall be at least 115 percent of the required landing distance unless, based on a showing of actual operating landing techniques on wet or slippery runways, a shorter landing distance (but not less than that required by paragraph (a)) has been approved for a specific type and model aeroplane and this information is included in the AFM.

(f) A turbine powered transport category aeroplane that would be prohibited from taking off because it could not meet the requirements of paragraph (a)(1), may take off if an alternate aerodrome is specified that meets all the requirements of paragraph (a).

Subpart F: Helicopter Performance & Operating Limitations

17.155 Applicability

(a) The Subpart is applicable to completing the performance computations for the operations of helicopters subject to this Part.

Subdivision I: Helicopter–General

17.170 PERFORMANCE REQUIREMENTS BASED ON PASSENGER CONFIGURATION

(a) No person may operate a helicopter with a passenger seating configurations of more than 19, unless that helicopter is operated in accordance with the requirements for performance Class 1.

(b) No person may operate a helicopter with a passenger seating configuration of 19 or less but more than 9, unless that helicopter is operated in accordance with the requirements of performance Class 1 or 2.

(c) No person may operate a helicopter with a passenger seating configuration of 9 or less unless that helicopter is operated in accordance with the requirements of performance Class 1, 2 or 3

Note: Refer to Section 10.513 for the more restrictive requirements regarding operations of operating any Performance Class 2 or 3 helicopter i within a congested hostile environment.

(d) The Authority may issue a waiver to one or more of these requirements based on a risk assessment that considers the extenuating factors that provide an equivalent level of safety including—

(1) The type of operation and the circumstances of the flight;
(2) The area/terrain over which the flight is being conducted;
(3) The probability of a critical power-unit failure and the consequence of such an event;
(4) The procedures to maintain the reliability of the power-unit(s);
(5) The training and operational procedures to mitigate the consequences of the critical power-unit failure; and
(6) Installation and utilization of a usage monitoring system.

17.175 ACCOUNTABILITY FOR WIND

(a) In addition to the requirements of Subpart C and D, to determine the performance of the helicopter for take-off and landing, accountability for wind should be no more than 50 per cent of any reported steady headwind component of 5 knots or more—

(1) Where take-off and landing with a tailwind component is permitted in the flight manual, not less than 150 per cent of any reported tailwind component should be allowed.
(2) Where precise wind measuring equipment enables accurate measurement of wind velocity over the point of take-off and landing, these values may be varied.

17.180 OBSTACLE ACCOUNTABILITY AREA

(a) In addition to the requirements of Section17.090, for the purpose of the obstacle clearance requirements, an obstacle should be considered if its lateral distance from the nearest point on the surface below the intended flight path is not further than—

(1) For VFR operations: Half of the minimum width of the FATO (or the equivalent term used in the helicopter flight manual) defined in the helicopter flight manual (or when no width is defined, 0.75 D), plus 0.25 times D (or 3 m, whichever is greater), plus—
  (i) 0.10 DR for VFR day operations
  (ii) 0.15 DR for VFR night operations
(2) For IFR operations: 1.5 D (or 30 m, whichever is greater), plus:
  (i) 0.10 DR for IFR operations with accurate course guidance
  (ii) 0.15 DR for IFR operations with standard course guidance
  (iii) 0.30 DR for IFR operations without course guidance

(b) For operations with initial take-off conducted visually and converted to IFR/IMC at a transition point—

(1) The criteria required in paragraph (a)(1) applies up to the transition point; then
(2) The criteria required in paragraph (a)(2) applies after the transition point.

(c) For a take-off using a backup take-off procedure (or with lateral transition), for the purpose of the obstacle clearance requirements in paragraph (d)(4) below, an obstacle located below the backup flight path (lateral flight path) should be considered if its lateral distance from the nearest point on the surface below the intended flight path is not further than half of the minimum width of the FATO (or the equivalent term used in the helicopter flight manual) defined in the helicopter flight manual (when no width is defined, 0.75 D plus 0.25 times D, or 3 m, whichever is greater) plus—

(i) 0.10 distance travelled from the back edge of the FATO for VFR day operations;

(ii) 0.15 distance travelled from the back edge of the FATO for VFR night operations.

(d) Obstacles may be disregarded if they are situated beyond—

(1) 7 R for day operations if it is assured that navigational accuracy can be achieved by reference to suitable visual cues during the climb;

(2) 10 R for night operations if it is assured that navigational accuracy can be achieved by reference to suitable visual cues during the climb;

(3) 300 m if navigational accuracy can be achieved by appropriate navigation aids; and

(4) 900 m in the other cases.

Note.— Standard course guidance includes ADF and VOR guidance. Accurate course guidance includes ILS, MLS, or other course guidance providing an equivalent navigational accuracy.

(e) The transition point should not be located before the end of TODRH for helicopters operating in performance Class 1 and before the DPATO for helicopters operating in performance Class 2.

(f) When considering the missed approach flight path, the divergence of the obstacle accountability area should only apply after the end of the take-off distance available.

17.185 FATO Operating Area Considerations

(a) For operations in performance Class 1, the dimensions of the FATO should be at least equal to the dimensions specified in the helicopter flight manual.

(b) A FATO that is smaller than the dimensions specified in the helicopter flight manual may be accepted if the helicopter is capable of a hover out of ground effect with one engine inoperative (HOGE OEI).

Subdivision II: Operations in Performance Class 1

17.190 Definitions

(a) The following definition are applicable only to operations in Performance Class 1—

(1) ***Landing distance required (LDRH).*** The horizontal distance required to land and come to a full stop from a point 15 m (50 ft) above the landing surface.

(2) ***Rejected take-off distance required (RTODR).*** The horizontal distance required from the start of the take-off to the point where the helicopter comes to a full stop following a power-unit failure and rejection of the take-off at the take-off decision point.

(3) ***Take-off distance required (TODRH).*** The horizontal distance required from the start of the take-off to the point at which V_{TOSS}, a selected height and a positive climb gradient are achieved, following failure of the critical power-unit being recognized at TDP, the remaining power-units operating within approved operating limits. The selected height shall be determined with reference to either—

(i) The take-off surface; or

(ii) A level defined by the highest obstacle in the take-off distance required.

17.195 Takeoff & Initial Climb Phase: Performance Class 1

(a) The helicopter shall be able, in the event of the failure of the critical power-unit being recognized at or before the take-off decision point to—

(1) Discontinue the take-off and stop within the rejected take-off area available; or
(2) In the event of the failure of the critical power-unit being recognized at or after the take-off decision point, to continue the take-off, clearing all obstacles along the flight path by an adequate margin until the helicopter is in a position to comply with Section 17.215.

(b) To meet the requirement of paragraph (a)(1), the computed take-off mass shall indicate that the rejected take-off distance required will not exceed the rejected take-off distance available.

(c) To meet the requirement of paragraph (a)(2), the computed take-off mass shall indicate that the take-off distance required will not exceed the take-off distance available.

(d) The computed take-off mass shall indicate that the helicopter will not exceed the maximum take-off mass specified in the flight manual for the procedure to be used and to achieve a rate of climb of 100 ft/min at 60 m (200 ft) and 150 ft/min at 300 m (1 000 ft) above the level of the heliport with the critical engine inoperative and the remaining power-units operating at an appropriate power rating.

Refer to Appendix 1 to 17.195 for a graphic presentation of the requirement of this Section.

(e) As an alternative, the requirement above may be disregarded provided that the helicopter with the critical power-unit failure recognized at TDP can, when continuing the take-off, clear all obstacles from the end of the take-off distance available to the end of the take-off distance required by a vertical margin of not less than 10.7 m (35 ft)

Refer to Appendix 2 to 17.195 for a graphic presentation of the alternative requirement of this Section.

(f) For elevated heliports, the appropriate clearance from the elevated heliport edge shall be considered in the performance computation.

Refer to Appendix 3 to 17.195 for a graphic presentation of the requirement of this Section.

17.200 TAKEOFF FLIGHT PATH: PERFORMANCE CLASS 1

(a) From the end of the take-off distance required with the critical power-unit inoperative. the computed take-off mass shall indicate that the climb path provides a vertical clearance above all obstacles located in the climb path of not less than—
(1) 10.7 m (35 ft) for VFR operations; and
(2) 10.7 m (35 ft) plus 0.01 DR for IFR operations.

(b) Only obstacles as specified in 17.215 should be considered.

(c) Where a change of direction of more than 15 degrees is made, obstacle clearance requirements should be increased by 5 m (15 ft) from the point at which the turn is initiated.

(d) The turn in paragraph (c) should not be initiated before reaching a height of 60 m (200 ft) above the take-off surface, unless permitted as part of an approved procedure in the flight manual.

17.205 EN-ROUTE PHASE: PERFORMANCE CLASS 1: PERFORMANCE CLASS 1

(a) The helicopter shall be able, in the event of the failure of the critical power-unit at any point in the en-route phase—
(1) To continue the flight to a site at which the performance requirements for Section 17.215 can be met;
(2) Without flying below the appropriate minimum flight altitude at any point.

(b) The computed take-off mass shall indicate that it is possible, in case of the critical power-unit failure occurring at any point of the flight path, to continue the flight to an appropriate landing site and achieve the minimum flight altitudes for the route to be flown.

17.210 EN-ROUTE PHASE: TWO ENGINES INOPERATIVE: PERFORMANCE CLASS 1

(a) No person shall takeoff a Class 1 helicopter having three or more engines unless that helicopter can, in the event of two critical engines failing simultaneously at any point in the en route phase, continue the flight to a suitable landing site.

17.215 APPROACH & LANDING PHASE: PERFORMANCE CLASS 1

(a) In the event of the failure of the critical power-unit being recognized at any point during the approach and landing phase, before the landing decision point, the helicopter shall be able—
  (1) At the destination and at any alternate;
  (2) After clearing all obstacles in the approach path;
  (3) Land and stop within the landing distance available; or
  (4) To perform a balked landing and clear all obstacles in the flight path by an adequate margin equivalent to that specified in Section 17.195.

(b) In case of the failure occurring after the landing decision point, the helicopter shall be able to land and stop within the landing distance available.

(c) No person may takeoff a helicopter unless the computed landing mass at the destination or alternate indicates that—
  (1) The helicopter will not exceed the maximum landing mass specified in the flight manual for the procedure to be used and to achieve a rate of climb of 100 ft/min at 60 m (200 ft) and 150 ft/min at 300 m (1 000 ft) above the level of the heliport with the critical engine inoperative and the remaining power-units operating at an appropriate power rating;
  (2) The landing distance required does not exceed the landing distance available unless the helicopter, with the critical power-unit failure recognized at LDP can, when landing, clear all obstacles in the approach path;
  (3) Iin case of the critical power-unit failure occurring at any point after the LDP, it will be possible to land and stop within the FATO; and
  (4) In the event of the critical power-unit failure being recognized at the LDP or at any point before the LDP, it will be possible either to land and stop within the FATO or to overshoot, meeting the conditions of 17.195.

Refer to Appendices 1 and 2 to 17.215 for graphic presentation of these requirements for landings at both surface and elevated heliports.

Subdivision III: Operations in Performance Class 2

17.220 TAKEOFF & CLIMB PHASE: PERFORMANCE CLASS 2

(a) The helicopter shall be able, in the event of the failure of the critical power-unit at any time after reaching DPATO, to continue the take-off, clearing all obstacles along the flight path by an adequate margin until the helicopter is in a position to comply with Section 17.225.

(b) Before the DPATO, failure of the critical power-unit may cause the helicopter to force-land; therefore the helicopter operations shall be conducted in a manner that gives appropriate consideration for achieving a safe forced landing.

(c) The computed mass of the helicopter at take-off shall not exceed the maximum take-off mass specified in the flight manual for the procedures to be used and to achieve a rate of climb of 150 ft/min at 300 m (1 000 ft) above the level of the heliport with the critical power-unit inoperative and the remaining power-units operating at an appropriate power rating.

Refer to Appendices 1 and 2 to 17.220 for a graphic presentation of the requirements of this Section.

(d) From DPATO or, as an alternative, no later than 60 m (200 ft) above the take-off surface with the critical power-unit inoperative—

(1) Where a change of direction of more than 15 degrees is made, obstacle clearance requirements should be increased by 5 m (15 ft) from the point at which the turn is initiated.

(2) The turn in paragraph (d)(1) should not be initiated before reaching a height of 60 m (200 ft) above the take-off surface, unless permitted as part of an approved procedure in the flight manual.

17.225 EN-ROUTE PHASE: PERFORMANCE CLASS 2

(a) The helicopter shall be able, in the event of the failure of the critical power-unit at any point in the en-route phase—

(1) To continue the flight to a site at which the performance requirements for Section 17.235 can be met;

(2) Without flying below the appropriate minimum flight altitude at any point.

17.230 EN-ROUTE PHASE: TWO ENGINES INOPERATIVE: PERFORMANCE CLASS 2

(a) No person shall takeoff a Class 2 helicopter having three or more engines unless that helicopter can, in the event of two critical engines failing simultaneously at any point in the en route phase, continue the flight to a suitable landing site.

17.235 APPROACH & LANDING PHASE: PERFORMANCE CLASS 2

(a) In the event of the failure of the critical power-unit before the DPBL, the computations of mass shall indicate that the helicopter should be able—

(1) At the destination and at any alternate;

(2) After clearing all obstacles in the approach path;

(3) Either to land and stop within the landing distance available; or

(4) To perform a balked landing and clear all obstacles in the flight path by an adequate margin equivalent to that specified in Section 17.220.

Refer to Appendix 1 and 2 to 17.235 for graphic presentations of the requirements of this Section.

(b) After the DPBL, failure of a power-unit may cause the helicopter to force-land; therefore the helicopter operations shall be conducted in a manner that gives appropriate consideration for achieving a safe forced landing.

Subdivision IV: Operations in Performance Class 3

17.240 GENERAL RESTRICTION: PERFORMANCE CLASS 3

(a) Unless otherwise authorized by the Authority, all operations of helicopters in Performance Class 3 shall be conducted in a non-hostile environment.

(b) Unless the Authority grants specific approval, no person may operate a helicopter in Performance Class 3 operations in commercial air transport—

(1) Out of the sight of the surface; or

(2) At night; or

(3) When the cloud ceiling is less than 180 m (600 ft); or

(4) When the takeoff and en-route visibility is less than 800m; or

(5) In instrument meteorological conditions.

17.245 TAKEOFF & CLIMB PHASE: OPERATIONS IN PERFORMANCE CLASS 3

(a) At any point of the takeoff and climb flight path, failure of a power-unit will cause the helicopter to force-land; therefore the helicopter operations shall be conducted in a manner that gives appropriate

consideration for achieving a safe forced landing.

(b) Except as provided in paragraph (c), the computed mass of the helicopter at take-off shall not exceed the maximum take-off mass specified in the flight manual for a hover in ground effect with all power-units operating at take-off power.

(c) If conditions are such that a hover in ground effect is not likely to be established, the take-off mass shall not exceed the computed maximum mass specified for a hover out of ground effect with all power-units operating at take-off power

(d) The computed take-off mass shall indicate that the climb path provides adequate vertical clearance above all obstacles located along the climb path, all engines operating.

17.250 EN-ROUTE PHASE: OPERATIONS IN PERFORMANCE CLASS 3

(a) The helicopter shall be able, with all power-units operating, to continue along its intended route or planned diversions without flying at any point below the appropriate minimum flight altitude.

(b) At any point of the en-route flight path, failure of a power-unit will cause the helicopter to force-land; therefore the helicopter operations shall be conducted in a manner that gives appropriate consideration for achieving a safe forced landing.

(c) The computed take-off mass shall indicate that it is possible to achieve the minimum flight altitudes for the route to be flown, all engines operating.

17.255 APPROACH & LANDING PHASE: OPERATIONS IN PERFORMANCE CLASS 3

(a) At any point of the approach and landing flight path, failure of a power-unit will cause the helicopter to force-land; therefore the helicopter operations shall be conducted in a manner that gives appropriate consideration for achieving a safe forced landing.

(b) The computed landing mass at the destination or alternate shall be such that—

(1) It does not exceed the maximum landing mass specified in the flight manual for a hover in ground effect with all power-units operating at take-off power;

(2) If conditions are such that a hover in ground effect is not likely to be established, the take-off mass should not exceed the maximum mass specified for a hover out of ground effect with all power-units operating at take-off power;

(3) It is possible to perform a balked landing, all engines operating, at any point of the flight path and clear all obstacles by an adequate vertical interval.

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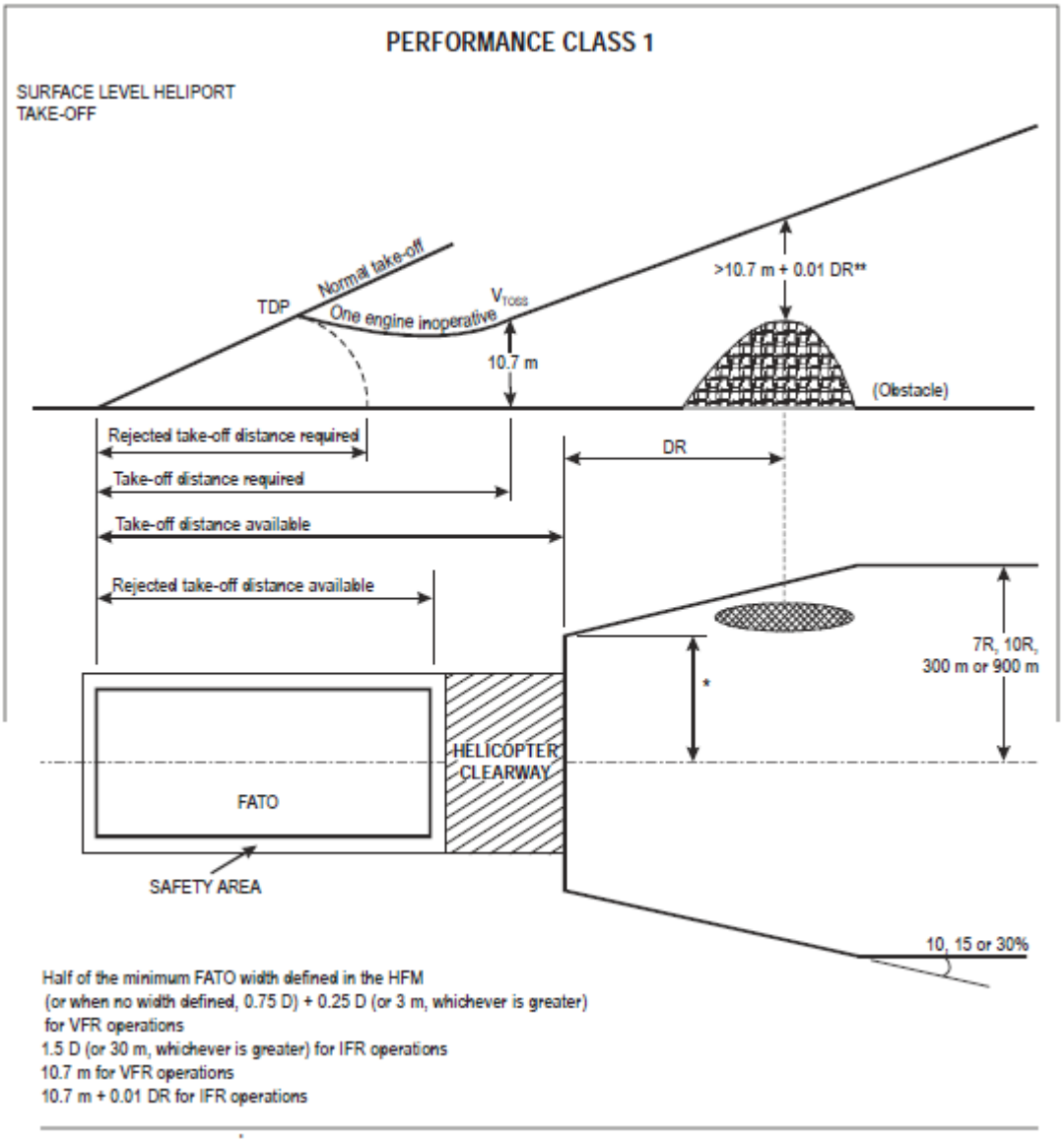
APPENDICES

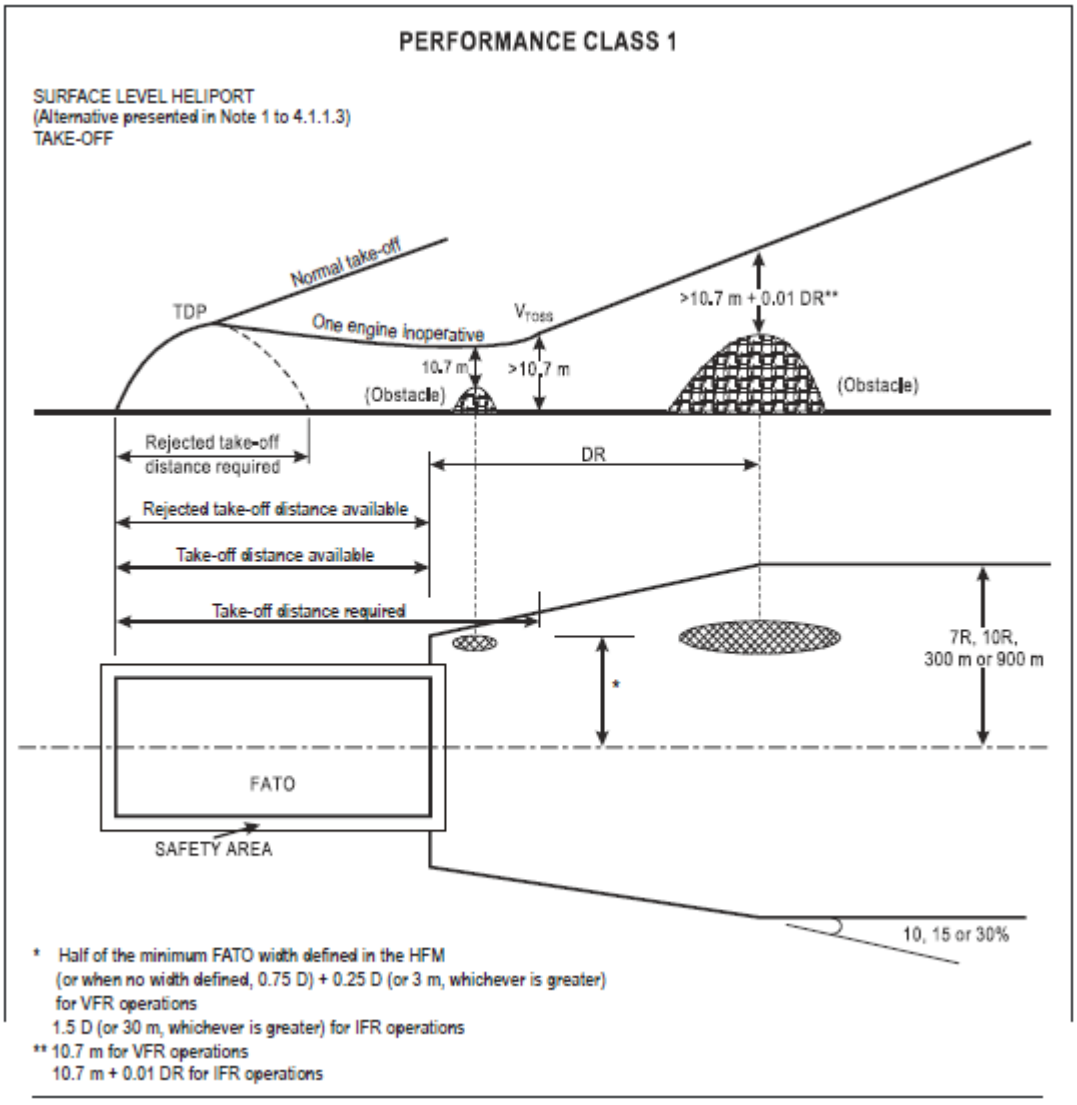
APPENDIX 1 TO 17.195: SURFACE LEVEL TAKEOFF: PERFORMANCE CLASS 1

This graphic provides a visual diagram of the requirements of Section 17.195—



APPENDIX 2 TO 17.195: ALTERNATIVE SURFACE TAKEOFF: PERFORMANCE CLASS 1

This graphic provides a visual diagram of the alternative requirements of this Section 17.195—



APPENDIX 3 TO 17.195: ELEVATED TAKEOFF

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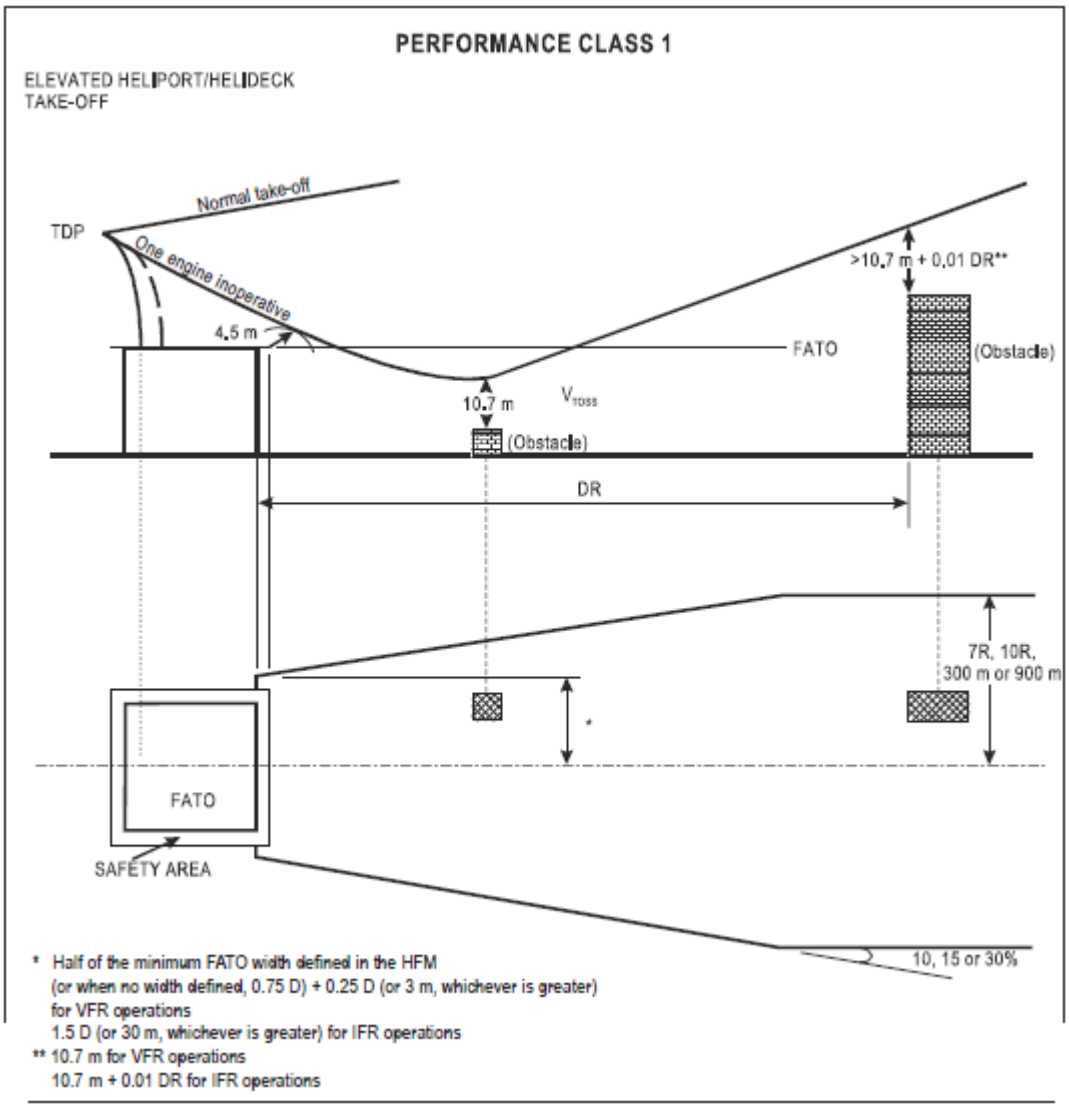
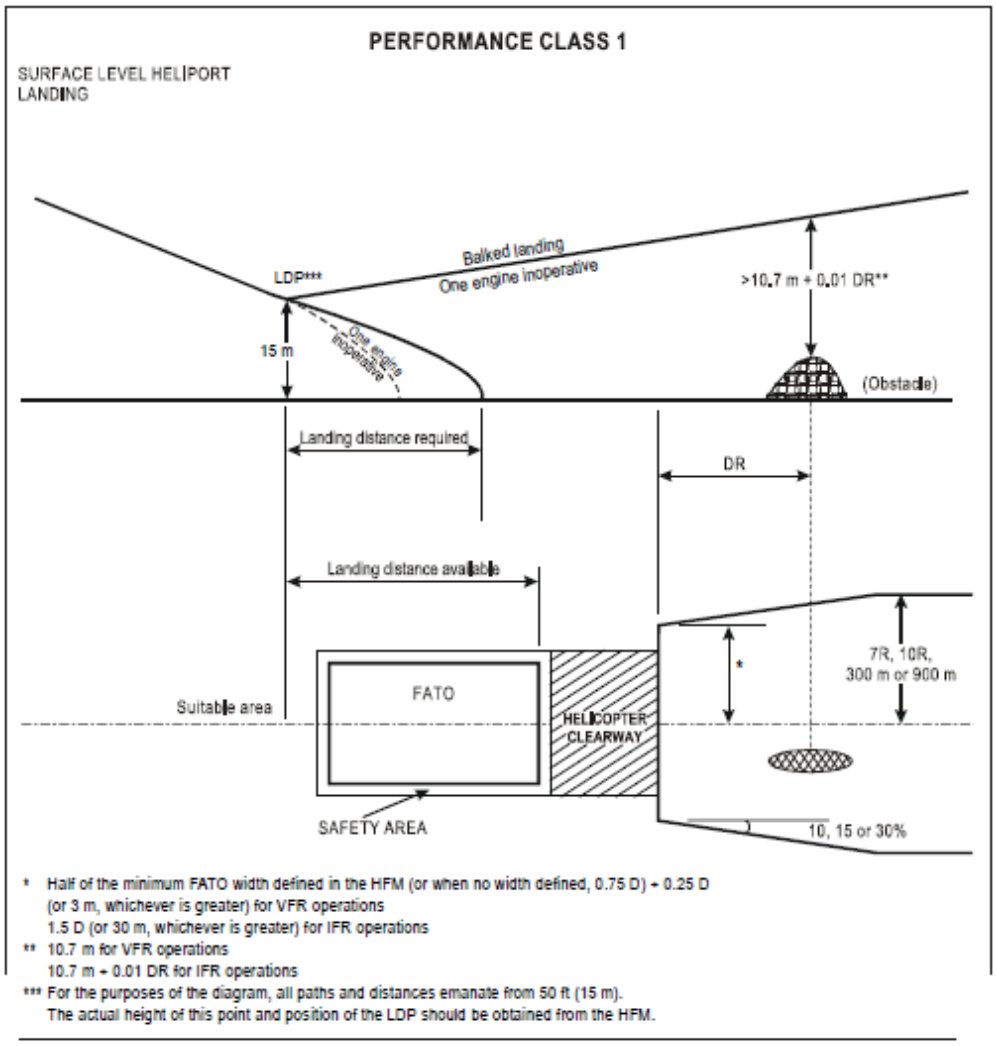


APPENDIX 1 TO 17.215: SURFACE LEVEL LANDING: PERFORMANCE CLASS 1

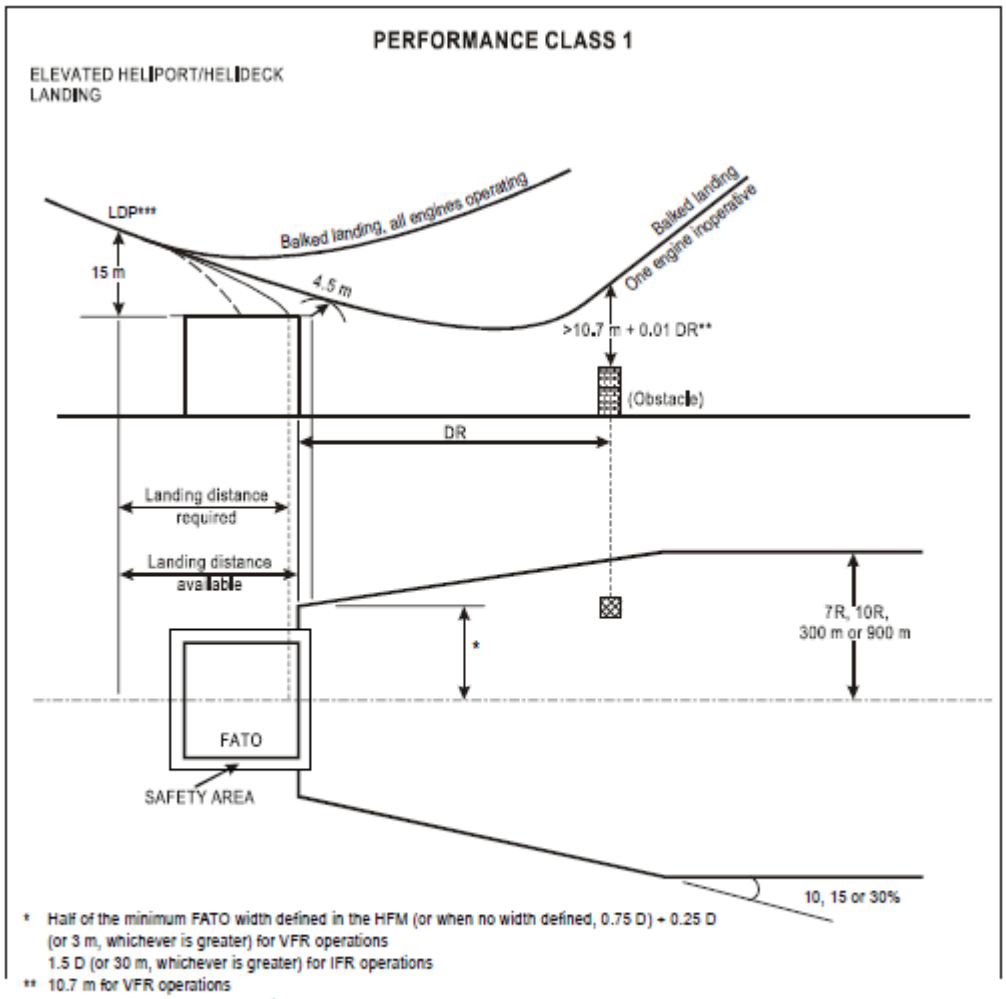
This graphic provides a visual diagram of the requirements of this Section 17.215—



* Half of the minimum FATO width defined in the HFM (or when no width defined, 0.75 D) + 0.25 D (or 3 m, whichever is greater) for VFR operations
1.5 D (or 30 m, whichever is greater) for IFR operations
** 10.7 m for VFR operations
10.7 m + 0.01 DR for IFR operations
*** For the purposes of the diagram, all paths and distances emanate from 50 ft (15 m).
The actual height of this point and position of the LDP should be obtained from the HFM.

APPENDIX 2 TO 17.215: ELEVATED LANDING: PERFORMANCE CLASS 1

This graphic provides a visual diagram of the requirements of this Section 17.215—



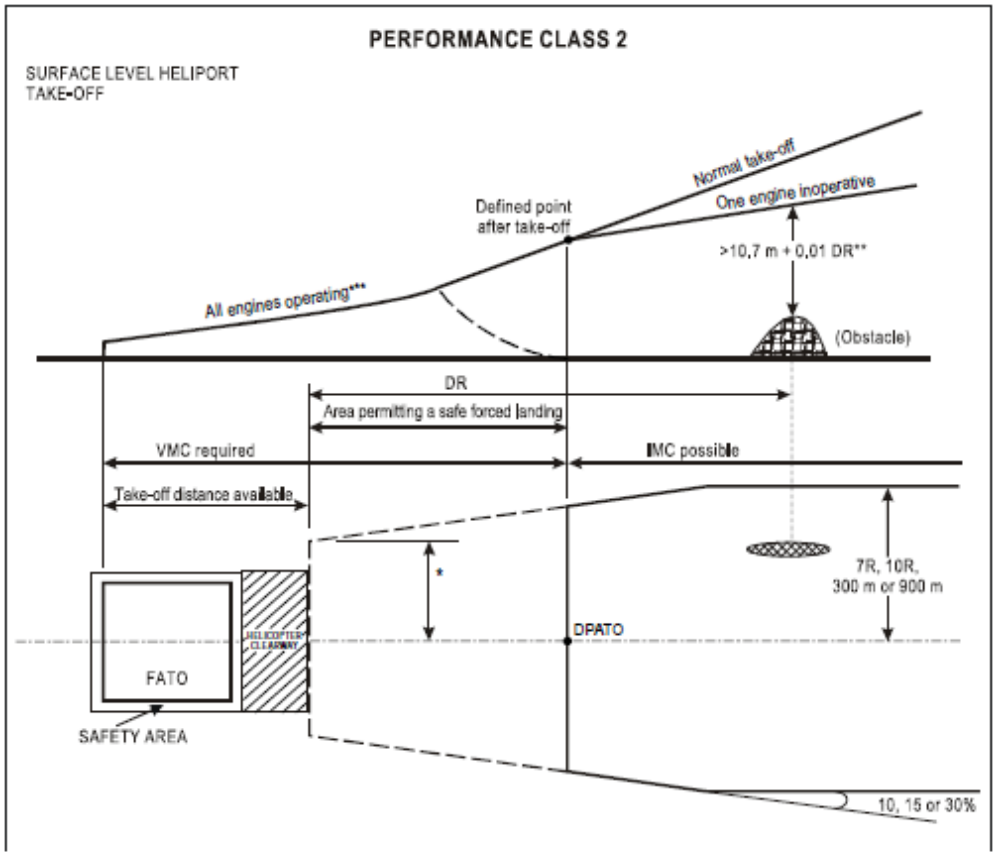
* Half of the minimum FATO width defined in the HFM (or when no width defined, 0.75 D) + 0.25 D (or 3 m, whichever is greater) for VFR operations
1.5 D (or 30 m, whichever is greater) for IFR operations

** 10.7 m for VFR operations
10.7 m + 0.01 DR for IFR operations

*** For the purposes of the diagram, all paths and distances emanate from 50 ft (15 m).
The actual height of this point and position of the LDP should be obtained from the HFM.

APPENDIX 1 TO 17.220: SURFACE LEVEL TAKEOFF: PERFORMANCE CLASS 2

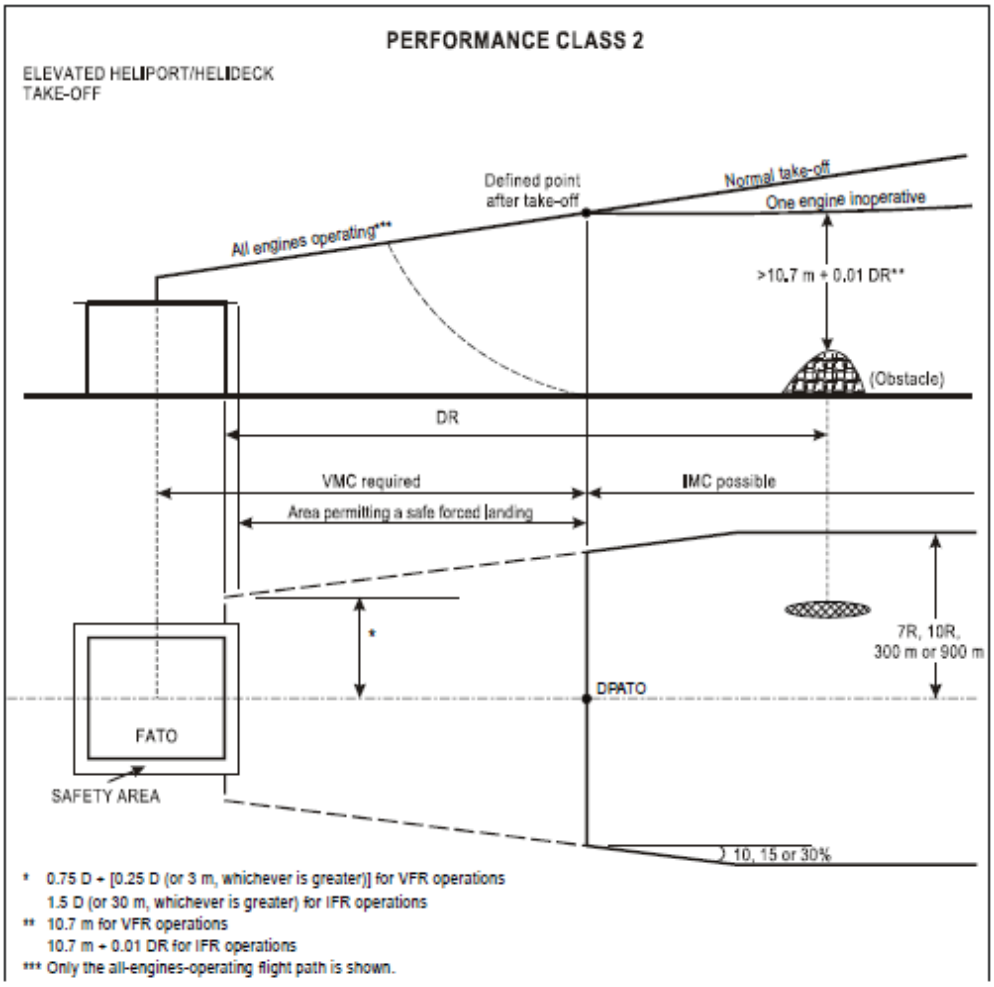
This graphic provides a visual diagram of the requirements of Section 17.220—



* 0.75 D + [0.25 D (or 3 m, whichever is greater)] for VFR operations
1.5 D (or 30 m, whichever is greater) for IFR operations
** 10.7 m for VFR operations
10.7 m + 0.01 DR for IFR operations
*** Only the all-engines-operating flight path is shown.

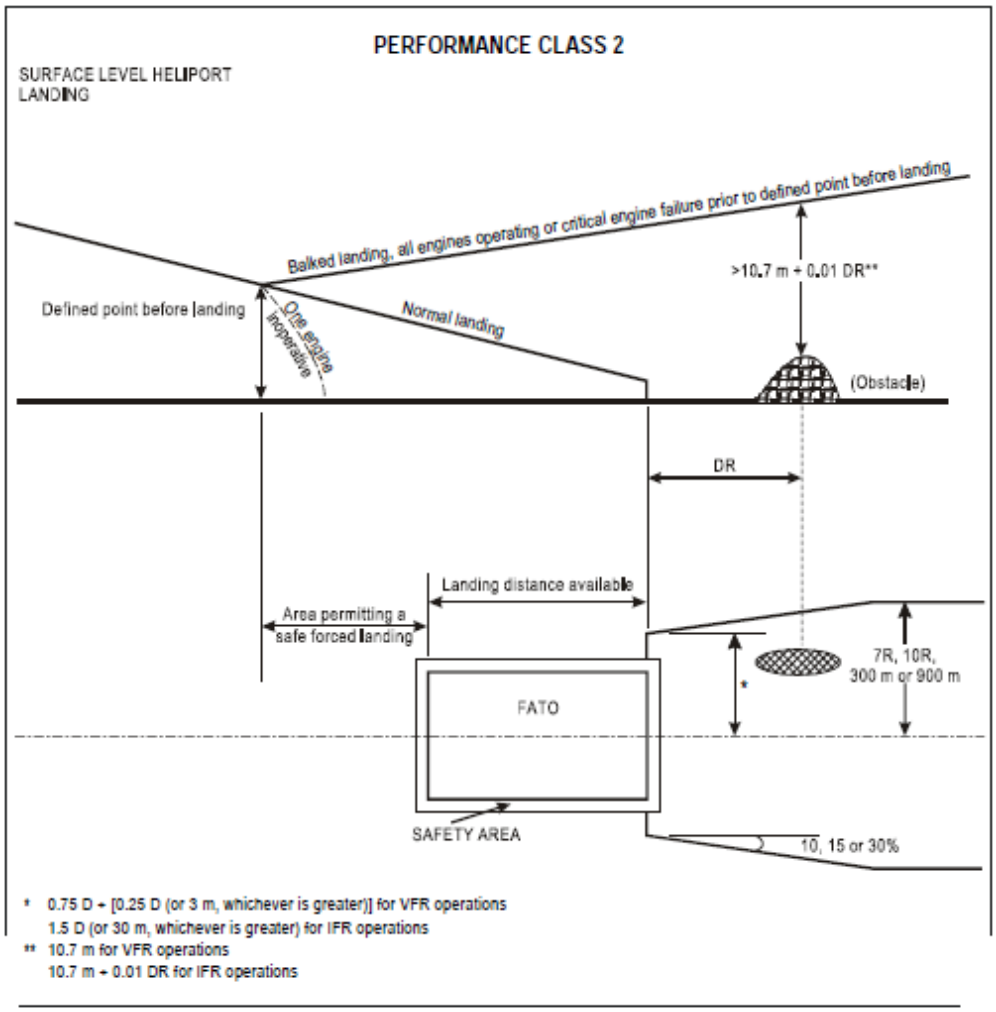
APPENDIX 2 TO 17.220: ELEVATED TAKEOFF: PERFORMANCE CLASS 2

This graphic provides a visual diagram of the requirements of Section 17.220 —



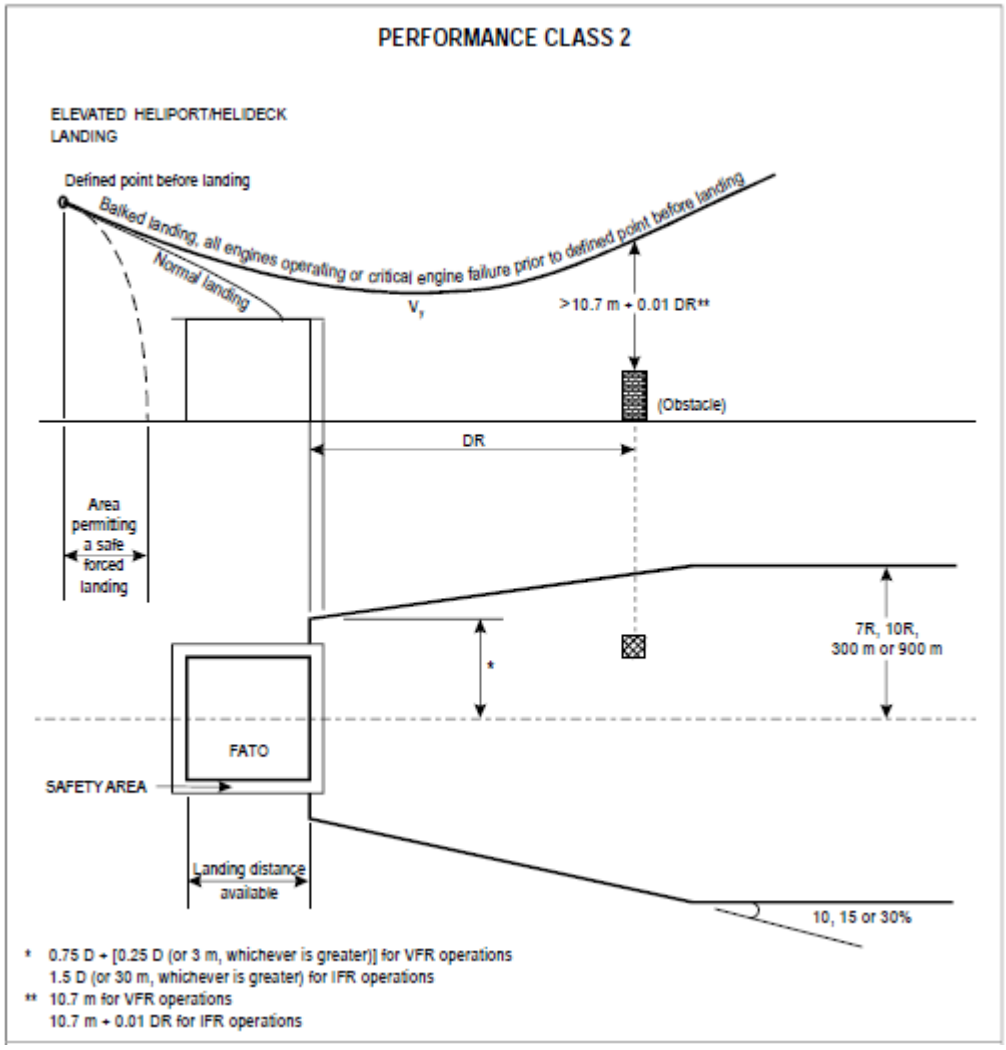
APPENDIX 1 TO 17.235: SURFACE LEVEL LANDING: PERFORMANCE CLASS 2

This graphic provides a visual diagram of the requirements of Section 17.235—



APPENDIX 2 TO 17.235: ELEVATED LANDING: PERFORMANCE CLASS 2

This graphic provides a visual diagram of the requirements of Section 17.235—



End of RCAR Part 17

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA 18 W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX 18 TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE 18 D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 18

Transportation of Dangerous Goods by Air

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SUBPART A: GENERAL

18.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as Civil Aviation (Safe Transport of Dangerous Goods by Air) Regulations,

(b) The requirements of this Part shall apply to the carriage of dangerous goods by air as specified in—

(1) The International Civil Aviation Organization Document, *Technical Instructions for the Safe Transport of Dangerous Goods by Air.* and all applicable amendments; and

(2) As amplified by, the *Dangerous Goods Regulations* of the International Air Transport Association.

(c) This Part is applicable to operators of aircraft in—

(1) Aerial work;

(2) Commercial air transport; and

(3) General aviation.

(d) This Part is applicable to pilots and other persons performing duties required by these regulations.

(e) Any instructions or limitations contained in the *Technical Instructions* for the carriage of dangerous goods on passenger or cargo aircraft, as therein defined shall for the purpose of this Part be interpreted as applying also to the carriage of such goods beneath passenger or cargo aircraft.

(f) Civil Aviation Technical Standards published by the Authority shall also be applicable to the safe transport of dangerous goods by air.

18.005 DEFINITIONS

(a) All definitions applicable to this Part are contained in Part 1 (Appendix 1 to 1.015) of these regulations.

18.010 ACRONYMS & ABBREVIATIONS

(a) As used in this Part, the acronyms and abbreviations as follows—

IATA – International Air Transport Association

IATA-DGR – IATA Dangerous Goods Regulations

ICAO – International Civil Aviation Organisation

UN – United Nations

18.015 GENERAL PROHIBITIONS

(a) No person may carry on any aircraft articles and substances that are specifically identified by name or by generic description in the *Technical Instructions* as being forbidden for transport by air under any circumstances.

(b) No person may carry infected live animals on any aircraft

(c) No person may carry on any aircraft articles or substances classified as dangerous goods except as established in this Part and the detailed specifications and procedures provided in—

(1) The *Technical Instructions*; and

(2) As amplified by, the IATA-DGR.

(d) With respect to any goods which a person knows or ought to know or suspect to be dangerous goods, that person shall not, without determining and complying with the restrictions regarding carriage by air—

(1) Take or cause it to be taken on board;

(2) Suspend or cause it to be suspended beneath, or

(3) Deliver or cause it to be delivered for load or suspend beneath an aircraft.

18.020 APPROVAL REQUIRED

(a) Where specifically provided for in the Technical Instructions, the Authority may grant an approval provided that in such instances an overall level of safety in transport which is equivalent to the level of safety provided for in the Technical Instructions is achieved.

(b) No person may operate an aircraft with any dangerous goods therein or suspended thereunder, unless such goods are carried, loaded or suspended—

(1) With the written authorisation of the Authority and in accordance with any conditions to which such approvals may be subject, and

(2) In accordance with the Technical Instructions and any conditions specified therein.

(c) For the purpose of approvals, "States concerned" are the States of Origin and the Operator, unless otherwise specified in the *Technical Instructions*.

18.025 INITIAL CERTIFICATION & APPROVAL

(d) No operator, shipper or other organisation may perform functions involving the safe transportation of dangerous goods by air unless they have demonstrated the capability to perform that function to the satisfaction of the Authority and have been issued the required approval(s) authorizing those functions.

(e) Each operator, shipper or other organisation shall demonstrate full compliance with the applicable requirements of this Part prior to certification and approval to perform functions involving the transportation of dangerous goods by air.

18.030 SURVEILLANCE

(f) Each person, operator, shipper or other organisation performing functions involving the safe transportation of dangerous goods by air is subject to the on-going safety oversight inspection program of the Authority during the performance of those functions.

(g) As provided in Part 1 of these regulations, each person, operator, shipper or other organisation performing functions involving the safe transportation of dangerous goods by air shall grant the Authority free and uninterrupted access to the facilities, aircraft and other areas where these functions are being performed for the purpose of:

(1) Inspecting dangerous goods consignments prepared, offered, accepted or transported by these entities;

(2) Inspecting the procedures and practices of these entities;

(3) Inspecting the required records that must be maintained;

(4) Investigating incidents and alleged violations; and

(5) Other safety oversight functions relating to transportation of dangerous goods.

18.035 FULL COMPLIANCE REQUIRED

(h) Each person, operator, shipper or other organisation performing functions involving the safe transportation of dangerous good by air shall be in full compliance with the applicable requirements of this Part and the ICAO *Technical Instructions* during the performance of those functions.

(i) Each person, operator, shipper or other organisation performing functions involving the safe transportation of dangerous goods by air is subject to the administrative and enforcement penalties specified in Part 1 of these regulations for failure to comply with the regulations of this Part and the ICAO *Technical Instructions*.

(j) Each Rwanda person, operator, shipper or other organisation having been identified as failing to comply with the ICAO *Technical Instructions* or applicable portions of ICAO Annex 18 by the civil aviation authorities of another State shall be subject to administrative and enforcement penalties of Rwanda regardless of the action taken by the other State.

SUBPART B: EXCEPTIONS & EXEMPTIONS

18.040 APPLICABILITY

(a) This Subpart provides the basis for exceptions and exemptions to the requirements of the—
  (1) ICAO *Technical Instructions*; and
  (2) IATA *Dangerous Goods Regulations*.

18.045 GENERAL EXCEPTIONS

(a) These requirements shall not apply to dangerous goods of the classifications specified in Part I of the *Technical Instructions* provided that—
  (1) The dangerous goods do not exceed the appropriate quantity limitations specified therein; and
  (2) Such other conditions as are specified therein are complied with.

18.050 PASSENGER OR CREW MEMBER PERSONAL ITEMS

(a) Specific articles and substances carried by passengers or crew members shall be excepted from the provisions of this Part to the extent specified in the *Technical Instructions*.

18.055 REQUIRED FOR AIRCRAFT OPERATIONS

(a) Articles and substances which would otherwise be classed as dangerous goods shall be excepted from the provisions of this Part if they are required to be aboard the aircraft—
  (1) In accordance with the pertinent airworthiness requirements and operating regulations; or
  (2) For those specialized purposes identified in the *Technical Instructions*.

(b) Additional articles and substances which would otherwise be classed as dangerous goods are excluded from the provisions of this Part to the extent specified in the *Technical Instructions*, provided they are—
  (1) Carried as catering or cabin service supplies;
  (2) Carried for use in flight as veterinary aid or as a humane killer for an animal; or
  (3) Carried for use in flight for medical aid for a patient, provided that—
    (i) Gas cylinders have been manufactured specifically for the purpose of containing and transporting that particular gas;
    (ii) Drugs, medicines and other medical matter are under the control of trained personnel during the time when they are in use in the aircraft;
    (iii) Equipment containing wet cell batteries is kept and, when necessary secured, in an upright position to prevent spillage of the electrolyte; and
    (iv) Proper provision is made to stow and secure all the equipment during take-off and landing and at all other times when deemed necessary by the PIC in the interests of safety; or

(c) Where articles and substances intended as replacements for those described in paragraphs (a) and (b) of this Section or which have been removed or the replacement are carried on an aircraft, they shall be transported in accordance with the provisions of this Part and as permitted in the *Technical Instructions*.

18.060 DANGEROUS GOODS FORBIDDEN FOR TRANSPORT BY AIR UNLESS EXEMPTED

(a) No person may offer for transport on an aircraft or carry on an aircraft the dangerous goods listed in paragraphs (a) and (b) of Section 18.015 unless—
  (1) Exempted by the States concerned under the provisions of Section 18.050 of this Part, or
  (2) The provisions of the *Technical Instructions* indicate they may be transported under an approval issued by the State of Origin

18.065 EXEMPTIONS

(a) In cases of extreme urgency or when other forms of transport are inappropriate or full compliance with the prescribed requirements is contrary to the public interest, the Authority and other States concerned may grant exemptions from the provisions of Annex 18 provided that in such cases every effort shall be made to achieve an overall level of safety in transport which is equivalent to the level of safety provided by the requirements of this Part and Annex 18.

(b) For the purpose of exemptions, "States concerned" shall be the States of Origin, Operator, Transit, Overflight and Destination.

(c) Where Rwanda is the State of Overflight, if none of the criteria for granting an exemption are relevant, an exemption with specific routing and other restrictions may be granted by the Authority based solely on whether it is believed that an equivalent level of safety in air transport has been achieved.

18.070 SURFACE TRANSPORT EXEMPTION

(a) Dangerous goods that are correctly classified, packaged and labelled for transportation by air may be transported from the shipper to the aerodrome under the applicability of this Part provided the:
   (1) Transporting vehicle has the proper external notification signage prominently displayed;
   (2) Transporting person is aware of and trained on the hazards associated with the articles and has the necessary capability to mitigate those hazards in event of an accident during transport; and
   (3) Quantify of articles and goods with each vehicle does not constitute a public hazard or the proposed route and method has been coordinated with the authorities responsible for the surface routes.

SUBPART C: RESPONSIBILITIES

18.075 APPLICABILITY

(a) This Subpart consolidates the primary organisation and individual responsibilities that are applicable to the preparation and transport of dangerous goods by air.

18.080 SHIPPER'S RESPONSIBILITIES

Shipper Personnel Conformance

(a) The shipper shall ensure that its personnel conform to the requirements of this Part and the *Technical Instructions* in the performance of their duties and responsibilities.

Employee Training Records Updated

(b) The shipper shall ensure that each employee completes all dangerous goods training requirements and their training records are updated prior to their performance of tasks associated with transport of dangerous goods by air.

Documents & Supplies

(c) To ensure proper completion of their assigned tasks, the shipper shall provide employees with all necessary:
   (1) Shipping instructions and guidance;
   (2) Reference documents;
   (3) Shipping documents; and
   (4) Packaging, labelling, and marking supplies.

Before Consignment

(d) Before consigning any package or overpack containing dangerous goods for transport by air, the shipper shall ensure that:

(1) The goods are not of a category whose carriage by air is prohibited by the provisions of the *Technical Instructions*;
(2) The goods are classified and packed and the packaging used are in accordance with such provisions of the *Technical Instructions* as apply to the goods;
(3) The package is marked and labelled in accordance with such provisions of as related to marking and labelling and in accordance with the *Technical Instructions*;
(4) The package is in a fit condition for carriage by air; and
(5) The dangerous goods transport document has been completed and that the declaration therein has been made.

Training Program

(e) The shipper shall establish, implement and update dangerous goods training programs for its personnel as prescribed by the *Technical Instructions* and the Authority.

Required Reports

(f) The shipper shall report to the Authority, in the prescribed form and manner and in accordance with the *Technical Instructions*, the following occurrences relating to dangerous goods intended for transport by air:
(1) Undeclared dangerous goods;
(2) Mis-declared dangerous goods;
(3) Mistakes of classification, labelling, packaging or storage;
(4) Damage or leakage which caused contamination; and
(5) Actions taken to rectify the occurrences.

Security

(g) The shipper shall comply with dangerous goods security measures to minimize theft or misuse of dangerous goods that may endanger persons, property or the environment and ensure that its employees comply with those measures.

18.085 OPERATOR'S RESPONSIBILITIES

Authority Approval Required

(a) No operator may transport dangerous goods subject to the applicability of this Part unless approved to do so by the Authority.

Operator Personnel Conformance

(b) The operator shall ensure that its personnel conform to the requirements of this Part and the *Technical Instructions* in the performance of their duties and responsibilities on all occasions when dangerous goods are carried, irrespective of whether the flight is wholly or partly within or wholly outside the territory of Rwanda.

Compliance with Foreign Variations

(c) Where dangerous goods are to be transported outside the territory of Rwanda, the operator shall ensure that its personnel have reviewed and are in compliance with the appropriate variations noted by ICAO Contracting states contained in the *Technical Instructions*.

Training of Personnel Recorded

(d) The operator shall ensure that each employee completes all applicable dangerous goods training requirements and their training records are updated prior to their performance of tasks associated with transport of dangerous goods by air.

Provision of Documents & Supplies

(e) To ensure proper completion of their assigned tasks, the operator shall provide employees with all necessary:
  (1) Operator manuals;
  (2) Reference documents;
  (3) Shipping documents; and
  (4) Packaging, labelling, and marking supplies.

DG Transport Document Required

(f) An operator shall not accept dangerous goods for transport by air unless the dangerous goods are accompanied by a completed dangerous goods transport document, except where the *Technical Instructions* indicate that such a document is not required.

Inspection of Packages Required

(g) An operator shall not accept dangerous goods for transport by air until the package, overpack or freight container containing the dangerous goods has been inspected in accordance with the acceptance procedures contained in the *Technical Instructions.*

Acceptance Checklist Required

(h) An operator shall develop and ensure the use of an acceptance checklist as an aid to compliance with the requirements of this Part and the *Technical Instructions*. This checklist must specifically identify any requirement that is more restrictive than those specified in the *Technical Instructions*.

Loading, Storage, Segregating & Securing

(i) The operator shall not allow the loading, stowage and securing of dangerous goods subject to this Part and the *Technical Instructions* on the aircraft except in accordance with the dangerous goods manual acceptable to the Authority.

(j) The operator shall ensure that dangerous goods are loaded, segregated, stowed and secured on an aircraft as specified in the *Technical Instructions*.

Flight deck & Aircraft Cabin

(k) The operator shall ensure that dangerous goods are not carried in an aircraft cabin occupied by passengers or on the flight deck, unless otherwise specified in the *Technical Instructions*.

Cargo-Only

(l) The operator shall ensure that packages of dangerous goods bearing the “Cargo Aircraft Only” label are carried on a cargo aircraft and loaded as specified in the *Technical Instructions*.

Provision of Qualified Employee

(m) The operator shall provide an qualified employee to directly supervise the loading, segregation and securing of the dangerous goods.

Employee Training Programs

(n) The operator shall establish, implement and update dangerous goods training programs for its personnel as prescribed by the Technical Instructions and the Authority.

SMS & Quality Assurance

(o) The carriage of dangerous goods shall be included in the operator’s safety managements system.

(p) The operator shall have a quality assurance program acceptable to the Authority that includes audits of the conformance of the operator's and service provider's organisation and employees to the requirements applicable to the transport of dangerous goods by air.

Required Reports

(q) The operator shall report to the Authority, in the prescribed form and manner and in accordance with the *Technical Instructions*, the following occurrences relating to dangerous goods intended for transport by air:

(1) Undeclared dangerous goods;
(2) Mis-declared dangerous goods;
(3) Mistakes of classification, labelling, packaging, storage or loading;
(4) Mistakes of aircraft loading and segregation;
(5) Damage or leakage which caused contamination;
(6) Any in-flight incident related to dangerous goods; and
(7) Actions taken to rectify the occurrences.

Security Measures

(r) The operator shall comply with dangerous goods security measures to minimize theft or misuse of dangerous goods that may endanger persons, property or the environment and ensure that its employees comply with those measures.

Personnel Informed of Limitations

(s) The operator shall ensure that all personnel, including third-party personnel, involved in the acceptance, handling, loading and unloading of cargo are informed of the operator's operational approval and limitations with regard to the transport of dangerous goods.

18.090 SERVICE PROVIDER'S RESPONSIBILITIES

(a) No organisation may perform duties and responsibilities on behalf of the operators that are associated with the transport of dangerous goods by air unless they comply with the requirements of—

(1) The operator's Operation Manual;
(2) This Part;
(3) The Technical Instructions, as amplified by
(4) The IATA-DGR.

(b) No person may accomplish functions for the operator involving preparation of the dangerous goods for transport by air unless they have completed the applicable initial and continuation dangerous goods training program.

(c) The service provider shall establish, implement and update dangerous goods training programs for its personnel as prescribed by the Technical Instructions and the Authority.

(d) The service provider shall establish procedures for and report to the Authority, in the prescribed form and manner and in accordance with the *Technical Instructions*, the following occurrences relating to dangerous goods intended for transport by air:

(1) Undeclared dangerous goods;
(2) Mis-declared dangerous goods;
(3) Mistakes of classification, labelling, packaging or storage;
(4) Damage or leakage which caused contamination; and
(5) Actions taken to rectify the occurrences.

(e) The service provider shall establish dangerous goods security measures to minimize theft or misuse of dangerous goods that may endanger persons, property or the environment and ensure that its employees comply with those measures.

18.095 RESPONSIBILITIES OF PERSONS PREPARING SHIPMENT

(a) No person may prepare dangerous goods for transport by air unless they comply with the requirements of—
  (1) The shipper's guidance instructions;
  (2) This Part; and
  (3) The Technical Instructions, as amplified by
  (4) The IATA-DGR.

(b) No person may accomplish functions for the shipper involving preparation of the dangerous goods for transport by air unless they have completed the applicable initial and continuation dangerous goods training program.

18.100 RESPONSIBILITIES OF PERSONS ACCEPTING SHIPMENT

(a) No person may accept dangerous goods for transport by air unless they use and complete the operator's acceptance checklist in accordance with the procedures provided by the operator and the Technical Instructions.

(b) No person may prepare dangerous goods for transport by air unless they comply with the requirements of—
  (1) The operator's Operations Manual;
  (2) This Part; and
  (3) The Technical Instructions, as amplified by
  (4) The IATA-DGR.

(c) No person may accomplish functions for the operator involving the acceptance of dangerous goods for transport of dangerous goods by air unless they have completed the applicable initial and continuation dangerous goods training program.

18.105 RESPONSIBILITIES OF PERSON HANDLING & LOADING SHIPMENT

(a) No person may handle, load, stow, segregate or secure dangerous goods for transport by air unless they comply with the requirements of—
  (1) The operator's Operations Manual;
  (2) This Part; and
  (3) The Technical Instructions.

(b) No person may accomplish functions for the operator involving handling, loading, stowage, segregation or securing or dangerous goods for transport by air unless they have completed the applicable initial and continuation dangerous goods training program.

18.110 PILOT-IN-COMMAND RESPONSIBILITIES

(a) No person may accomplish the pilot-in-command responsibilities associated with dangerous goods for transport by air unless they comply with the requirements of—
  (1) The operator's Operations Manual;
  (2) This Part; and
  (3) The Technical Instructions.

(b) No person may accomplish functions for the operator involving the pilot-in-command responsibilities associated with the transport of dangerous goods by air unless they have completed the applicable initial and continuation dangerous goods training program.

18.115 OTHER CREW MEMBERS' RESPONSIBILITIES

(a) No person may accomplish the crew member responsibilities associated with dangerous goods for transport by air unless they comply with the requirements of—
  (1) The operator's Operations Manual;
  (2) This Part; and
  (3) The Technical Instructions.

(b) No person may accomplish functions for the operator involving their crew member responsibilities associated with the transport of dangerous goods by air unless they have completed the applicable initial and continuation dangerous goods training program.

18.120 DESIGNATED POSTAL OPERATORS RESPONSIBILITIES

(a) The designated postal operators shall adapt the Universal Postal Union procedures to control the introduction of dangerous goods into air transport through postal services.

(b) The procedures to be used by designated postal operators for controlling the introduction of dangerous goods in mail into air transport shall be approved by the Authority prior to their use.

(c) No person may accomplish functions for the designated postal operators' responsibilities associated with the transport of dangerous goods by air unless they have completed the applicable initial and continuation dangerous goods training program.

SUBPART D: PREPARATION FOR TRANSPORT BY AIR

18.125 APPLICABILITY

(a) This Subpart provides the basis for application of the requirements contained in the Technical Instructions regarding the preparation of dangerous goods for transport by air.

18.130 PREPARATION FOR TRANSPORT: GENERAL

(a) No person shall offer any package or overpack of dangerous goods for transport by air, unless that person has ensured, as specified in this Part and the Technical Instructions, that the dangerous goods are—
  (1) Not forbidden for transport by air and
  (2) Properly classified, packed, marked, and labelled; and
  (3) Accompanied by a properly executed dangerous goods transport document.

(b) Each package of dangerous goods that have been received through the postal services for transport by air shall be re-packed before acceptance by the operator.

18.135 LANGUAGES TO BE USED FOR MARKINGS & DOCUMENTATION

(a) The markings and documentation related to the transportation of dangerous goods by air shall be provided in English.

(b) The markings may, in addition to the requirement of paragraph (a) of this Section, be provided in—
  (1) The language required by the State of Origin; and/or
  (2) Any other form of expression for universal use as outlined in the Technical Instructions.

18.140 CLASSIFICATION

(a) The classification of an article or substance of dangerous goods shall be in accordance with the provisions of the Technical Instructions.

18.145 GENERAL PACKAGING REQUIREMENTS

(a) No person may package dangerous goods for transport by air unless packaging is in accordance with the provisions of IATA-DGR and as provided for in the Technical Instructions.

(b) No person may prepare dangerous goods that have been received through the postal services for transport by air.

(c) packaging shall—

(1) Meet the material and construction specifications in the Technical Instructions; and

(2) Be suitable for the contents.

(d) packaging in direct contact with dangerous goods shall be resistant to any chemical or other action of such goods.

18.150 PREVENTION OFLEAKAGE

(a) packaging used for the transport of dangerous goods by air shall be of good quality and shall be constructed and securely closed so as to prevent leakage which might be caused in normal conditions of transport, by changes in temperature, humidity or pressure, or by vibration.

(b) packaging for which retention of a liquid is a basic function, shall be capable of withstanding, without leaking, the pressure stated in the Technical Instructions

(c) Inner packaging shall be so packed, secured or cushioned as to prevent their breakage or leakage and to control their movement within the outer packaging(s) during normal conditions of air transport.

(d) The cushioning and absorbent materials shall not react dangerously with the contents of the packaging.

18.155 INSPECTION & TESTING OF PACKAGING

(a) Packaging's shall be tested in accordance with the provisions of the Technical Instructions.

18.160 RE-USE OF PACKAGING

(a) No person may re-use packaging unless it has been inspected and found free from corrosion or other damage.

(b) Where a packaging is re-used, the persons re-using the packaging shall take all necessary measures to prevent contamination of subsequent contents.

18.165 PREVENTION OFHAZARDS

(a) If, because of the nature of their former contents, uncleaned empty packaging may present a hazard, they shall be tightly closed and treated according to the hazard they constitute.

(b) No packaging shall be used if a harmful quantity of a dangerous substance is adhering to the outside of packages.

18.170 LABELS

(a) Unless otherwise provided for in the Technical Instructions, each package, overpack and freight container of dangerous goods shall be labelled with the appropriate labels and in accordance with the provisions set forth in those Instructions.

18.175 MARKINGS

(a) Unless otherwise provided for in the Technical Instructions, each package of dangerous goods shall be—

(1) Marked with the proper shipping name of its contents; and

(2) When assigned, the UN number and such other markings as may be specified in those Instructions.

18.180 SPECIFICATION MARKINGS ON PACKAGING

(a) Unless otherwise provided for in the Technical Instructions, each packaging manufactured to a specification contained in those Instructions shall be so marked in accordance with the appropriate provisions of those Instructions.

(b) No packaging shall be marked with a packaging specification marking unless it meets the appropriate packaging specification contained in the Technical Instructions.

18.185 DANGEROUS GOODS TRANSPORT DOCUMENT

(a) Unless otherwise provided for in the Technical Instructions, no person may offer dangerous goods for transport by air unless they have completed, signed and provided to the operator a dangerous goods transport document, which shall contain the information required by those Instructions.

(b) The transport document shall bear a declaration signed by the person who offers dangerous goods for transport indicating that the dangerous goods are—

(1) Fully and accurately described by their proper shipping names; and

(2) Classified, packed, marked, and labelled, and

(3) In proper condition or transport by air in accordance with the relevant regulations

(c) The dangerous goods transport document shall be completed in duplicate.

SUBPART E: ACCEPTANCE, HANDLING, LOADING & STOWAGE

18.190 APPLICABILITY

(a) This Subpart provides the basis for application of the requirements contained in the Technical Instructions regarding the acceptance, handling, loading and stowage of dangerous goods for transport by air.

18.195 ACCEPTANCE PROCEDURES

(a) The operator of the aircraft, upon acceptance of dangerous goods shall conduct an inspection of the consignment of dangerous goods intended for transportation by air.

(b) No person shall accept dangerous goods except in accordance with the—

(1) Operator's acceptance checklist,

(2) Technical Instructions; and

(3) IATA Dangerous Goods Regulations.

(c) The person conducting the inspection on behalf of the operator shall complete a checklist specifically designed for this purpose.

(d) No person may accept dangerous goods for transport by air that have been received through the postal services.

18.200 RETENTION OF DOCUMENTS

(a) The operator of an aircraft shall retain for not less than 6 months after the date of transport—

(1) A dangerous goods transport document which has been furnished to him in accordance with these requirements, and

(2) Checklist used in the acceptance of the dangerous goods consignment.

(b) The AOC holder shall retain the following information for 12 months after the date of transport—

(1) The name and address of each shipper of dangerous goods, and

(2) The name and address of the person who—

(i) Accepts each shipment of dangerous goods or directly supervises the acceptance of the dangerous goods, or

(ii) Loads and secures the dangerous goods or directly supervises the loading and securing of the dangerous goods;
(iii) The approximate date of transport,
(iv) The locations to and from which the dangerous goods are to be transported,
(v) The shipping name, the UN number, the class and the quantity of dangerous goods to be transported, and
(vi) The name of the employee who prepares the information.

(c) An AOC holder shall produce a record, notice or report required by this Section within 15 days after the day on which a written request is received from an inspector.

18.205 LOADING RESTRICTIONS IN PASSENGER CABIN OR ON FLIGHT DECK

(a) Dangerous goods shall not be carried in an aircraft cabin occupied by passengers or on the flight deck of an aircraft, except in circumstances permitted by the provisions of the Technical Instructions.

18.210 SEPARATION, SEGREGATION & SECURING: GENERAL REQUIREMENTS

(a) Packages and overpacks containing dangerous goods shall be loaded and stowed on an aircraft in accordance with the provisions of the *Technical Instructions*.

(b) Packages containing dangerous goods which might react dangerously one with another shall not be stowed—
(1) On an aircraft next to each other; or
(2) In a position that would allow interaction between them in the event of leakage.

(c) When dangerous goods subject to the requirements of this Part and the Technical Instructions are loaded in an aircraft, the operator shall—
(1) Protect the dangerous goods from being damaged; and
(2) Secure such goods in the aircraft in such a manner that will prevent any movement in flight which would change the orientation of the packages

18.215 STOWAGE OF TOXIC & INFECTIOUS SUBSTANCES

(a) Packages of toxic and infectious substances shall be stowed on an aircraft in accordance with the approved operator procedures.

18.220 STOWAGE & SECURING OF RADIOACTIVE MATERIALS

(a) Packages and overpacks containing dangerous goods and freight containers containing radioactive materials shall be loaded and stowed on an aircraft in accordance with the provisions of the Technical Instructions.

(b) Packages of radioactive materials shall be stowed on an aircraft so that they are separated from persons, live animals and undeveloped film, in accordance with the requirements in the Technical Instructions.

(c) The securing of packages of radioactive materials shall be adequate to ensure that the separation requirements are met at all times

18.225 PACKAGES RESTRICTED TO CARGO AIRCRAFT ONLY

(a) Except as otherwise provided in the Technical Instructions, no person may load packages of dangerous goods bearing the “Cargo aircraft only” label on an aircraft unless they are loaded in such a manner that a crew member or other authorised person can—
(1) See;
(2) Handle; and
(3) Where size and weight permit, separate such packages from other cargo in-flight

18.230 LEAKAGE OR DAMAGE

(a) No person may load leaking or damaged packages, overpacks or freight containers on an aircraft.

18.235 INSPECTION REQUIREMENTS: GENERAL

(a) No person may load packages and overpacks containing dangerous goods and freight containers containing radioactive materials or other dangerous goods unless they have been inspected for evidence of leakage or damage before—
  (1) Loading on an aircraft; or
  (2) Into a unit load device.

(b) No person may load a unit load device aboard an aircraft unless the device has been inspected and found free from any evidence of leakage from, or damage to, any dangerous goods contained therein.

(c) No person allow the surface transportation or re-loading of packages or overpacks containing dangerous goods and freight containers containing radioactive materials unless they have been inspected for signs of damage or leakage upon unloading from the—
  (1) Aircraft; or
  (2) Unit load device

18.240 ACTIONS WHEN POSSIBLE LEAKAGE OR DAMAGE IS FOUND

(a) Where any package of dangerous goods loaded on an aircraft appears to be damaged or leaking, the person making this determination shall follow the operator's corrective procedures for such an occurrence.

(b) Upon identification of a damaged or leaking package, the operator shall—
  (1) Remove such package from the aircraft; or
  (2) Arrange for its removal by an appropriate authority or organisation.

(c) Following the action specified in paragraph (a) of this Section, the operator shall ensure that—
  (1) The remainder of the consignment is in a proper condition for transport by air; and
  (2) No other package has been contaminated.

(d) If evidence of damage or leakage is found, the operator shall inspect the area where the dangerous goods or unit load device were stowed on the aircraft for damage or contamination before loading other cargo in that location.
  (1) If damage is found, the operator shall repair the damage in accordance with the manufacturer's approved data.
  (2) If contamination is found, the operator and assigned personnel shall comply with the requirements of Section 18.230 of this Part.

18.245 REMOVAL OF CONTAMINATION

(a) The pilot-in-command and the operator shall ensure that any hazardous contamination found on an aircraft as a result of leakage or damage to dangerous goods is removed without delay

(b) The pilot-in-command and the operator shall ensure that an aircraft which has been contaminated by radioactive materials is immediately be taken out of service

(c) No person may allow an aircraft that has been contaminated by radioactive materials to be returned to service until the radiation level at any accessible surface and the non-fixed contamination are not more than the values specified in the Technical Instructions.

SUBPART F: PROVISION OF DANGEROUS GOODS INFORMATION

18.250 APPLICABILITY

(a) This Subpart provides the consolidation of the requirements for provision of information relating to the transport of dangerous goods by air.

18.255 INFORMATION TO GROUND STAFF & OTHER PERSONS

(a) Operators, shippers or other organisations involved in the transport of dangerous goods by air shall provide adequate manuals, documents and instructions to their personnel as will enable them to carry out their responsibilities with regard to the transport of dangerous goods.

(b) The documentation and instructions required by paragraph (a) of this Section shall provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods

(c) Where applicable, this documentation and instructions shall also be provided to the handling agents.

18.260 INFORMATION TO PASSENGERS

(a) Each operator shall ensure that information is promulgated as required by the Technical Instructions so that passengers are warned as to the types of goods which they are forbidden from transporting aboard an aircraft.

18.265 INFORMATION TO ACCEPTANCE POINTS PERSONNEL

(a) Each operator and, where applicable, the handling agent shall ensure that notices are provided at acceptance points for cargo giving information about the transport of dangerous goods.

18.270 INFORMATION TO CREW MEMBERS

(a) Each operator shall ensure that information is provided in the Operations Manual to enable crew members to carry out their responsibilities in regard to the transport of dangerous goods.

(b) The documentation and instructions required by paragraph (a) of this Section shall provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods.

18.275 INFORMATION TO THE PILOT-IN-COMMAND

(a) The operator of an aircraft in which dangerous goods are to be carried shall provide the pilot-in-command as early as practicable before departure of the aircraft with written information as specified in the Technical Instructions

18.280 INFORMATION FROM PILOT-IN-COMMAND TO AERODROME AUTHORITIES

(a) If an in-flight emergency occurs, the pilot-in-command shall, as soon as the situation permits, inform the appropriate air traffic services unit, for the information of aerodrome authorities, of any dangerous goods on board the aircraft, as provided for in the Technical Instructions.

18.285 INFORMATION IN THE EVENT OF AN AIRCRAFT INCIDENT OR ACCIDENT

(a) The pilot-in-command and the operator of an aircraft carrying dangerous goods which is involved in an accident or incident shall as soon as possible and without delay and in compliance with the Technical Instructions reporting requirements:

(1) Inform the appropriate authorities of the State in which this event occurred of any dangerous goods carried as shown on the written information to the pilot in command; and

(2) Provide any information required to minimise the hazards created by any dangerous goods carried to the emergency services responding to the event; and

(3) Inform the Authority of the event.

(b) Where dangerous goods are suspected or known to have been a cause or contributing factor to an aircraft accident or serious incident, the pilot-in-command and the operator of the aircraft shall report to the Authority within 10 working days in the prescribed form and manner, the details, facts and preliminary analysis of what could be done to prevent the event.

(1) This report is required for all Rwanda operators or Rwanda-registered aircraft whether the event occurred within the territory of Rwanda or another country.

(2) This report is in addition to other reports required for accident and incident occurrences.

SUBPART G: SPECIAL REQUIREMENTS

18.290 APPLICABILITY

(a) This Subpart provides the requirements relating to specific types of operations that involve the transport of dangerous goods by air.

18.295 GENERAL AVIATION

(a) A person may handle or transport dangerous goods within Rwanda by small aircraft or helicopter involved in general aviation operations that—

(1) Are intended for non-commercial recreational use; and

(2) Are not forbidden for transport by the Technical Instructions.

18.305 AERIAL WORK

(a) A person may handle, offer for transport or transport dangerous goods by aircraft within Rwanda if the dangerous goods are being used at the location where the following aerial work takes place—

(1) Active fire suppression;

(2) Aerial cloud seeding;

(3) Aerial drip torching;

(4) Agriculture;

(5) Forestry;

(6) Horticulture;

(7) Hydrographic or seismographic work; or

(8) Pollution control.

(b) The dangerous goods shall be contained in a means of containment that is—

(1) A tank, a container or an apparatus that is an integral part of the aircraft or that is attached to the aircraft in accordance with the certificate of airworthiness;

(2) A cylindrical collapsible rubber drum that is transported in or suspended from an aircraft and that is constructed, tested, inspected and used in accordance with data acceptable to the Authority;

(3) A collapsible fabric tank that is transported suspended from a helicopter and that is constructed of material and seamed in accordance with technical data acceptable to the Authority; or

(4) A small means of containment designed, constructed, filled, closed, secured and maintained so that under normal conditions of transport, including handling, there will be no accidental release of dangerous goods that could endanger public safety.

18.310 AIR AMBULANCE

(a) A person may handle or transport dangerous goods within Rwanda by an air ambulance dedicated to and configured for the transport of patients, of persons who are accompanying or who have accompanied a patient or of medical personnel if—

(1) The transport of the dangerous goods is not forbidden by Technical Instructions;

(2) The dangerous goods are contained in a means of containment that—

(i) Has displayed on it the package markings and labels required by the ICAO Technical Instructions;
(ii) For a cylinder, is in compliance with containment requirements; and
(iii) Is secured to prevent movement during transport.

End of RCAR Part 18

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA 19 W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX 19 TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE 19 D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 19

Accident & Incident Reporting & Investigation

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SUBPART A: GENERAL

19.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as Civil Aviation (Accident Investigation) Regulations.

(b) This Part contains requirements pertaining to—

(1) Notification, investigation, analysis and reporting of aircraft incidents and accidents and certain other occurrences in the operation of aircraft—

(i) When they involve Rwanda-registered aircraft, whereever they occur; and

(ii) When they involve foreign-registered civil aircraft, where the events occur in Rwanda;

(2) Preservation of aircraft wreckage, mail, cargo, and records involving all civil and state aircraft accidents in Rwanda;

(3) Conformance to the international Standards for accident and incident reporting.

(c) This Part is applicable to the—

(1) Organisations and operators that operate aircraft or provide services associated with the safe operation of aircraft; and

(2) All Government agencies necessary to the ensure the timely and correct investigation and reporting of accidents.

(d) This Part is also applicable to—

(1) All persons associated with the safe operations of aircraft;

(2) The general public where they have information pertinent to an accident or incident investigation; and

(3) The technical persons that participate in the investigations.

19.005 DEFINITIONS

(a) When the following terms are used in this Part for Aircraft Accident and Incident Investigation, they have the following meanings—

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

(i) a person is fatally or seriously injured as a result of—

(A) being in the aircraft, or

(B) direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or

(C) direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

(ii) the aircraft sustains damage or structural failure which—

(A) adversely affects the structural strength, performance or flight characteristics of the aircraft, and

(B) would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

(iii) the aircraft is missing or is completely inaccessible.

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

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

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

Note 4. — Guidance for the determination of aircraft damage can be found in Attachment E.

Accident investigation authority. The authority designated by a State as responsible for aircraft accident and incident investigations within the context of Annex 13 to the Convention on International Civil Aviation. *In Rwanda, the Accident investigating authority if Aviation Accident and Incident Investigation Division (AAID)*.

Accredited representative. A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. The accredited representative would normally be from the State's accident investigation authority.

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

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

Authority. The Rwanda Civil Aviation Authority.

Causes. Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident. The identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability.

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

Flight recorder. Any type of recorder installed in the aircraft for the purpose of complementing accident/ incident investigation.

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

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

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

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

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

Investigator-in-charge. A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.

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

Maximum mass. Maximum certificated take-off mass.

Operator. The person, organization or enterprise engaged in or offering to engage in an aircraft operation.

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

Safety recommendation. A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.

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

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

Examples of serious incidents can be found in Attachment C.

Serious injury. An injury which is sustained by a person in an accident and which—

(i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or

(ii) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or

(iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or

(iv) involves injury to any internal organ; or

(v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or

(vi) involves verified exposure to infectious substances or injurious radiation. State of Design. The State having jurisdiction over the organization responsible for the type design.

State of Manufacture. The State having jurisdiction over the organization responsible for the final assembly of the aircraft, engine or propeller.

State of Occurrence. The State in the territory of which an accident or incident occurs.

State of the Operator. The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.

State of Registry. The State on whose register the aircraft is entered.

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

State safety programme (SSP). An integrated set of regulations and activities aimed at improving safety.

19.010 ACRONYMS & ABBREVIATIONS

(a) The following acronyms and abbreviations are used in this Part—

AAID = Aviation Accident Investigation Division

ACCID = Accident

AIP = Aeronautical Information Publication

AOC = Air Operator Certificate

ICAO = International Civil Aviation Organisation

INCID = Incident

IIC = Investigator-in-Charge
PSE = Principal Structural Element
UTC = Universal Coordinated Time

19.015 OBJECTIVE OF INVESTIGATIONS

(a) The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents.

(b) It is not the purpose of the activities subject to this Part to apportion blame or liability.

SUBPART B: PERSONAL RESPONSIBILITY: ACCIDENT REPORTING

19.020 APPLICABILITY

(a) This Subpart is applicable to operators and individuals who are involved in or have knowledge of an aircraft accident or serious incident—
  (1) Occurring within Rwanda airspace; or
  (2) With a Rwanda-registered aircraft; or
  (3) With a Rwanda AOC holder.

19.025 IMMEDIATE NOTIFICATION

(a) The operator of any Rwanda-registered civil aircraft, or any State aircraft not operated by the military, or any foreign aircraft shall immediately, and by the most expeditious means available, notify the Aviation Accident Investigation Division (AAID) when an aircraft accident or any of the following listed incidents occur—
  (1) Flight control system malfunction or failure;
  (2) Inability of any required flight crew member to perform normal flight duties as a result of injury or illness;
  (3) Failure of structural components of a turbine engine excluding compressor and turbine blades and vanes;
  (4) In-flight fire; or
  (5) Aircraft collide in flight;
  (6) Damage to property, other than the aircraft, estimated to exceed $25,000 for repair (including materials and labor) or fair market value in the event of total loss, whichever is less;
  (7) For large multiengine aircraft (more than 12,500 pounds maximum takeoff weight);
    (i) In-flight failure of electrical systems which requires the sustained use of an emergency bus powered by a backup source such as a battery, auxiliary power unit, or air driven generator to retain flight control or essential instruments;
    (ii) In-flight failure of hydraulic systems that results in sustained reliance on the sole remaining hydraulic or mechanical system for movement of flight control surfaces;
    (iii) Sustained loss of the power or thrust produced by two or more engines; and
    (iv) An evacuation of an aircraft in which an emergency egress system is utilized.
  (8) Any other occurrence required to be reported as published by AAID.

(b) This initial notification requirement also applies when an aircraft is overdue and is believed to have been involved in an accident.

Note: The initial report may be made to the nearest air traffic service unit or flight information unit or directly to the AAID as prescribed in the Aeronautical Information Publication.

19.030 INFORMATION TO BE GIVEN IN THE NOTIFICATION

(a) The required notification shall contain the following information, if available—
  (1) Type, nationality, and registration marks of the aircraft;
  (2) Name of owner, and operator of the aircraft;

(3) Name of the pilot in command;
(4) Date and time of the accident;
(5) Last point of departure and point of intended landing of the aircraft;
(6) Position of the aircraft with reference to some easily defined geographical point;
(7) Number of persons aboard, number killed, and number seriously injured;
(8) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and
(9) A description of any explosives, radioactive materials, or other dangerous articles carried.

19.035 PRESERVATION & PROTECTION OF WRECKAGE & ACCIDENT SITE

(a) The Rwanda National Police shall ensure as much as is practical that the wreckage and accident site is protected and preserved in accordance with the requirements of Subpart D of this Part.

(b) In the absence of Rwanda National Police, the operator and pilot-in-command shall ensure as much as is practical that the wreckage and accident site is protected and preserved in accordance with the requirements of Subpart D of this Part.

(c) An operator shall ensure, to the extent possible, in the event the aircraft becomes involved in an accident or incident, the preservation of all related flight recorder records and, if necessary, the associated flight recorders, and their retention in safe custody pending their disposition as determined in accordance with this Part.

19.040 FORWARDING OF AN OPERATOR ACCIDENT OR INCIDENT REPORT

(a) The operator of a civil, state or foreign aircraft shall file a report in the form and manner prescribed by the AAID—
(1) Within 48 hours after an accident; or
(2) After 48 hours if an overdue aircraft is still missing.

(b) An Operator Incident Report on an incident for which immediate notification is required shall be filed only as requested by an authorised representative of the AAID.

19.045 CREW MEMBER STATEMENT

(a) Each crew member, if physically able at the time the formal report is submitted, shall attach a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him.

(b) If the crew member is incapacitated, he shall submit the statement as soon as he is physically able.

19.050 WHERE TO FILE THE REPORTS

(a) The operator of an aircraft shall file any initial notification or operator accident or incident report with the AAID as specified in the Aeronautical Information Publication.

SUBPART C: MANDATORY & VOLUNTARY OCCURRENCE REPORTING

19.055 GENERAL APPLICABILITY

(a) This Subpart prescribes the general requirements and administrative rules for implementation and on-going administration of processes for mandatory and voluntary reporting of occurrences where such reports are required by the Civil Aviation Regulations and the Civil Aviation Technical Standards.

(b) The general requirements of this Subpart apply to all occurrence reports required by any Section of Civil Aviation Regulations and the supporting Civil Aviation Technical Standards.

(c) The reporting requirements of this Subpart are mandatory for the persons and organisations involved when the occurrence is related to—

(1) Any aircraft operated under an AOC granted by the Authority;
(2) Any turbine-powered aircraft which has a certificate of airworthiness issued by the Authority.

(d) In the case of organisations providing a service or facility for aircraft operating over or in Rwanda, any occurrence meeting the required criteria should be reported regardless of the nationality of the aircraft involved.

19.060 APPLICABILITY TO PERSONS & ORGANISATIONS I N V O L V E D

(a) The mandatory reporting requirements of this Subpart are applicable to persons and organisations involved in the—
(1) Operations, maintenance and support of Rwanda-registered aircraft worldwide;
(2) Operations, maintenance and support of aircraft operating in Rwanda; and
(3) The provision of services to aircraft and crews in the operational airspace controlled by Rwanda and the aerodromes located in Rwanda.

(b) Persons and organisations included in this applicability are—
(1) The operator and the flight crew of a turbine-powered aircraft which has a certificate of airworthiness issued by the Authority;
(2) The operator and the flight crew of an aircraft operated under an AOC granted by the Authority;
(3) A person who carries on the business of manufacturing a turbine-powered or aircraft that is to be operated in commercial air transport, or any equipment or part thereof, in Rwanda;
(4) A person who carries on the business of maintaining or modifying a turbine- powered aircraft, which has a certificate of airworthiness issued by the Authority, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
(5) A person who carries on the business of maintaining or modifying an aircraft, operated under an AOC granted by the Authority, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
(6) A person who signs an airworthiness review certificate, or a certificate of release to service in respect of a turbine-powered aircraft, which has a certificate of airworthiness issued by the Authority, and a person who signs an airworthiness review certificate or a certificate of release to service in respect of any equipment or part of such an aircraft;
(7) A person who signs an airworthiness review certificate, or a certificate of release to service in respect of an aircraft, operated under an AOC granted by the Authority, and a person who signs an airworthiness review certificate or a certificate of release to service in respect of any equipment or part of such an aircraft;
(8) A person who performs a function which requires him to be authorised by the Authority as an air traffic controller or as a flight information service officer;
(9) A licensee and a manager of a licensed aerodrome or a manager of an airport;
(10) A person who performs a function in respect of the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities which are utilised by a person who provides an air traffic control service under an approval issued by the Authority;
(11) A person who performs a function in respect of the ground-handling of aircraft, including fuelling, servicing, load sheet preparation, loading, de-icing and towing at an airport

(c) This list of persons and organisations defines those who have to report, but any person or organisation may file a report should they consider it necessary or pertinent to aviation safety.

19.065 OBJECTIVE OF THE REPORTING REQUIREMENTS

(a) The sole objective of occurrence reporting is the prevention of accidents and incidents through the collection and dissemination of relevant safety information and not to attribute blame or liability.

(b) The mandatory reporting requirements contribute to the improvement of air safety by ensuring free and full reporting of relevant information on safety is collected, stored, protected and disseminated.

(c) The voluntary reporting of persons contributes to the improvement of air safety in the interest of flight safety through the same processes and policies applicable to the mandatory reporting requirements.

19.070 ITEMS TO BE REPORTED

(a) The AAID shall prescribe the mandatory occurrences that shall be reported under the provisions of this Subpart.

(b) These reportable occurrences shall be categorised for purposes of assessing trends as—

(1) Aircraft flight operations (Appendix 1 to 19.070);
(2) Aircraft technical (Appendix 2 to 19.070); and
(3) Air navigation (Appendix 4 to 19.070).

(c) A reportable occurrence in relation to an aircraft means any incident which endangers or which, if not corrected, would endanger an aircraft, its occupants or any other person.

(d) A person required to make a mandatory report of an occurrence shall report any occurrence of which he has positive knowledge, even though this may not be first hand, unless he has good reason to believe that appropriate details of the occurrence have already been, or will be, reported by someone else.

(e) A report should also be submitted on any occurrence which involves a defective condition or unsatisfactory behaviour or procedure which did not immediately endanger the aircraft but which, if allowed to continue uncorrected, or if repeated in different, but likely, circumstances, would create a hazard to aircraft safety.

19.075 VOLUNTARY REPORTING

(a) The AAID shall encourage and facilitate voluntary reporting to the same criteria across the whole spectrum of civil aviation operations.

(b) The AAID's organisation and procedures for processing and recording reports shall not substantially differentiate between voluntary and mandatory reports.

(c) A voluntary occurrence report is that report made by a person or organisation who are not required to report in accordance with the requirements of this Subpart.

(d) The occurrences reported and trends developed shall be retained in a limited format which removes information and data which is likely to identify the person reporting.

(e) The confidentiality of these voluntary reports shall be protected by the AAID and information disclosed in these reports shall inadmissible for any future proceedings relating to the person reporting.

19.080 SELF-DISCLOSURE OF NON-COMPLIANCE

(a) The AAID shall encourage self-disclosure of non-compliance with regulations whether associated with associated with mandatory or voluntary reporting processes of this Subpart and shall not take legal enforcement action if the reporter is found to be in compliance with the conditions of paragraph (b).

(b) In evaluating whether an apparent non-compliance is covered by this Section, the Authority shall ensure that the following conditions are met—

(1) The regulated entity has notified the Authority of the apparent non-compliance immediately after detecting it and before the Authority has learned of it by other means.
(2) The notification did not occur during, or in anticipation of, an investigation or inspection by the Authority or in association with an accident or incident.

(3) The apparent non-compliance with the regulations was inadvertent.
(4) The apparent non-compliance with regulations does not indicate a lack, or reasonable question, of qualification of the regulated entities.
(5) Immediate action, satisfactory to the Authority was taken upon discovery to terminate the conduct that resulted in the apparent non-compliance.
(6) The regulated entity has developed or is developing a comprehensive fix and schedule of implementation satisfactory to the Authority.
(7) The comprehensive fix includes a follow-up self-audit to ensure that the action taken corrects the noncompliance.
(8) This self-audit is in addition to any audits conducted by the Authority.

19.085 CONFIDENTIALITY OF REPORTS

(a) Without prejudice to the proper discharge of its responsibilities in this regard, the AAID shall not disclose the name of the person submitting the report or of a person to whom it relates unless required to do so by law or unless, in either case, the person concerned authorises disclosure.

(b) Should any flight safety follow-up action arising from a report be necessary, the AAID shall take all reasonable steps to avoid disclosing the identity of the reporter or of those individuals involved in the reportable occurrence.

19.090 ASSURANCE REGARDING PROSECUTION

(a) The Authority shall not institute proceedings in respect of unpremeditated or inadvertent breaches of the law which come to its attention only because they have been reported under the mandatory or voluntary provisions of this Subpart, except in cases involving dereliction of duty amounting to gross negligence.

19.095 ACTION IN RESPECT OF LICENCES & CERTIFICATES

(a) The Authority has a duty under international treaties and conventions to vary, revoke or suspend a licence or certificate as appropriate if it ceases to be satisfied that the holder of the licence or certificate is competent, medically fit and a fit person to exercise the privileges of the licence.

(b) If an occurrence report suggests that the licence or certification holder does not continue to meet the standards for issuance of the license or certificate, the Authority must take appropriate action to re-examine the holder. The purpose of this review is solely to ensure safety and shall not be conducted to penalize the holder.

19.100 POSSIBLE ACTION BY EMPLOYERS

(a) Where a reported occurrence indicated an unpremeditated or inadvertent lapse by an employee, the employer shall act responsibly and to share its view that free and full reporting is the primary aim, and that every effort should be made to avoid action that may inhibit reporting.

(b) Employers shall refrain from disciplinary or punitive action which might inhibit their staff from duly reporting incidents of which they may have knowledge, that, except to the extent that action is needed in order to ensure safety, and except in such flagrant circumstances.

SUBPART D: PRESERVATION OF WRECKAGE & RECORDS

19.105 APPLICABILITY

(a) This Subpart is applicable to all persons and organisations that have access to the wreckage and records that are critical to the investigation of the accident or serious incident.

19.110 PRESERVATION & PROTECTION OF WRECKAGE

(a) All persons involved in the rescue, search and investigation of an accident shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation.
  (1) Protection of evidence shall include the preservation, by photographic orother means of any evidence which might be removed, effaced, lost or destroyed.
  (2) Safe custody shall include protection against further damage, access by unauthorised persons, pilfering and deterioration.

(b) The operator of an aircraft involved in an accident or incident for which notification must be given is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including all recording mediums of flight, maintenance, and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen until the AAID takes custody thereof or a release is granted.

(c) The operator of an aircraft involved in an accident or incident shall retain all records, reports, internal documents, and memoranda dealing with the accident or incident, until authorised by the AAID to the contrary.

19.115 MOVING THE WRECKAGE

(a) Prior to the time the AAID or its authorised representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary to—
  (1) Remove persons injured or trapped;
  (2) Protect the wreckage from further damage; or
  (3) Protect the public from injury.

(b) Where it is necessary to move aircraft wreckage, mail, or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the original positions and condition of the wreckage and any significant impact marks.

(c) If a request is received from the State of Registry, the State of the Operator, the State of Design or the State of Manufacture that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, the investigator-in-charge shall take all necessary steps to comply with such request, so far as this is reasonably practicable and compatible with the proper conduct of the investigation; provided that the aircraft may be moved—
  (1) To the extent necessary to extricate persons, animals, mail and valuables;
  (2) To prevent destruction by fire or other causes; or
  (3) To eliminate any danger or obstruction to air navigation, to other transport or to the public, and
  (4) Provided that it does not result in undue delay in returning the aircraft to service where this is practicable.

19.120 RELEASE FROM CUSTODY

(a) Subject to the provisions of Sections 19.110 and 19.115, the investigator-in-charge shall release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable.

(b) For this purpose the investigator-in-charge shall facilitate access to the aircraft, its contents or any parts thereof, provided that, if the aircraft, its contents, or any parts thereof lie in an area within which the investigator-in-charge finds it impracticable to grant such access, it shall itself effect removal to a point where access can be given.

SUBPART E: ACCIDENT & INCIDENT INVESTIGATION

19.125 APPLICABILITY

(a) This Subpart is applicable to the conduct of accident and incident investigations, the persons who conduct the investigations and those persons that have information or records pertinent to the investigations.

19.130 RESPONSIBILITY FOR INVESTIGATION

(a) The AAID shall institute an investigation into the circumstances of the accident or serious incident for every aircraft and be responsible for the conduct of the investigation when accident or serious incident—
  (1) Has occurred in the territory of Rwanda.
  (2) Involvies civil aircraft of Rwanda registry or operated by a Rwanda operator has occurred in a foreign state not bound by the provisions of Annex 13 to the Chicago Convention which does not intend to carry out an investigation. The conduct of the investigation shall be in accordance with any agreement entered into between the Government of Rwanda and the foreign state.
  (3) Involves an aircraft registered in Rwanda or an aircraft operated by a Rwanda operator has occurred in a foreign state and the investigation has been delegated to Rwanda by the foreign state by mutual arrangement and consent.
  (4) Has occurred in a location which cannot be definitely established as being in the territory of any State and involves an aircraft registered in Rwanda or operated by a Rwanda operator.

(b) In the case of an accident or incident in a foreign state involving civil aircraft of Rwanda registry or operated by a Rwanda operator, where the foreign state is bound by the provisions of Annex 13 to the Chicago Convention, the foreign state of occurrence is responsible for the investigation.

(c) The AAID may request the Minister to delegate the whole or any part of the investigation to another State or a regional accident and incident investigation organization by mutual arrangement and consent.

(d) Where the task of carrying out an investigation has been delegated, the AAID Division Manager shall to the best of his ability, facilitate investigation carried out by the investigator-in-charge appointed by the Contracting State or the regional accident and incident investigation organisation conducting the investigation.

19.135 NATURE OF THE INVESTIGATION

(a) The Aviation Accident Investigation Division shall have independence in the conduct of the investigation and have unrestricted authority over the conduct of an investigation in consistent with the provisions of the Civil Aviation Law and this Part.

(b) The investigation shall normally include—
  (1) Gathering, recording and analysis of all relevant information on accidents or serious incident;
  (2) Protection of certain accident and incident investigation records in accordance with Section 19.215;
  (3) If appropriate, the issuance of safety recommendations;
  (4) If possible, the determination of the causes and/or contributing factors; and
  (5) Completion of the final report.

(c) The scene of the accident shall be visited, the wreckage examined and statements taken from witnesses.

(d) The extent of the investigation and the procedure to be followed in carrying out an investigation shall be determined by the AAID, depending on—
  (1) The objective of the investigation set out in this Part;
  (2) The lessons expected to be drawn from the investigation for the improvement of safety; and
  (3) The complexity of the investigation.

(e) Any investigation conducted in accordance with the provisions of this Part shall be separate from and

without prejudice to any judicial or administrative proceedings to apportion blame or liability.

(f) The AAID shall develop documented policies and procedures detailing its accident investigation duties. These shall include: organization and planning; investigation; and reporting.

19.140 RIGHT TO REPRESENTATION

(a) Any person interviewed by an authorised representative of the AAID during the investigation, regardless of the form of the interview (sworn, unsworn, transcribed, not transcribed, etc.), has the right to be accompanied, represented, or advised by an attorney or non-attorney representative.

19.145 ACCIDENT INQUIRY BOARD

(a) The Minister with the responsibility for transport may, where necessary, appoint an independent accident inquiry board, for any accident or serious incident subject to the requirements of this Part involving—
  (1) Aircraft with a maximum gross takeoff mass of more than 5700 kg; and
  (2) Aircraft with a passenger-carrying capacity of 10 or more persons.

(b) Nothing in paragraph (a) precludes the establishment of an accident inquiry board for any other aircraft accident or incident.

(c) This accident inquiry board shall have the responsibility and authority for—
  (1) Ensuring the proper conduct and transparency of the investigation;
  (2) Determining the findings and the possible causal factors;
  (3) Developing safety recommendations based on the findings;
  (4) Completion and distribution of a Final Report.

(d) To meet these responsibilities, the accident inquiry board shall be able to, during the investigation—
  (1) Have the full support of the AAID and its personnel;
  (2) Have the support of other Ministries of the Government of Rwanda;
  (3) Have access to all details, information, interviews, records and reports of technical experts;
  (4) Hold public inquiries to interview witnesses and technical experts;
  (5) Have access to the comments to the draft Final Report; and
  (6) Determine the final contents of the Final Report.

19.150 INVESTIGATOR-IN-CHARGE: DESIGNATION

(a) The AAID shall designate the investigator-in-charge of the investigation and shall initiate the investigation immediately.

(b) The AAID Division Manager, through the Minister, shall call on the services of local authorities or other authorised persons to ensure protection of the accident site, including the aircraft and its contents, until the Investigator-in-charge is able to directly take over custody and determine the required security of the aircraft and its contents.

(c) The AAID Division Manager may appoint any person as an adviser to assist an investigator-in-charge in a particular investigation carried out under this Part.

(d) The AAID Division Manager shall appoint such number of investigators as he thinks fit to participate in the investigation under the control of the investigator-in-charge.

(e) When an accident inquiry board is appointed, the investigator-in-charge shall be relieved of all other duties and detailed to the board until the Final Report is distributed.

(f) The accident inquiry board may, after their appointment, replace the investigator-in-charge with a qualified person of their choice.

19.155 INVESTIGATOR-IN-CHARGE: ACCESS & CONTROL

(a) The investigator-in-charge shall have unhampered access to the wreckage and all relevant material, including flight recorders and ATS records, and shall have unrestricted control over it to ensure that a

detailed examination can be made without delay by authorised personnel participating in the investigation.

19.160 INVESTIGATOR-IN-CHARGE: DUTIES

(a) The designated investigator-in-charge organizes, conducts, controls, and manages the field phase of the investigation, regardless of what other representatives of the Government at the accident or incident site.

(b) The investigator-in-charge has the responsibility and authority to supervise and coordinate all resources and activities of all personnel, both government and civilians, involved in the on-site investigation.

(c) The investigator-in-charge continues to have considerable organisational and management responsibilities throughout later phases of the investigation, up to and including the AAID's consideration and adoption of a report or brief of probable cause(s).

19.165 AUTHORITY OF ACCIDENT INVESTIGATORS

(a) Upon presentation of appropriate credentials, an authorised representative of the AAID is authorised to—
  (1) Enter any property where an accident or incident subject to the AAID's jurisdiction has occurred; or
  (2) Wreckage from any such accident or incident is located; and
  (3) Do all things considered necessary for proper investigation.

(b) Further, upon demand of an authorised representative of the AAID and presentation of credentials, any Government agency, or person having possession or control of any transportation vehicle or component thereof, any facility, equipment, process or controls relevant to the investigation, or any pertinent records or memoranda shall forthwith permit inspection, photographing, or copying thereof by such authorised person for the purpose of investigating an accident or incident, or preparing a study, or related to any special investigation pertaining to safety or the prevention of accidents.

(c) The records and memoranda specified in paragraph (b) shall include all files, hospital records, and correspondence then or thereafter existing, and kept or required to be kept.

(d) The representative of the AAID may issue a subpoena, enforceable in court, to obtain testimony or other evidence.

(e) A representative of the AAID may question any person having knowledge relevant to an accident/incident, study, or special investigation.

(f) The representatives of the AAID also have exclusive authority, on behalf of the Government of Rwanda, to decide the way in which any testing will be conducted, including—
  (1) Decisions on the person that will conduct the test;
  (2) The type of test that will be conducted; and
  (3) Any individual who will witness the test.

(g) The representative of the AAID, upon presenting appropriate credentials, is authorised to examine and test to the extent necessary any civil or state aircraft, aircraft engine, propeller, appliance, or property aboard such aircraft involved in an accident in commercial air transport.

19.170 AUTOPSY & MEDICAL EXAMINATIONS

(a) The investigator-in-charge, on behalf of the AAID, conducting the investigation into a fatal accident shall arrange for complete autopsy examination of fatally injured flight crew and, subject to the particular circumstances, of fatally injured passengers and cabin crew members, by a pathologist, preferably experienced in accident investigation.

(b) The investigator-in-charge is authorised to obtain, with or without reimbursement, a copy of the report of autopsy performed on any person who dies as a result of having been involved in a aircraft accident within the jurisdiction of the AAID.

(c) The investigator-in-charge, on behalf of the AAID, may order an autopsy or seek other tests of such persons as may be necessary to the investigation, provided that to the extent consistent with the needs of the accident investigation, provisions of local law protecting religious beliefs with respect to autopsies shall be observed.

(d) When appropriate, investigator-in-charge shall arrange for medical examination of the crew, passengers and involved aviation personnel, by a physician, preferably experienced in accident investigation.

(e) The investigator-in-charge shall ensure these examinations shall be expeditious and complete.

19.175 PARTIES TO THE INVESTIGATION

(a) The investigator-in-charge designates parties to participate in the investigation. Parties shall be limited to those persons, government agencies, companies, and associations whose employees, functions, activities, or products were involved in the accident or incident and who can provide suitable qualified technical personnel actively to assist in the investigation. No other entity is afforded the right to participate in accident investigations by the AAID.

(b) Participants in the investigation (i.e., party representatives, party coordinators, and/or the larger party organisation) shall be responsive to the direction of representatives of the AAID and may lose party status if they do not comply with their assigned duties, actively proscriptions or instructions, or if they conduct themselves in a manner prejudicial to the investigation.

(c) No party to the investigation shall be represented in any aspect of the AAID's investigation by any person who also represents claimants or insurers. No party representative may occupy a legal position. Failure to comply with these provisions may result in sanctions, including loss of status as a party.

(d) In addition to compliance with the provisions of paragraph (a) of this Section, and to assist in ensuring complete understanding of the requirements and limitations of party status, all party representatives in aviation investigations shall sign a statement containing these requirements and limitations immediately upon attaining party representative status. Failure timely to sign that statement may result in sanctions, including loss of status as a party.

19.180 ACCESS TO & RELEASE OF WRECKAGE, RECORDS, MAIL & CARGO

(a) Only the accident investigation personnel of the AAID, and persons authorised by the investigator-in-charge to participate in any particular investigation, examination or testing shall be permitted access to wreckage, records, mail, or cargo in the AAID's custody.

(b) Wreckage, records, mail, and cargo in the AAID's custody shall be released when it is determined that the AAID has no further need of such wreckage, mail, cargo, or records.

19.185 NOTIFICATION OF AFFECTED STATES

(a) The investigator-in-charge shall ensure that the notifications of other States and the ICAO of the accident or incident and the instituting of the investigation.

(b) The collection and recording of information shall not be delayed to await the arrival of an accredited representative

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19.190 FLIGHT RECORDERS: ACCIDENTS & INCIDENTS

(a) Effective use shall be made of flight recorders in the investigation of an accident or an incident. The investigator-in-charge shall arrange for the read-out of the flight recorders without delay.

(b) During the conduct of an accident or incident investigation, the investigator-in-charge determines that adequate facilities to read out the flight recorders are not available in Rwanda, he may use the facilities made available to by other States, giving consideration to the following—

(1) The capabilities of the read-out facility;

(2) The timeliness of the read-out; and

(3) The location of the read-out facility.

19.195 COORDINATION: JUDICIAL AUTHORITIES

(a) The judicial authorities of Rwanda shall ensure support, coordination and access of the investigator-in-charge or his assigned representative during the conduct of an accident investigation.

(b) This coordination and support shall include any evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and read-outs of flight recorder recordings.

19.200 INFORMING AVIATION SECURITY AUTHORITIES

(a) If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the investigator-in-charge shall immediately initiate action to ensure that the aviation security authorities of the State(s) concerned are so informed.

19.205 FLOW & DISSEMINATION OF ACCIDENT OR INCIDENT INFORMATION

(a) Release of information during the field investigation, particularly at the accident scene, shall be limited to factual developments, and shall be made only through the designated representative of the Government.

(b) All information concerning the accident or incident obtained by any person or organisation participating in the investigation shall be passed to the investigator-in-charge through appropriate channels before being provided to any individual outside the investigation.

(c) Parties to the investigation may relay to their respective organisations information necessary for purposes of prevention or remedial action.

(d) However, no information concerning the accident or incident may be released to any person not a party representative to the investigation (including non-party representative employees of the party organisation) before initial release by the AAID without prior consultation and approval of the investigator-in-charge.

19.210 PROPOSED FINDINGS

(a) Any person, government agency, company, or association whose employees, functions, activities, or products were involved in an accident or incident under investigation may submit to the AAID written proposed findings to be drawn from the evidence produced during the course of the investigation, a proposed probable cause, and/or proposed safety recommendations designed to prevent future accidents.

(b) To be considered, these submissions must be received before the matter is calendared for consideration at a meeting chaired by the AAID. All written submissions are expected to have been presented to staff in advance of the formal scheduling of the meeting. This procedure ensures orderly and thorough consideration of all views.

19.215 NON-DISCLOSURE OF RECORDS

(a) During the conduct of an investigation of an accident or incident, no person may make the following records available for purposes other than accident or incident investigation, unless Attorney-General determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations—

(1) All statements taken from persons by the investigation authorities in the course of their investigation;
(2) All communications between persons having been involved in the operation of the aircraft;
(3) Medical or private information regarding persons involved in the accident or incident;
(4) Cockpit voice recordings and airborne image recordings and transcripts from such recordings;
(5) Recordings and transcriptions of recordings from air traffic control units; and
(6) Analysis of and opinions about information, including flight recorder information, made by the accident investigation authority and accredited representatives in relation to the accident or incident; and
(7) The draft Final Report of an accident or incident investigation.

(b) The AAID shall determine whether any other records obtained or generated by the investigation, as a part of an accident or incident investigation, need to be protected in the same way as the records listed in paragraph (a).

(c) These records shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident.

(d) Those records or parts of the records collected during the investigation but not deemed relevant to the analysis shall not be disclosed.

(e) The AAID shall disclose names of the persons involved in the accident or incident to the public.

(f) The AAID shall ensure that requests for records in its custody or control are directed to the original source of the information, where available.

(g) The AAID shall retain, where possible, only copies of records obtained in the course of an investigation.

19.220 RE-OPENING OF THE INVESTIGATION

(a) If new and significant evidence becomes available after the investigation of an accident that occurred within the jurisdiction of Rwanda has been closed, the AAID shall re-open the investigation.

(b) If new and significant evidence becomes available to the AAID regarding an accident that occurred in another State, that evidence shall be transmitted to the appropriate authorities of the State which instituted the original investigation.

(c) If the AAID would like to re-open an investigation that was not instituted by the Government of Rwanda, the consent of appropriate authorities of the State which instituted the investigation shall be obtained.

SUBPART F: RESPONSIBILITY OF RWANDA AS THE STATE OF OCCURRENCE

19.225 APPLICABILITY

(a) This Subpart is applicable to international obligations in the event of an accident or incident investigation. where Rwanda is the State of Occurrence or the Investigating State.

19.230 NOTIFICATION OF OTHER STATES

(a) In situations where Rwanda is the State of Occurrence, the AAID shall forwarding a notification of an accident, a serious incident or an incident to be investigated within the context of this Annex, with a minimum of delay and by the most suitable and quickest means available to—

(1) The State of Registry;
(2) The State of the Operator;
(3) The State of Design;
(4) The State of Manufacture; and
(5) The International Civil Aviation Organisation, when the aircraft involved is of a maximum mass of over 2250kg.

(b) In situations where Rwanda is the State of Registry and the AAID institutes the investigation of an accident or serious incident, the investigator-in-charge shall forward a notification in the format and content specified in Section 19.235, with a minimum of delay and by the most suitable and quickest means available, to the other States listed in paragraph (a).

(c) In situations where Rwanda is either the State of Registry or the State of the Operator, if it is determined that the civil aviation authorities of the State of Occurrence is not aware of a serious incident, the AAID shall forward a notification of such an incident to the—

(1) State of Design;
(2) State of Manufacture; and
(3) State of Occurrence

19.235 FORMAT & CONTENT OF NOTIFICATION

(a) The notification shall be in plain language and contains as much of the following information as is readily available, but the notification process shall not be delayed due to the lack of complete information—

(1) For accidents the identifying abbreviation ACCID, for serious incidents INCID;

(2) Manufacturer, model, nationality and registration marks, and serial number of the aircraft;
(3) Name of owner, operator and hirer, if any, of the aircraft;
(4) Name of the pilot-in-command, and nationality of crew and passengers
(5) Date and time (local time or UTC) of the accident or serious incident;
(6) Last point of departure and point of intended landing of the aircraft;
(7) Position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
(8) Number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured;
(9) Description of the accident or serious incident and the extent of damage to the aircraft so far as is known
(10) An indication to what extent the investigation will be conducted or is proposed to be delegated by the State of Occurrence;
(11) Physical characteristics of the accident or serious incident area, as well as an indication of access difficulties or special requirements to reach the site;
(12) Identification of the originating authority and means to contact the investigator-in-charge and the accident investigation authority of the State of Occurrence at anytime; and
(13) Presence and description of dangerous goods on board the aircraft.

19.240 LANGUAGE TO BE USED IN THE NOTIFICATION

(a) The notification shall be prepared in English, taking into account the language of the recipient(s), whenever it is possible to do so without causing undue delay.

19.245 ADDITIONAL RELEVANT INFORMATION

(a) As soon as it is possible to do so, the AAID shall dispatch the details omitted from the notification as well as other known relevant information to all applicable States.

19.250 EXPECTATIONS OF PARTICIPATION OF STATES

(a) The State of Registry, the State of the Operator, the State of Design and the State of Manufacture should acknowledge receipt of the notification of an accident or serious incident.

(b) If these acknowledgements do not occur in a timely fashion, the AAID will contact the civil aviation authorities of the States on an informal and individual basis.

(c) The State of Registry, the State of the Operator, the State of Design and the State of Manufacture are expected to appoint an accredited representative when specifically requested to do so by the State conducting the investigation of an accident to an aircraft over 2 250 kg. The participation of their representatives are encouraged for the usefulness of their presence and participation in the investigation.

19.255 EXPECTATIONS FOR INFORMATION FROM OTHER STATES

(a) Upon receipt of the notification, the State of Registry, the State of the Operator, the State of Design and the State of Manufacture should, as soon as possible, provide the AAID with any relevant information available to them regarding the aircraft and flight crew involved in the accident or serious incident.

(b) Upon receipt of the notification, the State of the Operator should, with a minimum of delay and by the most suitable and quickest means available, provide the AAID with details of dangerous goods on board the aircraft.

(c) Each State should also inform the AAID—
(1) Whether it intends to appoint an accredited representative; and
(2) If such an accredited representative is appointed, the name and contact details; as well as the expected date of arrival if the accredited representative will travel to Rwanda.

19.260 CONDUCT OF THE INVESTIGATION

(a) The AAID shall ensure that the conduct of the investigation is accomplished within the authority and limitations of Subpart E of this Part.

19.265 COORDINATION OF PARTICIPATION OF OTHER STATES

(a) The AAID shall ensure the proper coordination and participation of the representative, advisors and technical experts in accordance with the provisions of Subparts H and I.

19.270 TIMELY COMPLETION OF PERTINENT REPORTS

(a) The AAID shall ensure the timely and completeness of all required reports specified in Subpart J.

SUBPART G: RWANDA NOT THE STATE OF OCCURRENCE

19.275 APPLICABILITY

(a) This Subpart is applicable to international obligations in the event of an accident or incident investigation where Rwanda is not the State of Occurrence, but is the—
  (1) State of Registry;
  (2) State of the Operator;
  (3) State of Manufacturer; and/or
  (4) State of Design

19.280 ACTIONS FOLLOWING RECEIPT OF NOTIFICATION

(a) The AAID shall acknowledge receipt of the notification of an accident or serious incident from the State of Occurrence.

(b) The AAID shall also inform the State of Occurrence—
  (1) Whether it intends to appoint an accredited representative; and
  (2) If such an accredited representative is appointed, the name and contact details; as well as
  (3) The expected date of arrival if the accredited representative will be present at the investigation.

(c) In situations where the State of Occurrence does not conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization, Rwanda, as the State of Registry, the State of the Operator, the State of Design or the State of Manufacture shall request in writing the State of Occurrence to delegate the conducting of such investigation. If the State of Occurrence gives express consent, AAID shall institute and conduct the investigation with such information as is available.

19.285 TIMELY PROVISION OF RELEVANT INFORMATION

(a) Upon receipt of the notification, the AAID shall, upon request, provide the State of Occurrence with any relevant information available to them regarding the flight crew and the aircraft involved in the accident or serious incident.

(b) Upon receipt of the notification, the AAID shall, with a minimum of delay and by the most suitable and quickest means available, provide the State of Occurrence with details of dangerous goods on board the aircraft.

19.290 PROVISION OF ADDITIONAL INFORMATION

(a) The AAID shall, on request from the State conducting the investigation of an accident or an incident, provide that State with all the relevant information available to the AAID.

(b) The AAID shall, when the facilities or services of Rwanda have been, or would normally have been, used by an aircraft prior to an accident or an incident, and if it has information pertinent to the investigation, shall provide such information to the State conducting the investigation.

19.295 PROTECTION & PROVISION OF FLIGHT RECORDER RECORDS

(a) When an aircraft involved in an accident or a serious incident lands in Rwanda, the AAID shall, on request from the State conducting the investigation, furnish the latter State with the—
  (1) Flight recorder records; and
  (2) If necessary, the associated flight recorders.

19.300 PROVISION OF RELATED ORGANISATION INFORMATION

(a) The AAID shall,,on request from the State conducting the investigation, shall provide pertinent information on any organisation whose activities may have directly or indirectly influenced the operation of the aircraft.

19.305 REQUIRED APPOINTMENT OF AN ACCREDITED REPRESENTATIVE

(a) When the State conducting an investigation of an accident to an aircraft of a maximum mass of over 2250 kg specifically requests participation of Rwanda, the AAID shall appoint an accredited representative.

19.310 ACTION ON SAFETY RECOMMENDATIONS

(a) When the AAID receives proposed safety recommendations from another State based on an accident or incident investigation, an evaluation of the proposals shall be conducted.

(b) Following that evaluation, the AAID shall inform the proposing State of the—
  (1) Preventive action taken or under consideration; or
  (2) Reasons why no action will be taken; or
  (3) Alternative proposals for preventive action other than the original safety recommendations.

SUBPART H: RIGHT OF PARTICIPATION IN INVESTIGATION

19.315 APPLICABILITY

(a) This Subpart provides the requirements for allowing the participation of accredited representatives, their advisors and other experts to assist in the accident investigation, reports and safety recommendations.

(b) The investigator-in-charge will ensure that these persons are included in the accident and incident investigation to the extent of their entitlement.

19.320 STATES ENTITLED TO APPOINT A REPRESENTATIVE

(a) The following States are entitled to appoint an accredited representative to participate in an accident or incident investigation conducted by the AAID—
  (1) The State of Registry;
  (2) The State of the Operator;
  (3) The State of Design; and
  (4) The State of Manufacture.

(b) The State that designed or manufactured the powerplant or major components of the aircraft shall also be invited to participate in the investigation of an accident.

(c) Any State which on request provides information, facilities or experts to the AAID shall be entitled to appoint an accredited representative to participate in the investigation.

(d) Any State that provides an operational base for field investigations, or is involved in search and rescue or wreckage recovery operations, or is involved as a State of a code-share or alliance partner of the operator, shall also be invited to appoint an accredited representative to participate in the investigation.

19.325 ADDITIONAL INVITED PARTICIPANTS

(a) If neither the State of Registry, nor the State of the Operator appoint an accredited representative, the AAID shall invite the operator to participate, subject to the procedures of the AAID.

(b) When neither the State of Design nor the State of Manufacture appoint an accredited representative, the AAID shall invite the organizations responsible for the type design and the final assembly of the aircraft to participate, subject to the procedures of the AAID.

19.330 APPOINTMENT OF ADVISORS TO THE ACCREDITED REPRESENTATIVES

(a) The State of Registry or the State of the Operator may appoint one or more advisors, proposed by the operator, to assist its accredited representative.

(b) The State of Design and the State of Manufacture shall be entitled to appoint one or more advisors, proposed by the organisations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives.

19.335 STATES WITH FATALITIES OR SERIOUS INJURIES TO ITS CITIZENS

(a) A State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall, upon making a request to do so, be permitted by the AAID to appoint an expert who shall be entitled to—

(1) Visit the scene of the accident;
(2) Have access to the relevant factual information;
(3) Participate in the identification of the victims;
(4) Assist in questioning surviving passengers who are citizens of the expert's State; and
(5) Receive a copy of the Final Report.

SUBPART I: ENTITLEMENT OF ACCREDITED REPRESENTATIVES

19.340 APPLICABILITY

(a) This Subpart provides the requirements that will be applied to the accredited representatives that participate in the investigation of aircraft accidents and incidents in Rwanda.

(b) The investigator-in-charge shall ensure that these accredited representatives are accorded the appropriate entitlements.

19.345 ACCREDITED REPRESENTATIVES & THEIR ADVISORS

(a) A State entitled to appoint an accredited representative shall also be entitled to appoint one or more advisors to assist the accredited representative in the investigation

(b) .A State participating in an investigation may call upon the best technical experts from any source and appointing such experts as advisors to its accredited representative.

(c) Advisors assisting accredited representatives shall be permitted, under the accredited representatives' supervision, to participate in the investigation to the extent necessary to enable the accredited representatives to make their participation effective.

19.350 PARTICIPATION

(a) The accredited representatives, their advisors and other invited participants may participate in all aspects of the investigation, under the control of the investigator-in-charge, in particular to—

(1) Visit the scene of the accident;
(2) Examine the wreckage;
(3) Obtain witness information and suggest areas of questioning;
(4) Have full access to all relevant evidence as soon as possible;
(5) Receive copies of all pertinent documents;
(6) Participate in read-outs of recorded media;

(7) Participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;

(8) Participate in investigation progress meetings including deliberations related to analysis, findings, causes and safety recommendations; and

(9) Make submissions in respect of the various elements of the investigation.

(b) However, participation of States other than the State of Registry, the State of the Operator, the State of Design and the State of Manufacture may be limited to those matters which entitled such States to participation under Section 19.335.

19.355 PROCEDURES

(a) All participants in the accident or incident investigation, or part thereof, shall be subject to the restrictions and procedures of AAID, as administered by the investigator-in-charge.

19.360 LIMITS TO ENTITLEMENT

(a) Nothing in this Part precludes the AAID from extending participation beyond the entitlement enumerated herein.

(b) The pertinent documents shall also include documents such as the reports on examinations of components or studies performed within the framework of the investigation.

19.365 OBLIGATIONS

(a) Accredited representatives and their advisors—

(1) Should provide the AAID with all relevant information available to them; and

(2) Shall not divulge information on the progress and the findings of the investigation without the express consent of the AAID.

(b) Nothing in paragraph (a) precludes prompt release of facts when authorised by the investigator-in-charge of the investigation, nor does this Section preclude accredited representatives from reporting to their respective States in order to facilitate appropriate safety actions.

SUBPART J: ACCIDENT REPORTS

19.370 APPLICABILITY

(a) This Subpart is applicable to the completion, editing and distribution of the reports that are required in the accident and serious incident investigation process.

(b) This Subpart is applicable to the personnel of the Accident Inquiry Board and their assigned investigators and the personnel of the AAID supporting the investigation.

Subdivision I: General

19.375 SAFETY OF FLIGHT

(a) When matters directly affecting safety are determined to involved in an accident or serious incident, the AAID shall forward that information to the appropriate States and ICAO—

(1) As soon as the information is available; and

(2) By the most suitable and quickest means available.

19.380 LANGUAGE

(a) All notifications and reports by the AAID during the course of accident and incident investigation shall be submitted to appropriate States and to the ICAO in English.

19.385 RELEASE OF INFORMATION: CONSENT

(a) No person may circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident, without the express consent of the AAID, unless such reports or documents have already been published or released by the AIID on behalf of the government of Rwanda.

Subdivision II: Preliminary Report

19.390 REQUIRED REPORT

(a) During the investigation of an aircraft accident or serious incident, the AAID shall complete a Preliminary Report outlining the facts, observations and findings of the investigators at the time of the report.

19.395 ACCIDENTS TO AIRCRAFT OVER 2,250 KG

(a) When an aircraft involved in an accident is of a maximum mass of over 2,250 kg, the AAID shall send the Preliminary Report to—
   (1) The State of Registry;
   (2) The State of the Operator;
   (3) The State of Design;
   (4) The State of Manufacture;
   (5) Any State that provided relevant information, significant facilities or experts; and
   (6) The International Civil Aviation Organisation.

19.400 ACCIDENTS TO AIRCRAFT OF 2,250 KG OR LESS

(a) When an aircraft, a maximum mass of 2,250 kg or less, is involved in an accident and when airworthiness or matters considered to be of interest to other States are involved, the AAID shall forward the Preliminary Report to—
   (1) The State of Registry;
   (2) The State of the Operator;
   (3) The State of Design;
   (4) The State of Manufacture; and
   (5) Any State that provided relevant information, significant facilities or experts.

19.405 TIMELY SUBMISSION OF THE PRELIMINARY REPORT

(a) The AAID shall send the Preliminary Report by facsimile, e-mail, or airmail within thirty days of the date of the accident or incident, unless the Accident or Incident Data Report has already been sent by that time.

Subdivision III: Accident or Incident Data Report

19.410 REQUIRED REPORT

(a) During the investigation of an aircraft accident or serious incident, the AAID shall complete an Accident or Incident Data Report in the form and manner prescribed by ICAO.

19.415 ACCIDENTS TO AIRCRAFT OVER 2,250 KG

(a) When the aircraft involved in an accident is of a maximum mass of over 2,250 kg, the AAID shall send, as soon as practicable after the investigation, the Accident Data Report to ICAO.

19.420 ADDITIONAL INFORMATION

(a) The AAID shall, upon request, provide other States with pertinent information additional to that made

available in the Accident/Incident Data Report.

19.425 INCIDENTS TO AIRCRAFT OVER 5,700 KG

(a) When the AAID conducts an investigation into an incident to an aircraft of a maximum mass of over 5,700 kg, the Incident Data Report shall be sent to the ICAO as soon as practicable after the investigation..

Subdivision IV: Final Report

19.430 REQUIRED REPORT

(a) During the investigation of an aircraft accident or serious incident, the investigator-in-charge shall ensure the drafting, coordination and completion of a Final Report of that investigation in sufficient detail for analysis by the AAID, other States and ICAO.

(b) The format of the Final Report in Appendix 1 of current edition of Annex 13 shall be used. However, it may be adapted to the circumstances of the accident or incident.

19.435 CONSULTATION WITH OTHER STATES

(a) The AAID shall send a copy of the draft Final Report to the State that instituted the investigation and to all States that participated in the investigation, inviting their significant and substantiated comments on the report as soon as possible.

(b) The draft Final Report of the investigation shall be sent for comments to—

(1) The State of Registry;
(2) The State of the Operator;
(3) The State of Design; and
(4) The State of Manufacture.

(c) When sending the draft Final Report to recipient States, the AAID shall use the most suitable and quickest means available, such as facsimile, email, courier service or express mail.

19.440 INVITING COMMENTS FROM OTHER INTERESTED PARTIES

(a) The AAID shall also send, through the State of the Operator, a copy of the draft Final Report to the operator to enable the operator to submit comments on the draft Final Report.

(b) The AAID shall send, through the State of Design and the State of Manufacture, a copy of the draft Final Report to the organisations responsible for the type design and the final assembly of the aircraft to enable them to submit comments on the draft Final Report.

19.445 PROCESSING OF TIMELY COMMENTS

(a) If the AAID receives comments within sixty days of the date of the transmittal letter, it shall either —

(1) Amend the draft Final Report to include the substance of the comments received; or
(2) If desired by the State that provided comments, append the comments to the Final Report.

(b) If the AAID receives no comments within sixty days of the date of the first transmittal letter, it shall issue the Final Report, unless an extension of that period has been agreed by the States concerned.

(c) During the course of the investigation, the AAID may consult with other States, such as those States which provided relevant information, significant facilities, or experts who participated in the investigation.

(d) Comments to be appended to the Final Report are restricted to non-editorial-specific technical aspects of the Final Report upon which no agreement could be reached.

19.450 RECIPIENT STATES

(a) The AAID shall send the Final Report of the investigation of an accident with a minimum of delay by the

State conducting the investigation to—

(1) The State that instituted the investigation;
(2) The State of Registry;
(3) The State of the Operator;
(4) The State of Design;
(5) The State of Manufacture;
(6) Any State having suffered fatalities or serious injuries to its citizens; and
(7) Any State that provided relevant information, significant facilities or experts.

19.455 RELEASE OF THE FINAL REPORT

(a) In the interest of accident prevention, the AAID shall release the Final Report of an accident or serious incident as soon as possible.

(b) The AAID shall release the Final Report in the shortest possible time and, if possible, within twelve months of the date of the occurrence.

(c) If the report cannot be released within twelve months, the AAID shall release an interim report on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

(d) When the AAID has released a Final Report of an investigation into an accident or an incident involving an aircraft of a maximum mass of over 5,700 kg, it shall send a copy of that report to the ICAO.

(e) Where Rwanda is not State of occurrence, and the State conducting the investigation does not make the Final Report or an interim statement publicly available within a reasonable timeframe, Rwanda, as State participating in the investigation may request in writing from the State conducting the investigation express consent to release a statement containing safety issues raised with such information as is available. If the State conducting the investigation gives express consent or does not reply to such a request within 30 days, Rwanda may release such a statement after coordinating with participating States.

19.460 SAFETY RECOMMENDATIONS

(a) At any stage of the investigation of an accident or incident, investigator-in-charge conducting the investigation shall recommend to the appropriate authorities, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.

(b) The AAID shall address, when appropriate, any safety recommendations arising out of its investigations to the accident investigation authorities of other State(s) concerned.

(c) In the interest of safety, Rwanda, as the State participating in the investigation shall be entitled to issue safety recommendations after coordinating with the State conducting the investigation.

Note. — Effective coordination of draft safety recommendations would avoid issuance of conflicting safety recommendations by the States participating in the investigation.

19.465 WHEN ICAO DOCUMENTS ARE INVOLVED

(a) The AAID shall address, when appropriate, any safety recommendations arising out of its investigations to ICAO, when ICAO documents are involved.

(b) When Final Reports contain safety recommendations addressed to ICAO, because ICAO documents are involved, the AAID shall ensure that these reports must be accompanied by a letter outlining the specific action proposed.

SUBPART K: MILITARY AIRCRAFT

19.470 INVESTIGATIONS INVOLVING MILITARY AIRCRAFT OPERATING ON CIVIL AERODROME

(a) This Section shall apply to any accident or incident—

(1) involving a military aircraft during a flying display; or

(2) occurring while a military aircraft was on, in the course of taking off from or landing on, an aerodrome controlled by the civil aerodromes in Rwanda.

(b) If it appears to the investigator-in-charge that the investigation into an accident or incident referred to in paragraph (a) (1) has been completed but for the investigation of matters relating to discipline or internal administration of the Rwanda Defence Forces which are more appropriate for investigation by some other person or body, the investigation may be treated as if it has been completed without such matters being investigated under these Regulations.

(c) Where an investigation of matters relating to the discipline or internal administration has not been carried out by virtue of paragraph (a)(2), the report of the investigation into the accident or incident shall state the matters to which the investigation has not been extended.

SUBPART L: ACCIDENT PREVENTION MEASURES

19.475 Database and preventive actions

(a) The AAID shall establish and maintain an accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies and to determine any preventive actions required.

(b) All entities responsible for the implementation of the Rwanda State Safety Programme shall have access to the accident and incident database referenced in paragraph (a) to support their safety responsibilities.

(c) Any safety recommendations addressed to an organization in another State, they shall also be transmitted to that State's investigation authority.

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APPENDICES

APPENDIX 1 TO 19.070: MANDATORY REPORTS: AIRCRAFT FLIGHT OPERATIONS

(a) **Occurrences during operations of an aircraft that involve—**

(1) Avoidance manoeuvres—
  (i) Risk of collision with another aircraft, terrain or other object or an unsafe situation when avoidance action would have been appropriate;
  (ii) An avoidance manoeuvre required to avoid a collision with another aircraft, terrain or other object;
  (iii) An avoidance manoeuvre to avoid other unsafe situations.

(2) Take-off or landing incidents, including precautionary or forced landings. Incidents such as—
  (i) Under-shooting, overrunning or running off the side of runways
  (ii) Landings or attempted landings on a closed or engaged runway, on a taxiway, unassigned runway or unintended landing locations such as roadways.
  (iii) Runway incursions.
  (iv) Retraction of a landing gear leg or wheels-up landing not classified as an accident.
  (v) Dragging during landing of a wing tip, an engine pod or any other part of the aircraft, when not classified as an accident.

(3) Inability to achieve predicted performance during take-off or initial climb.

(4) Critically low fuel quantity or inability to transfer fuel or use total quantity of usable fuel.

(5) Loss of control (including partial or temporary) regardless of cause.

(6) Occurrences close to or above V1 resulting from or producing a hazardous or potentially hazardous situation (e.g. rejected take-off, tail strike, engine-power loss etc.).

(7) Go around producing a hazardous or potentially hazardous situation.

(8) Unintentional significant deviation from airspeed, intended track or altitude (more than 300 ft) regardless of cause.

(9) Descent below decision height/altitude or minimum descent height/altitude without the required visual reference.

(10) Loss of position awareness relative to actual position or to other aircraft.

(11) Breakdown in communication between flight crew "CRM" (crew resource management) or between flight crew and other parties (cabin crew, ATC [air traffic control] engineering).

(12) Heavy landing - a landing deemed to require a "heavy landing check".

(13) Exceedance of fuel imbalance limits.

(14) Incorrect setting of an "SSR" (secondary surveillance radar) code or of an altimeter subscale.

(15) Incorrect programming of, or erroneous entries into, equipment used for navigation or performance calculations, or use of incorrect data.

(16) Incorrect receipt or interpretation of radio-telephony messages.

(17) Fuel system malfunctions or defects, which had an effect on fuel supply and/or distribution.

(18) Aircraft unintentionally departing from a paved surface.

(19) Collision between an aircraft and any other aircraft, vehicle or other ground object.

(20) Inadvertent and/or incorrect operation of any controls.

(21) Inability to achieve the intended aircraft configuration for any flight phase (e.g. landing gear and gear doors, flaps, stabilisers, slats etc.).

(22) A hazard or potential hazard which arises as a consequence of any deliberate simulation of failure conditions for training, system checks or training purposes.

(23) Abnormal vibration.

(1) Operation of any primary warning system associated with manoeuvring the aircraft, such as a configuration warning, stall warning (stick shaker), over-speed warning etc. unless—
  (i) The crew conclusively established that the indication was false and provided that the false

warning did not result in difficulty or hazard arising from the crew response to the warning; or

(ii) Operated for training or test purposes.

(1) "GPWS" (ground proximity warning system)/"TAWS" (terrain awareness and warning system) "warning" when—

(iii) The aircraft comes into closer proximity to the ground than had been planned or anticipated; or

(iv) The warning is experienced in instrument meteorological conditions or at night and is established as having been triggered by a high rate of descent (mode 1); or

(v) The warning results from failure to select landing gear or landing flaps by the appropriate point on the approach (mode 4); or

(vi) Any difficulty or hazard arises or might have arisen as a result of crew response to the "warning" e.g. possible reduced separation from other traffic. This could include warning of any mode or type i.e. genuine, nuisance or false.

(25) GPWS/TAWS "alert" when any difficulty or hazard arises or might have arisen as a result of crew response to the "alert".

(26) "ACAS" (air collision advisory system) "RA"s (resolution advisories).

(27) Jet or prop blast incidents resulting in significant damage or serious injury.

(28) Landing at the wrong aerodrome.

(b) **Occurrences resulting in emergencies**, including—

(1) Fire, explosion, smoke or toxic or noxious fumes, even though fires were extinguished.

(2) The use of any non-standard procedure by the flight or cabin crew to deal with an emergency when—

(i) The procedure exists but is not used;

(ii) The procedure does not exist;

(iii) The procedure exists but is incomplete or inappropriate;

(iv) The procedure is incorrect;

(v) The incorrect procedure is used.

(3) Inadequacy of any procedures designed to be used in an emergency, including when being used for maintenance, training or test purposes.

(4) An event leading to an emergency evacuation.

(5) Depressurisation.

(6) The use of any emergency equipment or prescribed emergency procedures in order to deal with a situation.

(7) An event leading to the declaration of an emergency ("Mayday" or "PAN").

(8) Failure of any emergency system or equipment, including all exit doors and lighting, to perform satisfactorily, including when being used for maintenance, training or test purposes.

(9) Events requiring any use of emergency oxygen by any crew member.

(c) **Occurrences involving crew incapacitation, including—**

(1) Incapacitation of any member of the flight crew, including that which occurs prior to departure if it is considered that it could have resulted in incapacitation after take-off.

(2) Incapacitation of any member of the cabin crew which renders them unable to perform essential emergency duties.

(3) Flight crew incapacitation in flight:

a) for single pilot operations (including remote pilot);

b) for multi-pilot operations for which flight safety was compromised because of a significant increase in workload for the remaining crew.

(d) **Occurrences involving Injury,** including any occurrences which have or could have led to significant injury to passengers or crew but which are not considered reportable as an accident.

(e) **Occurrences related to meteorology,** including–

(1) A lightning strike which resulted in damage to the aircraft or loss or malfunction of any essential

service.

(2) A hail strike which resulted in damage to the aircraft or loss or malfunction of any essential service.

(3) Severe turbulence encounter, an encounter resulting in injury to occupants or deemed to require a "turbulence check" of the aircraft.

(4) A windshear encounter.

(5) Icing encounter resulting in handling difficulties, damage to the aircraft or loss or malfunction of any essential service.

(f) **Security occurrences**, including—

(1) Unlawful interference with the aircraft including a bomb threat or hijack.

(2) Difficulty in controlling intoxicated, violent or unruly passengers.

(3) Discovery of a stowaway.

(g) **Other occurrences,** including—

(1) Repetitive instances of a specific type of occurrence which in isolation would not be considered "reportable" but which due to the frequency with which they arise, form a potential hazard.

(2) A bird strike which resulted in damage to the aircraft or loss or malfunction of any essential service.

(3) Wake-turbulence encounters.

(4) Any other occurrence of any type considered to have endangered or which might have endangered the aircraft or its occupants on board the aircraft or persons on the ground.

APPENDIX 2 TO 19.070: MANDATORY REPORTS: AIRCRAFT TECHNICAL

(a) **Structural occurrences**, including—

Note: Not all structural failures need to be reported. Engineering judgment is required to decide whether a failure is serious enough to be reported. The following examples can be taken into consideration:

(1) Damage to a "PSE" (principal structural element) that has not been designated as damage-tolerant (life-limited element). PSEs are those which contribute significantly to carrying flight, ground, and pressurisation loads, and the failure of which could result in a catastrophic failure of the aircraft;

(2) Defect or damage exceeding admissible damages to a PSE that has been designated as damage-tolerant;

(3) Damage to or defect exceeding allowed tolerances of a structural element, the failure of which could reduce the structural stiffness to such an extent that the required flutter, divergence or control reversal margins are no longer achieved;

(4) Damage to or defect of a structural element, which could result in the liberation of items of mass that may injure occupants of the aircraft;

(5) Damage to or defect of a structural element, which could jeopardise proper operation of systems.

(6) Loss of any part of the aircraft structure in flight.

(b) **Aircraft systems occurrences,** including—

(1) Loss, significant malfunction or defect of any system, subsystem or set of equipment when standard operating procedures, drills etc. could not be satisfactorily accomplished;

(2) Inability of the crew to control the system, including—

(i) Uncommanded actions,

(ii) Incorrect and/or incomplete response, including limitation of movement or stiffness,

(iii) Runaway,

(iv) Mechanical disconnection or failure;

(3) Failure or malfunction of the exclusive function(s) of the system (one system could integrate several functions);

(4) Interference within or between systems;
(5) Failure or malfunction of the protection device or emergency system associated with the system;
(6) Loss of redundancy of the system;
(7) Any occurrence resulting from unforeseen behaviour of a system.
(8) For aircraft types with single main systems, subsystems or sets of equipment, loss, significant malfunction or defect in any main system, subsystem or set of equipment.
(9) For aircraft types with multiple independent main systems, subsystems or sets of equipment, the loss, significant malfunction or defect of more than one main system, subsystem or set of equipment.
(10) Operation of any primary warning system associated with aircraft systems or equipment unless the crew conclusively established that the indication was false, provided that the false warning did not result in difficulty or hazard arising from the crew response to the warning;
(11) Leakage of hydraulic fluids, fuel, oil or other fluids which resulted in a fire hazard or possible hazardous contamination of aircraft structure, systems or equipment, or risk to occupants;
(12) Malfunction or defect of any indication system when this results in the possibility of misleading indications to the crew;
(13) Any failure, malfunction or defect if it occurs at a critical phase of the flight and is relevant to the system operation;
(14) Significant shortfall of the actual performances compared to the approved performance which resulted in a hazardous situation (taking into account the accuracy of the performance-calculation method) including braking action, fuel consumption etc.;
(15) Asymmetry of flight controls; e.g. flaps, slats, spoilers etc.
(16) System failures (including loss of power or thrust), weather phenomena, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties controlling the aircraft

(c) **Propulsion (including engines, propellers and rotor systems) and APUs (auxiliary power units)—**

(1) Flameout, shutdown or malfunction of any engine.
(2) Overspeed or inability to control the speed of any high-speed rotating component (for example: APU, air starter, air cycle machine, air turbine motor, propeller or rotor).
(3) Failure or malfunction of any part of an engine or powerplant resulting in any one or more of the following—
(i) Non-containment of components/debris;
(ii) Uncontrolled internal or external fire, or hot gas breakout;
(iii) Thrust in a direction different from that demanded by the pilot;
(iv) Thrust-reversing system failing to operate or operating inadvertently;
(v) Inability to control power, thrust or revolutions per minute;
(vi) Failure of the engine mount structure;
(vii) Partial or complete loss of a major part of the powerplant;
(viii) Dense visible fumes or concentrations of toxic products sufficient to incapacitate crew or passengers;
(ix) Inability, by use of normal procedures, to shutdown an engine;
(x) Inability to restart a serviceable engine.
(xi) An uncommanded thrust/power loss, change or oscillation which is classified as a "LOTC" (loss of thrust or power control)—
(xii) For a single-engine aircraft; or
(xiii) Where it is considered excessive for the application; or
(xiv) Where this could affect more than one engine in a multi-engine aircraft, particularly in the case of a twin-engine aircraft; or

(xv) For a multi-engine aircraft where the same, or similar, engine type is used in an application where the event would be considered hazardous or critical.

(4) Any defect in a life-controlled part causing its withdrawal before completion of its full life.

(5) Defects of common origin which could cause an in-flight shut-down rate so high that there is the possibility of more than one engine being shut down on the same flight.

(6) An engine limiter or control device failing to operate when required or operating inadvertently.

(7) Exceedance of engine parameters.

(8) "FOD" (foreign objects damage).

(9) Propellers and transmission

(d) **Occurrences involving rotors and transmissions**, including—

(1) Failure or malfunction of any part of a propeller or powerplant resulting in any one or more of the following—

(i) An overspeed of the propeller;

(ii) The development of excessive drag;

(iii) A thrust in the opposite direction to that commanded by the pilot;

(iv) A release of the propeller or any major portion of the propeller;

(v) A failure that results in excessive imbalance;

(vi) The unintended movement of the propeller blades below the established minimum in-flight low-pitch position;

(vii) An inability to feather the propeller;

(viii) An inability to change propeller pitch;

(ix) An uncommanded change in pitch;

(x) An uncontrollable torque or speed fluctuation;

(xi) The release of low-energy parts.

(2) Damage or defect of main rotor gearbox/attachment which could lead to in-flight separation of the rotor assembly and/or malfunctions of the rotor control.

(3) Damage to tail rotor, transmission and equivalent systems.

(e) **Occurrences involving APUs**, including—

(1) Shut down or failure when the APU is required to be available by operational requirements, e.g. ETOPS, "MEL" (minimum equipment list).

(2) Inability to shut down the APU.

(3) Overspeed.

(4) Inability to start the APU when needed for operational reasons.

(f) **Human factors occurrences,** including any incident where any feature or inadequacy of the aircraft design could have led to an error of use that could contribute to a hazardous or catastrophic effect.

(g) **Other aircraft technical occurrences**, including—

(1) Any incident where any feature or inadequacy of the aircraft design could have led to an error of use that could contribute to a hazardous or catastrophic effect.

(2) An occurrence not normally considered as reportable (e.g., furnishing and cabin equipment, water systems), where the circumstances resulted in endangering the aircraft or its occupants.

(3) A fire, explosion, smoke or toxic or noxious fumes.

(4) Any other event which could endanger the aircraft, or affect the safety of the occupants of the aircraft, or people or property in the vicinity of the aircraft or on the ground.

(5) Failure or defect of passenger address system resulting in loss of, or inaudible, passenger address system.

(6) Loss of pilot seat control during flight,

APPENDIX 3 TO 19.070: MANDATORY REPORTS: AIR NAVIGATION OCCURRENCES

(a) **Near collision incidents** (encompassing specific situations where one aircraft and another aircraft/the ground/a vehicle/person or object are perceived to be too close to each other)—

(1) Separation minima infringement;
(2) Inadequate separation;
(3) "Near-CFIT" (near-controlled flight into terrain);
(4) Runway incursion where avoiding action was necessary.

(b) **Potential for collision or near collision** (encompassing specific situations having the potential to be an accident or a near collision, if another aircraft is in the vicinity)—

(1) Runway incursion where no avoiding action is necessary;
(2) Runway excursion;
(3) Aircraft deviation from ATC clearance;
(4) Aircraft deviation from applicable "ATM" (air traffic management) regulation—
(i) Aircraft deviation from applicable published ATM procedures;
(ii) Unauthorised penetration of airspace;
(iii) Deviation from aircraft ATM-related equipment carriage and operations, as mandated by applicable regulation(s).

(c) **ATM-specific occurrences** (encompassing those situations where the ability to provide safe ATM services is affected, including situations where, by chance, the safe operation of aircraft has not been jeopardised. This shall include the following occurrences—

(1) Inability to provide ATM services:
(i) inability to provide air traffic services;
(ii) inability to provide airspace management services;
(iii) inability to provide air traffic flow management services;
(2) Failure of Communication function;
(3) Failure of Surveillance function;
(4) Failure of Data Processing and Distribution function;
(5) Failure of Navigation function
(6) ATM system security.
(7) Examples of include—
(i) Provision of significantly incorrect, inadequate or misleading information from any ground sources, e.g. ATC, "ATIS" (automatic terminal information service), meteorological services, navigation databases, maps, charts, manuals, etc.
(ii) Provision of less than prescribed terrain clearance.
(iii) Provision of incorrect pressure reference data (i.e. altimeter setting).
(iv) Incorrect transmission, receipt or interpretation of significant messages when this results in a hazardous situation.
(v) Separation minima infringement.
(vi) Unauthorised penetration of airspace.
(vii) Unlawful radio communication transmission.
(viii) Failure of ANS ground or satellite facilities.
(ix) Major ATC/ATM failure or significant deterioration of aerodrome infrastructure.
(x) Aerodrome movement areas obstructed by aircraft, vehicles, animals or foreign objects, resulting in a hazardous or potentially hazardous situation.
(xi) Errors or inadequacies in marking of obstructions or hazards on aerodrome movement areas resulting in a hazardous situation.

(xii) Failure, significant malfunction or unavailability of aerodrome lighting

(d) "ATC" (air traffic control) Navigation and Communications - significant malfunction or deterioration of service.

(e) An aircraft was or could have been endangered by impairment of any member of ground staff (e.g. ATC, "FD" (flight dispatchers), Maintenance, etc.).

(f) ATC overload.

(g) Failure or unplanned shutdown of a major operational ATC computer system, requiring reversion to manual back-up and resulting in disruption to the normal flow of air traffic.

End of RCAR Part 19

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA 20 W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX 20 TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE 20 D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 20

Foreign Operators

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SUBPART A: GENERAL

20.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as Civil Aviation (Foreign Operators) Regulations.

(b) This Part prescribes requirements applicable to the operations in the Republic of Rwanda—

(1) Of any foreign-registered civil aircraft operated by a foreign citizen who holds Rwanda economic authority but does not hold resident status in Rwanda; or

(2) Involving in scheduled commercial air transport by a foreign air operator.

20.005 DEFINITIONS

(a) For the purpose of this Part, the following definitions shall apply—

Aeroplane flight manual. A manual, associated with the certificate of airworthiness, containing limitations within which the aeroplane is to be considered airworthy, and instructions and information necessary to the flight crew members of the safe operation of the aeroplane.

Air operator certificate. A certificate authorising an operator to carry out specified commercial air transport operations.

Aircraft operating manual. A manual, acceptable to the State of the Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft

Authority. Rwanda Civil Aviation Authority.

Cabotage. An operation involving flights in commercial air transport which enplaned passenger at one aerodrome in Rwanda and deplaned those same passengers at another aerodrome in Rwanda.

Commercial air transport operation. An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.

Foreign air operator. Any operator, not being an air operator holding an Air Operator Certificate issued by Rwanda, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of Rwanda, whether on a scheduled or charter basis.

Foreign Operator. A foreign person, organisation or enterprise engaged in or offering to engage in an operation in Rwanda with foreign registered aircraft.

Foreign person. A person that is not a citizen or legal resident of Rwanda

General aviation operation. An aircraft operation other than a commercial air transport operation or an aerial work operation.

Minimum equipment list. A list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the Master Minimum Equipment List (MMEL) established for the aircraft type.

Operations manual. A manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties.

Personal possession. The use of this phrase indicates that a document, manual or piece of equipment shall be contained upon the person or readily assessable at the crew member's station during the exercise of the licence privileges.

Prevent Flying Order. A formal document issued by an person authorised by the Authority to conduct safety oversight inspection and resolution of safety issues to advise the operator or pilots of an imminent safety concern of the Authority.

Rotorcraft flight manual. A manual, associated with the certificate of airworthiness, containing limitations within which the rotorcraft is to be considered airworthy, and instructions and information necessary to the flight crew members of the safe operation of the rotorcraft.

State of the Operator. The State which issued the air operator certificate.

State of Registry. The State which issued the registration certificate of the aircraft.

State of Design. 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 Manufacture. The Contracting State, under whose authority an aircraft was assembled, approved for compliance with the type certificate and all extant supplemental type certificates, test flown and approved for operation. (The State of Manufacture may or may not also be the State of Design.)

20.010 Acronyms & Abbreviations

(a) The following abbreviations are used in this Part—

AFM – Aeroplane Flight Manual;
AOC – Air Operator Certificate;
AOM – Aeroplane Operating Manual;
ATS – Air Traffic Service
MEL – Minimum Equipment List;
RFM – Rotorcraft Flight Manual.

20.015 Conformance to Applicable Requirements

(a) No pilot or foreign operator may operate an aircraft in Rwanda contrary to the requirements of—
  (1) This Part;
  (2) Applicable standards contained in the Annexes to the Convention on International Civil Aviation for the operation to be conducted; and
  (3) Any other requirements that the Authority may specify in the—
    (i) Aeronautical Information Publication issued by Rwanda; or
    (ii) For commercial air transport operations, the operations specifications issued by Rwanda for such purpose.

Subpart B: Safety Oversight of Foreign Operators

20.020 Applicability

(a) This Subpart provides the requirements for safety oversight that shall be applicable to foreign operators during their operations in Rwanda.

20.025 Program of Inspections

(a) The Authority shall establish with procedures for—
  (1) The surveillance of operations in their territory by foreign operators; and
  (2) Taking appropriate action when necessary to preserve safety.

(b) This program will include both planned and no-notice inspections of the foreign operators.

(c) Foreign operators and their personnel shall permit and facilitate these inspections to ensure their accomplishment in a reasonable period of time.

20.030 Authority to Inspect

(a) The pilot-in-command and the operator shall permit a person properly authorised by the government of Rwanda, at any time and without prior notice—
  (1) To board any foreign aircraft operated in Rwanda; and
  (2) To inspect the documents and manuals required by this Part and the applicable ICAO Annexes; and
  (3) To conduct an inspection of the aircraft and its payload.

(b) No person may intentionally obstruct or impede any authorised person from accessing locations necessary to the conduct of these inspections.

(c) Failure to permit these inspections may result in the intervention of law enforcement authorities and the detention of—

(1) Aircraft;
(2) Crew members;
(3) Passengers; and/or
(4) Cargo.

20.035 Provision of Documents for Inspections

(a) Any documents, manuals and records required under the provisions of this Part and the ICAO Annex Standards and Recommended Practices applicable to the specific flight operation shall be provided to an authorised person upon his request for such information.

(b) Each person involved or participating in an aviation activity shall, within a reasonable time after being requested to do so by an authorised person, provide the licences, certificates and documents which he is required to have, carry, complete or preserve during the course of his activities.

(c) For the purpose of this Section, a reasonable time for considered to be—

(1) *At the time of the request,* for documents required to be—
(i) Carried on the person; or
(ii) On board the aircraft during flight.;

(2) *During normal business hours*, for documents required to be—
(i) Completed and retained at an aerodrome;
(ii) Completed and retained at the administrative facilities; or
(iii) Preserved.

20.040 Preservation of Reports, Documents & Records

(a) Any reports or documents generated during activities subject to the requirements of this Part shall be made within times, comply with the methods and shall contain such information as is specified by the Authority.

(b) A person assigned under these Regulations to preserve any document or record shall continue to preserve that document or record until such time as the responsibility may be transferred to another assigned person.

(c) Unless otherwise directed by the Authority, a foreign operator of an aircraft on which a flight recorder is carried shall preserve the original recorded data for a period of not less than 60 days, following an accident or incident in Rwanda involving an aircraft of the foreign operator.

20.045 Unairworthy Aircraft or Unqualified Crew Members

(a) The pilot-in-command and the operator shall ensure that the—

(1) Aircraft being operated is in conformance with the applicable airworthiness standards and documentation;
(2) Crew members are qualified in conformance with the applicable minimum requirements for the flight operation; and
(3) Aircraft is operated within the applicable structural, performance and mass and balance limitations.

(b) If the Authority determines that the requirements specified in paragraph (a) of this Section are not met, a Prevent Flying Order will be issued.

(c) Failure of the pilot-in-command or foreign operator to comply with the Prevent Flying Order may result in the intervention of law enforcement authorities and the detention of the aircraft and/or crew members.

20.050 Notification of Non-Compliance

(a) The Authority shall immediately notify the foreign operator when it identifies a case of non-compliance or suspected non-compliance by a foreign operator or its personnel with—
  (1) A serious safety concern.
  (2) ICAO Annex Standards; or
  (3) Laws, regulations and procedures applicable within Rwanda territory or airspace.

(b) If warranted by the seriousness of the issue, the Authority shall notify the—
  (1) State of the Operator; and
  (2) State of Registry, if the issue falls within the responsibilities of that State.

(c) If the issue and its resolution warrant it, the Authority shall engage in consultations with the State of the Operator and the State of Registry, as applicable, concerning the safety standards maintained by the operator.

Subpart C: Conformance to ICAO Standards

20.055 Applicability

(a) The Subpart clarifies the ICAO Standards and Recommended Practices that will be applicable to foreign operators in Rwanda.

20.060 International aircraft registration Standards

(a) No foreign person or entity may operate an aircraft in Rwanda, unless it displays registration markings and documentation in conformance with—
  (1) ICAO Annex 7; and
  (2) The State of Registry registration requirements.

20.065 International airworthiness standards

(a) No foreign person or entity may operate an aircraft in Rwanda, unless that aircraft is in conformance with the—
  (1) Airworthiness Standards of ICAO Annex 8;
  (2) Type Certificate issued for that type of aircraft by the State of Design, Manufacture or Registry;
  (3) Certificate of Airworthiness issued for that aircraft by the State of Registry;
  (4) The continuing inspection requirements of the State of Registry; and
  (5) Requirements for a valid maintenance release.

20.070 International Noise & Environment Standards

(a) No foreign person or entity may operate an aircraft in Rwanda, unless that aircraft is—
  (1) Carrying on the flight deck, a noise certificate or equivalent document issued by the State of the Registry in conformance with ICAO Annex 16;
  (2) Operated in conformance with any limitations specified in the issuance of that noise certificate.

20.075 International Personnel Licensing Standards

(a) No foreign person or entity may exercise the privileges of a license issued by a State of Registry, other than Rwanda, to operate an aircraft within Rwanda unless—
  (1) That license was issued in conformance with Standards and Recommended Practices specified in ICAO Annex 1;
  (2) That license is carried in the personal possession of the license holder during all operations of aircraft in Rwanda;
  (3) The license holder is in conformance with the applicable State of Registry requirements for—

(i) Currency;
(ii) Proficiency; and
(iii) Recency of experience.

20.080 International Security Standards

(a) No foreign person or entity may conduct operations of aircraft in Rwanda unless those operations conform to—
(1) ICAO Annex 17 applicable for such operations;
(2) Any security requirements required at the authorities at the aerodromes of departure and arrival; and
(3) *For commercial air transport operations*, the security policies and procedures approved for the air operator.

(b) A foreign operator shall take measures to ensure that no persons conceal themselves or cargo on board an aircraft.

20.085 International Dangerous Goods Standards

(a) No foreign person or entity may operate an aircraft in Rwanda transporting dangerous goods not exempted by ICAO Annex 18 or the Technical Instructions, whether in general aviation or commercial air transport operations, unless—
(1) Those operations conform to the Standards and Recommended Practices of ICAO Annex 18; and
(2) The notification requirement of this Part has been met.

20.090 International Rules of the Air Standards

(a) No foreign person or entity may operate an aircraft in Rwanda unless those operations conform to—
(1) Annex 2, Rules of the Air; or
(2) At the option of the operator, Part 10 of these Regulations

20.095 International General Aviation Standards

(a) No foreign person or entity may operate an aircraft in general aviation operations in Rwanda, unless those operations conform to the Standards and Recommended Practises for those operations that are specified in—
(1) *For aeroplanes,* Annex 6, Part 2; or
(2) *For helicopters,* Annex 6, Part 3; or
(3) At the option of the operator, Parts 7, 10, 13, 17 and 28 of these Regulations, as applicable.

20.100 International Commercial Air Transport Standards

(a) No foreign person or entity may operate an aircraft in commercial air transport operations in Rwanda unless those operations conform to the—
(1) Operations specifications issued by the Authority; and
(2) Air operator certificate and operations specifications of the State of the Operator; and
(3) International Air Transit Agreement (1944); and
(4) ICAO Convention (1944); and
(5) The Standards and Recommended Practises for those operations that are specified in—
(i) *For aeroplanes*, ICAO Annex 6, Part 1; or
(ii) *For helicopters*, ICAO Annex 6, Part 3.

20.105 Restrictions regarding Commercial Air Transport

(a) No foreign person or operator may conduct commercial air transportation operations involving cabotage between aerodromes in Rwanda unless those operations are authorized by the Authority and in

accordance with the applicable freedoms specified in the International Air Transit Agreement or as provided in applicable bilateral agreements.

(b) No foreign person or air operator may conduct commercial air transport operations from an aerodrome in a foreign country to and from aerodromes in Rwanda unless those operations are authorised by the Authority and in accordance with the 5 freedoms specified in the International Air Transit Agreement or as provided in applicable bilateral agreements.

20.107 Aerial Work Operations by Foreign Operators

(a) No foreign person or entity may operate an aircraft in aerial work operations in Rwanda unless those operations conform to the—
  (1) Operations specifications issued by the Authority; and
  (2) Aerial work certificate, authorization and/or operations specifications of the State of the Operator; and
  (3) The Standards and Recommended Practises for those operations that are specified in ICAO Annex 6 except as they are exempted by the Authority or State of the Operator.

(b) The Authority may choose not to permit the operator to operate under the foreign aerial work authorization. In that case, the operator shall to apply for and be certificated under the Rwanda Civil Aviation Regulations before performing aerial work in Rwanda.

Subpart D: Required Notifications

20.110 Applicability

(a) This Subpart provides the notification requirements that are applicable to operations by foreign operators in Rwanda.

20.115 Operational Differences to ICAO Standards

(a) No foreign person or entity may engage in operations in Rwanda that are not in compliance, or have differences, with applicable ICAO Standards and Recommended Practices unless—
  (1) The Authority has been provided with prior notification of the operation, including—
    (i) Names of the persons and licences involved;
    (ii) Type and registration number of the aircraft involved;
    (iii) Specific dates for the proposed operations;
    (iv) Specific difference with the Standard or Recommended Practice involved; and
    (v) Proposed provision for an equivalent level of public safety;
  (2) The foreign operator has received formal written authorisation for the proposed operations from the Authority; and
  (3) A copy of the signed authorisation is carried within the aircraft during all operations within Rwanda.

20.120 Dangerous Goods Notification

(a) No foreign person or operator may carry dangerous goods on an aircraft in Rwanda unless prior notification of the presence and type of dangerous goods on the aircraft has been included in the remarks section of the filed ATC flight plan.

20.125 Basing a Foreign-Registered Aircraft in Rwanda

(a) No foreign person or operator may base an foreign-registered aircraft in Rwanda for an extended period of 30 days or more, while conducting operations within, to and from the airspace of Rwanda unless they have made written notification to the Authority with the following information—
  (1) Aircraft registration number
  (2) Aircraft make, model and series;

(3) Aircraft serial number;
(4) Aerodrome where the aircraft is based;
(5) Operator name, address and telephone contact numbers; and
(6) A current copy of the aircraft insurance papers.

SUBPART E: DOCUMENTS TO BE CARRIED & RETAINED

20.130 APPLICABILITY

(a) This Subpart clarifies the requirements for documents, manuals and records that must be carried aboard the aircraft or retained at the point of departure by foreign operators in Rwanda.

20.135 DOCUMENTS TO BE CARRIED ON AIRCRAFT: ALL OPERATIONS

(a) No foreign person or entity may operate a civil aircraft unless it has within it the current and approved documents appropriate to the operations to be conducted, including—
(1) A current and properly displayed registration certificate issued by the State of Registry;
(2) A current and properly displayed airworthiness certificate issued by the State of Registry;
(3) A current and properly displayed noise certificate issued by the State of Registry;
(4) An Approved Flight Manual appropriate to the aircraft type;
(5) Normal, abnormal and emergency checklists for all phases of flight;
(6) A pilot operating handbook (or aircraft operating manual) appropriate to the aircraft type;
(7) Performance and Mass and Balance tables or graphs
(8) An aircraft radio license (if radio is installed and being used by the crew) issued by the State of Registry;
(9) Current and suitable charts for—
(i) The route of the proposed flight, and
(ii) All routes along which it is reasonable to expect that the flight may be diverted;
(10) Air-ground signals for search and rescue;
(11) Notification documents for any special cargo, including any dangerous goods; and
(12) Passenger and third-party liability insurance certificate issued to the owner and operator of the aircraft.

(b) No foreign person or entity may operate a civil aircraft in Rwanda unless the following documents issued by the State of Registry are in the personal possession of each crew member—
(1) Licences;
(2) Medical certificates, if applicable; and
(3) Radio telephone endorsement or equivalent document, if applicable.

20.140 ADDITIONAL DOCUMENTS APPLICABLE TO INTERNATIONAL FLIGHTS

(a) No foreign person or entity may operate a civil aircraft for flights across international borders into or out of Rwanda unless it has within the additional documents necessary for such flights, including—
(1) A filed ATC flight plan
(2) A general declaration for customs.
(3) A list of passenger names and points of embarkation and destination, if applicable.
(4) The procedures and signals relation to interception of aircraft;
(5) An English translation of the Noise Certificate; and
(6) Any other documentation that may be required by the Authority or States concerned with such a flight.

20.145 Additional Document Requirements: Commercial Air Transport

(a) No foreign person, entity or air operator may operate a civil aircraft in Rwanda in commercial air transport unless it has within it the additional documents necessary for such flights, including—
  (1) A copy of the operations specifications issued by the Authority permitting such operations in Rwanda;
  (2) An Aircraft Journey/Technical logbook with properly documented—
    (i) Maintenance release; and
    (ii) If relevant, identification and deferment of any mechanical irregularity;
  (3) A completed Aircraft Load Manifest for the specific flight;
  (4) A completed Operational Flight Plan appropriate to the route;
  (5) The NOTAMS briefing documentation.appropriate to the flight;
  (6) The meteorological briefing documentation appropriate to the route of flight;.
  (7) Operations manuals relevant to operation(s) conducted accepted by the State of the Operator;
  (8) An Aircraft Operating Manual accepted by the State of the Operator;
  (9) A MEL approved by the State of the Operator
  (10) An English translation of a certified true copy of AOC and authorisations, conditions and limitations issued by the State of the Operator for the fleet of aircraft operated;
  (11) A bomb search checklist;
  (12) A Least risk location instruction in the event a bomb is found; and
  (13) Forms for complying with the reporting requirements of the State of the Operator and the AOC holder.

20.150 Retention of Air Operator Records

(a) The foreign air operator shall have a copy of the following records retained at a point of departure from Rwanda—
  (1) Passenger manifest
  (2) Aircraft technical log page(s) containing the maintenance release(s) applicable for the departing flight;
  (3) Aircraft type-specific load manifest demonstrating compliance with requirements for—
    (i) Mass and balance; and
    (ii) Performance; and
  (4) Operational flight plan.

(b) The Authority may approve an alternative retention method in the operations specifications.

Subpart F: Foreign Air Operators

20.155 Applicability

(a) This Subpart provides the additional requirements that are applicable to foreign air operators for conduct of commercial air transport operations in Rwanda.

20.160 Minimum Standards for Compliance

(a) Rwanda shall recognize as valid an air operator certificate issued by another ICAO Contracting State, provided that the requirements under which the certificate was issued are at least equal to the applicable Standards specified in Annex 6, Part 1.

(b) If there is not sufficient information or technical reservations regarding the foreign air operator's conformance with Annex 6, the Authority may make an on-site visit to the operator's operations and maintenance bases assess conformance before issuance of the Foreign Air operator's operations specifications.

(c) The Authority shall not impose more restrictive requirements than those applicable to commercial air transport operations conducted by—

(1) Other foreign air operators authorised to operate in Rwanda; or
(2) AOC holders of Rwanda.

20.165 General Requirements for Application

(a) A foreign air operator shall not operate an aircraft in Rwanda unless it holds operations specifications issued to it by the Authority.

(b) Where an air operator wishes to apply to operate in Rwanda it shall make such application to the Authority in the form and manner prescribed by the Authority.

(c) An application for Operations Specifications, shall be accompanied by—
(1) A copy of a valid air operator certificate and supporting authorisations issued by the State of the Operator;
(2) A copy of any equivalent operations specifications issued by the State of the Operator for any demonstrating approvals to be used while conducting operations in Rwanda;
(3) A copy of the licence or authorisation granted to the air operator by the State of the Operator to conduct commercial air transport to and from Rwanda;
(4) A proposed Aircraft Operator Security program, for the approval of the Authority;
(5) A copy of the approval page for a Minimum Equipment List approved by the State of the Operator for each aircraft type intended to be operated in Rwanda;
(6) A representative copy of a Certificate of Registration issued the State of Registry for the aircraft types proposed to be operated in Rwanda;
(7) A copy of a document identifying the maintenance that are required to be carried out for aircraft while they are operated in Rwanda;
(8) A copy of the maintenance contract between the air operator and the AMO approved by the State of Registry to conduct the maintenance while in Rwanda;
(9) A copy of any lease agreements, if the aircraft is not owned by foreign air operator; and
(10) Any other document the Authority considers necessary to ensure that the intended operations will be conducted safely.

(d) The Authority may waive the requirements listed in paragraph (c)(5-10) during the validation process, but the operator shall provide such document when requested by the Authority at a later date.

(e) An applicant under this Part shall apply for the initial issue of foreign air operator operations specifications at least 15 days before the date of commencement of intended operation.

20.170 Conditions for the Issuance

(a) The Authority may issue operations specifications to a foreign air operator to conduct commercial air operations in Rwanda where the Authority is satisfied that the air operator—
(1) Has a valid Air Operator Certificate and Operations Specifications issued by the State of the Operator;
(2) Has an Aircraft Operator Security Program approved by the State of the Operator and Rwanda for the operations intended;
(3) Meets the applicable Standards and Recommended Practices for commercial air transport in ICAO—
(i) *For aeroplanes*, Annex 6, Part 1: or
(ii) *For helicopters*, Annex 6, Part 3; and
(4) Meets the standards contained in other applicable Annexes to the Chicago Convention for the operation to be conducted.

20.175 Operations Specifications

(a) The operations specifications issued by the Authority shall specify which specific operations are authorised, prohibited, limited or subject to certain conditions, in the interest of public safety.

(b) The Authority shall not issue authorisations that have not been authorised for the foreign air operator by the State of the Operator unless those requirements are specifically intended only for operations in Rwanda.

(c) Operations Specifications issued under this Subpart shall contain details of the following—

(1) The purpose of issuance;
(2) Application and duration;
(3) Limitations to, or actions required by, the operator;
(4) Aerodrome authorisations and limitations;
(5) Authorised aircraft listing; and
(6) Any other limitations to operations in Rwanda prescribed by the Authority.

(d) The Operations Specifications issued to a foreign air operator by the Authority shall be supplementary to the requirements of this Part of these Regulations.

20.180 Continued Validity of Operations

(a) Unless otherwise a shorter period is stated, the Authority shall issue foreign air operations specifications valid for not more than 12 months.

(b) A foreign air operator shall, when conducting operations authorized by the Authority to, from and within Rwanda, meet and maintain the requirements established by Rwanda, including those found in—

(1) This Part;
(2) Operations Specifications issued by the Authority;
(3) Its approved Aircraft Operator Security program; and
(4) Any additional security and safety requirements that may be specified by the Government of Rwanda.

(c) During the validity period of the foreign operator certificate and operations specifications, the operator is required to monitor any changes that occur to documents or arrangements submitted with the original application and provide any revisions to the Authority in a manner prescribed by the Authority.

(d) Where an air operator wishes to renew foreign operator certificate issued by the Authority in accordance with the provisions of this Part, the foreign operator shall make such application to the Authority in the form and manner prescribed by the Authority 15 days prior to the expiration date.

(e) Contents of the application package stated in paragraph (d) shall include—

(1) An application form duly completed in a manner prescribed by the Authority;
(2) An indication of those elements that have changed since the original application.
(3) Any documents required on the original application.

Subpart G: Security

20.185 Applicability

(a) This Subpart provides additional security requirements that are applicable to foreign air operators for commercial air transport operations in Rwanda.

20.190 Aircraft Security

(a) A foreign air operator shall—

(1) Ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national security programs of the State of the operator;
(2) Establish, maintain and conduct approved training programs which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimise the consequences of such events should they occur;

(3) Following an act of unlawful interference on board an aircraft the pilot-in-command or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the civil aviation authority in the State of the Operator;

(4) 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; and

(5) If installed, the flight crew compartment door 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.

End of RCAR Part 20

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA 21 W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX 21 TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE 21 D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 21

Aeronautical Telecommunications

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SUBPART A: GENERAL

21.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as the Civil Aviation (Aeronautical Telecommunications Services) Regulations.

(b) This Part prescribes the requirements of Rwanda for—

(1) Operating and technical standards for aeronautical telecommunication services and facilities; and

(2) Governing the certification and operation of organisations providing aeronautical telecommunication services in support of Instrument Flight Rules (IFR) flight or an air traffic service.

(c) This Part is applicable to—

(1) Persons seeking certification to provide aeronautical telecommunications services; and

(2) Organisations that provide the required aeronautical telecommunications services; and

(3) Persons that administer the required aeronautical telecommunications services on behalf of the organisations.

(d) The Standards contained in Rwanda Civil Aviation Technical Standards (R-CATS)- Aeronautical Telecommunication Service shall be applicable to the provision of aeronautical telecommunications in Rwanda.

(e) These regulations do not apply in respect of any aeronautical telecommunication services that are provided by or under the authority of the Minister of Defence.

21.005 DEFINITIONS

(a) For the purpose of this Part, the following definitions apply —

ADS-C agreement. A reporting plan that establishes the conditions of ADS-C data reporting (i.e. data required by the air traffic services or control unit and frequency of ADS-C reports that have to be agreed to prior to the provision of the ADS-C services).

Controller-pilot data link communications (CPDLC). A means of communication between controller and pilot, using data link for ATC communications.

Convention. The 1944 Chicago Convention on International Civil Aviation.

Data link communications. A form of communication intended for the exchange of messages via a data link.

Manual of Operations. The manual required by Section 21.070.

Note 1: Additional aviation-related terms are defined in Part 1 of these requirements.

Note 2: Additional aviation aeronautical telecommunication service definitions are provided in the Rwanda-Civil Aviation Technical Standards relevant to the requirements of this Part.

21.010 ACRONYMS & ABBREVIATIONS

(a) The following acronyms and abbreviations are used in this Part—

ADS = Automatic Dependent Surveillance – Broadcast or ADS-B

AFTN = Aeronautical Fixed Telecommunication Network

AIP = Aeronautical Information Publication
AIS = Aeronautical Information Service
ATIS = Automatic Terminal Information Service
CPDLC = Controller-Pilot Data Link Communications
DME = Distance Measuring Equipment
ENR = En Route
FDPS = Flight Data Processing System

GNSS = Global Navigation Satellite System
HF = High Frequency - 3-30 Megahertz
ICAO = International Civil Aviation Organisation
IFR = Instrument Flight Rules
ILS = Instrument Landing System
MLS = Microwave Landing System
NDB = Non-Directional Beacon
NOTAM = Notice to Airmen
PAR = Precision Approach Radar
PSR = Primary Surveillance Radar
R-CATS = Rwanda Civil Aviation Technical Standards
RDPS = Radar Data Processing System
SMS = Safety Management System
SSR = Secondary Surveillance Radar
UHF = Ultra High Frequency – 300-3000 Megahertz
VHF = Very High Frequency -30-300 Megahertz
VOLMET = Routine Broadcast Meteorological information for aircraft in-flight
VOR = VHF (Very High Frequency) Omni-Directional Radio Range

Note 1: Additional aviation-related acronyms are listed in Part 1 of these requirements and the R-CATS.

Note 2: The references for the requirements of this Part include the R-CATS, ICAO Annex 10 and ICAO doc. 8071.

21.015 Performance Prohibitions

(a) A person who operates any equipment that is part of an aeronautical telecommunications system referred to in R-CATS - Aeronautical Telecommunication Service shall ensure that—
  (1) the equipment is installed, maintained and operated in accordance with the standards specified in R-CATS - Aeronautical Telecommunication Service; and
  (2) documentation is maintained that shows how compliance with the standards referred to in paragraph (1) is being achieved.

(b) No person shall perform a function related to the installation, maintenance or operation of any aeronautical telecommunications equipment unless the person has successfully completed training in the performance of that function and has been certified by the operator of the aeronautical telecommunications system as being competent to perform that function.

(c) A person who operates any ground equipment in support of satellite navigation systems shall ensure that—
  (1) the equipment is installed, maintained and operated in accordance with the standards specified for GNSS IFR Operations; and
  (2) documentation is maintained that shows how compliance with the standards referred to in paragraph (1) is being achieved.

(d) A person who operates any equipment that is part of an aeronautical telecommunications system referred to in paragraph (a) or (c) shall, at the request of the Authority, provide a copy of the documentation referred to in paragraph (a)(2) or (c)(2).

21.020 Establishment of Aeronautical Telecommunication Service Provider

(a) These Regulations prescribe the requirements pertaining to the planning, operation and maintenance of aeronautical telecommunication facilities.

(b) An aeronautical telecommunication service provider shall ensure that the aeronautical telecommunication service that it provides is in conformity with the provisions in this regulation.

(c) The aeronautical telecommunication service provider shall be designated by the responsible Authority for providing such services.

(d) An aeronautical telecommunication service provider shall be responsible for the provision of communication, navigation and surveillance services to ensure that the telecommunication information and data necessary for the safe, regular and efficient operation of air navigation is available.

21.025 IDENTIFICATION CODES & FREQUENCIES

(a) The Authority shall allocate an identification code for a radio navigation aid or a frequency for a radio communication transmitting aeronautical facility if the Authority is satisfied that the allocation of a code or frequency is not contrary to the interests of aviation safety.

(b) An applicant for the allocation of an identification code or a frequency under paragraph (a), complete an application, in a form and in the manner prescribed by the Authority, and submit it to the Authority with, if applicable, a payment of the appropriate application fee prescribed by the Authority.

(c) No person shall operate—

(1) radio navigation aid, unless it has been allocated an identification code by the Authority under paragraph (a); or

(2) a radio communication transmitter on an aeronautical radio frequency, unless it has been allocated a frequency by the Authority under paragraph (a).

21.030 ISSUE OF RWANDA CIVIL AVIATION TECHNICAL STANDARDS (R-CATS)

(a) The Authority shall issue a Manual of Rwanda Civil Aviation Technical Standards (R-CATS)- Aeronautical telecommunication Service, Volume I,II,III,IV and V prescribing standards for these Regulations that provides for the following matters—

(1) standards, including procedures, systems and documents used to provide aeronautical telecommunication services;

(2) standards for facilities and equipment used to provide an aeronautical telecommunication services;

(3) standards for the training and checking of an aeronautical telecommunication services provider's personnel;

(4) any matter required or permitted by these Regulations to be provided for by the Manual of Rwanda Civil Aviation Technical Standards (R-CATS);

(5) any matter necessary or convenient to be provided for the effective operation of these Regulations.

(b) The standards referred to paragraph (a) shall, for the safety of air navigation, be complied with by—

(1) aeronautical telecommunication service certificate holders; and

(2) aeronautical telecommunication services certificate applicants.

(c) The Authority shall also publish Advisory Circulars containing acceptable methods and procedures for compliance with these regulations and the prescribed standards.

SUBPART B: CERTIFICATION REQUIREMENTS

21.035 REQUIREMENT FOR CERTIFICATE

(a) No person shall provide an aeronautical telecommunication service or operate an aeronautical facility except under the authority of, and in accordance with the provisions of, an aeronautical telecommunication service certificate.

(b) Paragraph (a) does not apply if a person operates an aeronautical facility on an aeronautical radio

frequency and—

(1) the aeronautical facility—

(i) is a radio communication transmitter that does not support an air traffic service; or

(ii) is a radio navigation aid that does not support IFR flight or an air traffic service; and

(iii) the aeronautical facility does not interfere with any other aeronautical telecommunication service or aeronautical facility; and

(iv) the radio transmission does not interfere with any other aeronautical telecommunication service or aeronautical facility;

(v) is a surveillance system that does not support an air traffic service.

21.040 Application for Certificate

(a) An applicant for an aeronautical telecommunication service certificate shall complete an application, in a form and in the manner prescribed by the Authority, and submit it to the Authority with—

(1) the applicant's manual of operations required under Section 21.070; and

(2) a payment of the appropriate application fee prescribed by the Authority.

21.045 Issue of Certificate

(a) The Authority shall issue an aeronautical telecommunication service certificate to an applicant if the Authority is satisfied that—

(1) the applicant meets the requirements of these regulations and standards prescribed by the Authority; and

(2) the applicant and the senior person or senior persons required under Section 21.065(a)(1) and (2) are fit and proper persons; and

(3) the granting of the certificate is not contrary to the interests of aviation safety.

21.050 Privileges of Certificate Holder

(a) An aeronautical telecommunication service certificate shall specify the aeronautical telecommunication services and aeronautical facility types that the certificate holder is authorized to operate.

(b) Subject to Section 21.170, the holder of an aeronautical telecommunication service certificate may operate any of the aeronautical facility types specified on the holder's certificate so long as—

(1) each aeronautical facility operated is listed in the certificate holder's manual of operations; or

(2) if the aeronautical facility is not listed in the manual of operations, its operation is for site test purposes controlled by the procedures required under Section 21.080(b).

21.055 Duration of Certificate

(a) An aeronautical telecommunication service certificate shall be granted or renewed for a period of up to 2 years.

(b) An aeronautical telecommunication service certificate shall remain in force until it expires, or is suspended or revoked.

(c) The holder of an aeronautical telecommunication service certificate that has been suspended or revoked shall surrender the certificate to the Authority immediately.

(d) The Authority may, by written notice given to the holder of an aeronautical telecommunication service certificate, suspend or revoke the certificate if there are reasonable grounds for believing that—

(1) a condition to which the certificate is subject has been breached; or

(2) the holder has failed to comply with these Regulations.

(e) Before suspending or cancelling an aeronautical telecommunication service certificate, the Authority shall—

(1) give to the holder a show cause notice that—

(i) sets out the facts and circumstances that, in the opinion of the Authority, would justify the suspension or cancellation; and

(ii) invites the holder to show cause, in writing, within 30 days after the date of the notice, why the certificate should not be suspended or revoked; and

(2) take into account any written submissions that the holder makes to the Authority within 30 days.

(f) The holder of an aeronautical telecommunication service certificate that has been suspended or revoked shall forthwith surrender the certificate to the Authority immediately.

21.060 Renewal of Certificate

(a) An application for the renewal of an aeronautical telecommunication service certificate shall be made in a form and in the manner prescribed by the Authority; and

(b) The application for the renewal shall be made not less than 90 days before the expiry date specified on the certificate and shall be accompanied by the Manual of Operations (MANOPs) if significant changes have been made following the initial certification; and

(c) the fee as prescribed by the Authority.

(d) The renewal of a certificate shall be subject to compliance with these Regulations and any other conditions as may be specified or notified by the Authority.

21.065 Personnel & Training Requirements

(a) An applicant for an aeronautical telecommunication service certificate shall employ, contract, or otherwise engage—

(1) a senior person identified as the chief executive who—

(i) has the authority within the applicant's organization to ensure that all activities undertaken by the organization can be financed and carried out to meet applicable operational requirements; and

(ii) is responsible for ensuring that the organization complies with the requirements and standards prescribed by these Regulations; and

(2) a senior person or persons responsible to the chief executive and who are responsible for—

(i) ensuring that the applicant's organization complies with its manual of operations; and

(ii) the system for safety management system required under Section 21.130; and

(3) sufficient personnel to inspect, supervise, and maintain the facilities listed in the applicant's manual of operations.

(b) The senior person or persons required by paragraph (a)(2)(ii) shall be able to demonstrate competency and experience relevant to the management of safety systems and the activities of the certificate holder.

(c) An applicant for an aeronautical telecommunication service certificate shall establish procedures for personnel, who are authorized by the holder of the aeronautical telecommunications service certificate to place into operational service any of the facilities listed in the manual of operations, to—

(1) assess the competency of those authorized personnel; and

(2) maintain the competency of those authorized personnel; and

(3) establish a means to provide those authorized personnel with written evidence of the scope of their authorization.

(d) An Applicant shall ensure that all its personnel possess the skills and competencies required in the provision of the aeronautical telecommunication service. The applicant shall develop an overall training policy and programme for each of its staff. The training policy and programme should lay down the training courses that different levels of staff have to undergo to perform his/her duties, including initial, recurrent, specialized and on-job (OJT) training.

(e) An Applicant shall maintain individual training records for each of its staff, which should include a training

plan detailing the courses completed by each staff as well as the time-frame for attending future courses as required under his training plan.

21.070 AERONAUTICAL TELECOMMUNICATION SERVICE ORGANISATION MANUAL OF OPERATIONS

(a) An applicant for an aeronautical telecommunication service certificate shall provide the Authority with an manual of operations that contains—

(1) a statement signed by the chief executive, on behalf of the applicant's organisation confirming that—

(i) the manual of operations defines the organization and demonstrates its means and methods for ensuring ongoing compliance with these Regulations; and

(ii) the manual of operations, and all associated manuals, operating, and maintenance instructions, shall be complied with by the organisation's personnel at all times; and

(2) in relation to the system for safety management system required by regulation Section 21.130—

(i) all of the documentation required by Civil Aviation (Safety Management System) Regulations; and

(ii) for an applicant that is not applying for a renewal of an aeronautical telecommunication service certificate, an implementation plan that describes how the system for safety management will be implemented; and

(3) the titles and names of the senior person or persons required by Section 21.065(a)(1) and (2); and

(4) the duties and responsibilities of the senior person or persons required by Section 21.065(a)(1) and (2), including—

(i) matters for which they have responsibility to deal directly with the Authority on behalf of the organisation; and

(ii) responsibilities for safety management system; and

(5) an organisation chart showing lines of responsibility of each senior person or persons required by regulation Section 21.065(a)(1) and (2) and covering each location listed under paragraph (a)(9); and

(6) a summary of the organisation's staffing structure at each location listed under paragraph (a)(9); and

(7) a list of each type of aeronautical facility to be operated under the authority of the aeronautical telecommunication service certificate; and

(8) a summary of the scope of activities at each location where the organisation's personnel are based for the purpose of providing or maintaining the types of facilities listed under paragraph (a)(7); and

(9) a summary of the operational details or system performance target of each aeronautical facility (such as its availability and reliability) associated with each location listed under paragraph (a)(9); and

(10) details of the security programme required under Section 21.125; and

(11) the detailed procedures, or an outline of the procedures including information that identifies the documentation that contains the detailed procedures, that are required under—

(i) Section 21.065(a)(1) and (2) regarding the competence of personnel; and

(ii) Section 21.080(a) regarding the design, installation, and commissioning of facilities; and

(iii) Section 21.080(b) regarding the operation of temporary facilities for site tests; and

(iv) Section 21.135(b) regarding the control of documentation; and

(v) Section 21.105(a) regarding periodic inspections and testing of facilities; and

(vi) Section 21.100 regarding facility performance; and

(vii) Section 21.110 regarding the control, calibration, measuring, and test equipment; and

(viii) Section 21.095(a) regarding the notification of facility information; and

(ix) Section 21.115(a) regarding facility checks after notification of an accident or incident; and

(x) Section 21.120 regarding facility malfunction incidents; and

(xi) Section 21.135(a) regarding the identification, collection, indexing, storage, maintenance, and disposal of records; and

(xii) Section 21.090 regarding the operating procedures; and

(12) detailed procedures to control, amend, and distribute the manual of operations.

(b) The applicant's manual of operations shall be approved by the Authority.

21.075 Amendment of Certificate Holder's Manual of Operations

(a) A holder of an aeronautical telecommunication service certificate shall—
  (1) ensure that the manual of operations is amended, as required, to remain a current description of the certificate holder's organisation, aeronautical telecommunication services, and facilities; and
  (2) The manual of operations shall be issued under the authority of the aeronautical telecommunication service provider. The aeronautical telecommunication service provider shall control the distribution of the manual and ensure that it is amended whenever necessary to maintain the accuracy of the information and keep its contents up to date.
  (3) ensure that any amendment made to the manual of operations meets the applicable requirements of these regulations and the standards prescribed by the Authority; and
  (4) comply with the amendment procedures contained in manual of operations; and
  (5) forward to the Authority for approval and retention, a copy of each amendment to manual of operations before incorporating the amendment into manual of operations; and
  (6) make such amendments to its manual of operations as the Authority may consider necessary in the interests of aviation safety.

(b) Before a holder of an aeronautical telecommunication service certificate changes any of the following, prior approval by the Authority is required—
  (1) the chief executive;
  (2) the listed senior persons;
  (3) the security programme;
  (4) the types of aeronautical facility operated under the authority of the certificate; and
  (5) the system for safety management, if the change is a material change.

(c) The Authority may impose any conditions that the Authority considers necessary in the interests of aviation safety, under which the holder of an aeronautical telecommunications service certificate shall operate during or following any change specified in paragraph (b).

(d) The holder of an aeronautical telecommunication service certificate shall comply with any conditions imposed by the Authority under paragraph (c).

(e) If any of the changes under paragraph (b) requires an amendment to the aeronautical telecommunication service certificate, the certificate holder shall forward the certificate to the Authority for endorsement of the change as soon as practicable.

21.080 Aeronautical Facility Requirements & Commissioning of New Facility

(a) An applicant for an aeronautical telecommunication service certificate shall establish a procedure to ensure that—
  (1) each aeronautical facility listed in the applicant's manual of operations—
    (i) is designed, installed, and commissioned to meet the applicable operational specification for that facility; and
    (ii) conforms with the applicable system characteristics and specification standards prescribed in Manual of Rwanda Civil Aviation Technical Standards (R-CATS) Volumes I, III, and IV; and
    (iii) conforms with the applicable specifications and requirements of Subpart D of this Regulation; and
    (iv) has been allocated an identification code or frequency, if a code or frequency is required under Section 21.025; and

(2) the system performance of the new facility has been validated by the necessary tests, and that all parties involved with the operations and maintenance of the facility, including its maintenance contractors have accepted and are satisfied with results of the tests.

(3) the procedures include documentation of tests conducted on the facility prior to commissioning, including those that test the compliance of the facility with the applicable Manual of Rwanda Civil Aviation Technical Standards (R-CATS) for aeronautical telecommunication service provider.

(4) information on the operational status of each radio navigation aid listed in the applicant's manual of operations, that is essential for the approach, landing, and take-off at an aerodrome, is provided to meet the operational needs of—

(i) the air traffic control unit providing an aerodrome control service for that aerodrome while that service is being provided; and

(ii) the air traffic control unit providing an approach control service for that aerodrome while that service is being provided; and

(5) each aeronautical facility listed in the applicant's manual of operations is installed with suitable power supplies and means to ensure continuity of operation appropriate to the needs of the air traffic service or radio navigation service being supported; and

(6) each aeronautical facility listed in the applicant's manual of operations is installed in accordance with the security programme required under Section 21.125 to minimize any risk of destruction, damage, or interference with the operation of the facility; and

(7) any critical site area of any aeronautical facility listed in the applicant's manual of operations is—

(i) clearly identified on the site drawings for the aeronautical facility; and

(ii) physically protected by suitable signposts on the site; and

(iii) protected by written agreements with the site owner, aerodrome operator, and air traffic control unit, as appropriate, to ensure that site restrictions are not infringed by buildings, fences, vehicles, machinery, or aircraft.

(b) An applicant for an aeronautical telecommunication service certificate who intends to operate a temporary aeronautical facility to carry out site tests shall establish a procedure for conducting those tests.

(c) The procedure required under paragraph (b) shall require that—

(1) the operation of the temporary facility does not cause any interference with any other operating aeronautical facility; and

(2) appropriate information regarding the operation of the temporary facility is forwarded to the provider of the AIS for the issue of a NOTAM, and if appropriate the publication of a Supplement to the AIP; and

(3) an appropriate NOTAM has been published.

21.085 Safety Case

(a) The aeronautical telecommunication service provider shall ensure that for safety critical systems, including automated ATC systems, Integrated Communication Systems (ICS) and Instrument Landing System (ILS), the commissioning of such systems shall include the conduct of a safety case or equivalent.

(b) The aeronautical telecommunication service provider shall ensure that human factors principles are observed in the design, operation and maintenance of aeronautical telecommunication facilities.

21.090 Operating Procedures

(a) An applicant for an aeronautical telecommunication service certificate shall ensure that the procedures for operating the facilities listed in the applicant's manual of operations are in accordance with the applicable operating procedures prescribed in the Manual of Rwanda Civil Aviation Technical Standards (R-CATS), Volumes I, II, III, IV and V and the equipment manufacturer's technical manual.

21.095 NOTIFICATION OF AERONAUTICAL FACILITY INFORMATION

(a) A person operating an aeronautical facility shall forward to the provider of the aeronautical information services (AIS)—

(1) information on the operational details of any new aeronautical facility, for publication in the Rwanda aeronautical information publication (AIP); and

(2) information concerning any change in the operational status of any existing aeronautical facility, for the issue of a NOTAM; and

(b) An applicant for an aeronautical telecommunication service certificate shall establish a procedure to ensure that the requirements of paragraph (a) are met for each applicable aeronautical facility listed in the applicant's manual of operations.

(c) The procedure required under paragraph (b) shall include a means to confirm that—

(1) the operational details of any new aeronautical facility as notified to AIS have been accurately published in the AIP; and

(2) any change to the operational status of any existing aeronautical facility has been published by NOTAM.

21.100 AERONAUTICAL FACILITY PERFORMANCE

(a) The aeronautical telecommunication service provider shall establish an overall operation and maintenance plan for the aeronautical telecommunication service.

(b) All facilities shall—

(1) be tested for normal operations on a routine basis;

(2) meet the required level of reliability and availability;

(3) provide for the timely and appropriate detection and warning of system failures and degradations;

(4) include documentation on the consequences of system, sub-system and equipment failures and degradations; and

(5) include measures to control the probability of failures and degradations.

(c) An applicant for an aeronautical telecommunication service certificate shall establish a procedure to ensure that no aeronautical facility listed in the applicant's manual of operations is placed into operational service unless—

(1) the person placing the aeronautical facility into operational service is assessed as competent and authorized according to the procedures required under Section 21.065; and

(2) the appropriate checks detailed in the operating and maintenance instructions required under Section 21.145 have been carried out to verify the performance of the aeronautical facility; and

(3) the aeronautical facility record has been completed according to the procedures required under Section 21.135;

(4) An aeronautical telecommunication provider shall keep, for each aeronautical telecommunication service that it provides from a particular location, a logbook in accordance with the standards set out in the Manual of Rwanda Civil Aviation Technical Standards (R-CATS), Volume 1.

21.105 PERIODIC INSPECTION & TESTING

(a) An applicant for an aeronautical telecommunication service certificate shall establish a procedure for the periodic inspection and testing of the aeronautical facilities listed in the applicant's manual of operations to verify that each aeronautical facility meets the applicable operational requirements and performance specifications for that facility.

(b) The procedure required under paragraph (a) shall—

(1) include ground and Flight inspections and tests; and

(2) include the criteria for establishing or changing the interval between the periodic tests for each aeronautical facility listed in the manual of operations, having regard to—
  (i) any applicable information published by the Authority; and
  (ii) any applicable reliability data for the aeronautical facility; and
  (iii) information on the proven reliability performance of the aeronautical facility, and of other similar aeronautical facilities, and the stability of the aeronautical facility's operating environment; and
(3) ensure that the grounds for establishing or changing the interval between the periodic tests for each aeronautical facility listed in the manual of operations are documented.

(c) An applicant for an aeronautical telecommunication service certificate shall establish—
(1) a programme of periodic ground inspections for each aeronautical facility listed in the applicant's manual of operations; and
(2) a programme of periodic ground tests for each aeronautical facility listed in the applicant's manual of operations; and
(3) a programme of periodic flight tests for each radio navigation aid listed in the applicant's manual of operations unless the applicant can establish from the criteria under paragraph (b)(2) that periodic ground tests can replace the periodic flight tests for the aeronautical facility without affecting the safety of air navigation

(d) The programmes required by paragraphs (c)(2) and (3) shall be based on the criteria required under paragraph (b)(2) and shall specify the maximum interval between the tests for each aeronautical facility.

(e) An applicant for an aeronautical telecommunication service certificate shall notify the Authority of any radio navigation aid that is not subjected to periodic flight tests.

21.110 Equipment for Inspection, Testing & Calibration

(a) An applicant for an aeronautical telecommunication service certificate shall ensure that appropriate inspection, measuring, and test equipment are available for personnel to maintain the operation of each aeronautical facility listed in the applicant's manual of operations.

(b) An applicant for an aeronautical telecommunication service certificate shall establish a procedure to control, calibrate, and maintain all the inspection, measuring, and test equipment required under paragraph (a) to ensure that each item of equipment has the precision and accuracy that is necessary for the measurements and tests to be performed.

(c) The procedure required under paragraph (b) shall require that each item of test equipment required for the measurement of critical performance parameters is—
(1) calibrated before use or at prescribed intervals with the calibration traceable to an appropriate national standard; and
(2) identified with a suitable indicator to show its calibration status; and
(3) controlled to—
  (i) safeguard against adjustments that would invalidate the calibration setting; and
  (ii) ensure that the handling, preservation, and storage of the test equipment are such that its accuracy and fitness for use is maintained.

(d) If hardware and software systems are used for the performance testing of any aeronautical facility, the procedures under paragraph (b) shall require the functions of those testing systems to be checked—
(1) before being released for use; and
(2) at prescribed intervals to establish that those testing systems are capable of verifying the true performance of the aeronautical facility.

21.115 AERONAUTICAL FACILITY CHECK AFTER ACCIDENT OR INCIDENT

(a) An applicant for an aeronautical telecommunication service certificate shall establish a procedure to check and accurately record the operating condition of any aeronautical facility operated under the authority of the certificate that may have been used by an aircraft, or an air traffic service, that is involved in an accident or incident.

(b) The procedure required under paragraph (a) shall require that—

(1) the check of the aeronautical facility's operating condition is carried out as soon as practicable after notification to the holder of the aeronautical telecommunication certificate of the accident or incident; and

(2) the record of that check, and the recorded history of the aeronautical facility, is kept in a secure place for possible use by any subsequent accident or incident investigation; and

(3) the records required to be secured under paragraph (b)(2) are retained for 3 years from the date of the last entry made on that record.

21.120 FACILITY MALFUNCTION INCIDENTS & RADIO INTERFERENCE REPORTING

(a) A person operating an aeronautical facility shall not permit the facility to continue in operational service if that person suspects or has any cause to suspect that the information being provided by that facility is erroneous.

(b) An applicant for the grant of an aeronautical telecommunication service certificate shall establish procedures—

(1) to notify, collect, investigate, and report facility malfunction incidents; and

(2) to implement corrective actions to eliminate the cause of a facility malfunction incident and prevent its recurrence.

(c) Reports of such incidents shall be compiled and reviewed periodically by the aeronautical telecommunication service provider to—

(1) determine the cause of the incidents and determine any adverse trends;

(2) implement corrective and preventive actions where necessary to prevent recurrence of the incidents; and

(3) implement any measures to improve the safety performance of the aeronautical telecommunication service.

(d) Any serious failure or safety incident shall be reported to Accident and Incident Investigation office in the Ministry of Infrastructure and be investigated by the aeronautical telecommunication service provider. The purpose of the investigation shall be to understand how and why the incident happened, including possible organizational contributing factors and to recommend actions to prevent a recurrence.

(e) A copy of the investigation report shall be forwarded to Rwanda Civil Aviation Authority.

(f) The aeronautical telecommunication service provider shall establish a procedure for the management of aeronautical radio spectrum. Any frequency allocation and protection within the aeronautical radio spectrum shall be performed by the Authority to ensure that there will be no conflict and interference to any radio stations or facility. Updated records shall be kept of all allocated frequencies.

(g) The aeronautical telecommunication service provider shall ensure that there is no willful transmission of unnecessary or anonymous radio signals, messages or data by any of its radio stations. Procedures shall also be established with the local telecommunication regulatory authority to address occurrence of radio frequency interference. Any frequency interference occurrence shall be reported to the local telecommunication regulatory authority through the Rwanda Civil Aviation Authority (RCAA), investigated and follow-up actions taken to prevent recurrence.

21.125 SECURITY PROGRAMME

(a) An applicant for the grant of an aeronautical telecommunication service certificate shall establish a security programme for the facilities listed in the applicant's manual of operations.

(b) The security programme required under paragraph (a) shall specify the physical security requirements, practices, and procedures to be followed for the purposes of minimising the risk of destruction of, damage to, or interference with the operation of any aeronautical facility operated under the authority of the aeronautical telecommunication service certificate, if such destruction, damage, or interference could endanger the safety of aircraft.

(c) The security programme required under paragraph (a) shall include such physical security requirements, practices, and procedures as may be necessary—

(1) to ensure that each aeronautical facility is subject to positive access control at all times to prevent unauthorized entry; and

(2) for personnel to follow in the event of a bomb threat or other threat of damage to an aeronautical facility; and

(3) to monitor an unattended aeronautical facility building to ensure that any intrusion or interference is immediately detected.

(d) The security programme required under paragraph (a) shall include procedures to notify, investigate and report security incidents to the Authority.

21.130 SAFETY MANAGEMENT SYSTEM

(a) An applicant for the grant of an aeronautical telecommunication service certificate shall establish, implement, and maintain a system for safety management system in accordance with Part 30, Subpart B.

21.135 DOCUMENTATION & RECORDS

(a) An applicant for an aeronautical telecommunication service certificate shall hold copies of relevant equipment manuals, and other relevant ICAO documents, instructions, and any other documentation that are necessary for the provision and operation of the facilities listed in the applicant's manual of operations. These regulations and the aeronautical telecommunication service provider manual of operations also form part of the documentation required.

(b) An applicant for an aeronautical telecommunication service certificate shall establish a procedure for the control of the documentation required under paragraph (a) and any other applicable Regulations.

(c) The procedure required under paragraph (b) shall require that—

(1) all documentation is reviewed and authorized by an appropriate senior person referred to in Section 21.065 before issue; and

(2) current issues of all relevant documentation are accessible to staff at all locations if required for the provision and operation of aeronautical facilities; and

(3) all obsolete documentation is promptly removed from all points of issue or use; and

(4) changes to documentation are reviewed and authorized by an appropriate senior person referred to in Section 21.065; and

(5) the current version of each item of documentation can be identified.

(d) An applicant for an aeronautical telecommunication service certificate shall establish procedures to identify, collect, index, store, maintain, and dispose of the records that are necessary to record—

(1) the safe provision of the aeronautical telecommunication services; and

(2) the safe operation of each aeronautical facility listed in the applicant's manual of operations.

(e) The procedures required under paragraph (a) shall require that accurate records of the following are maintained—

(1) for each aeronautical facility, a record—
  (i) documenting the operating performance of the aeronautical facility; and
  (ii) records of malfunction and safety incidents
  (iii) providing a history of the maintenance, and the periodic inspections and tests of the aeronautical facility, that are traceable to the person or persons responsible for each of the recorded activities; and
(2) for each aeronautical facility, a record of the establishment of, or a change in, the periodic tests required under Section 21.105(a); and
(3) for each item of test equipment required under Section 21.110(a) that is used for the measurement of an aeronautical facility's critical performance parameters, a record that includes a traceable history of the location, maintenance, and the calibration checks for the item of test equipment; and
(4) for each facility malfunction incident reported to the Authority, a record that includes—
  (i) details of the nature of the malfunction; and
  (ii) the findings of the investigation; and
  (iii) the follow up corrective actions; and
  (iv) records of internal audit reports
  (v) a copy of the report submitted to the Authority; and
(5) for each person who is authorised in accordance with Section 21.065(a) to place aeronautical facilities into operational service, a record that includes details of the person's experience, qualifications, training, competence assessments, and current authorizations.
(6) Job descriptions, training programme and plan of each staff member are also part of records.

(f) The procedures required under paragraph (a) shall require—
(1) all records to be legible and of a permanent nature; and
(2) all aeronautical facility records required under paragraph (b)(1) to be retained for a period of at least three years unless a longer period is required—
  (i) by the Authority; or
  (ii) to establish a performance history for the aeronautical facility.

SUBPART C: OPERATING REQUIREMENTS

21.140 CONTINUED COMPLIANCE

(a) The holder of an aeronautical telecommunication service certificate shall—
(1) continue to meet the standards and comply with the requirements of Subpart B prescribed for certification under these Regulations; and
(2) comply with all procedures referred to in the manual of operations; and
(3) hold at least one complete and current copy of the manual of operations at each location listed in its manual of operations where a senior person is based; and
(4) make each applicable part of the manual of operations available to personnel who require those parts to carry out their duties; and
(5) notify the Authority on form of any change of address for service, telephone number, or facsimile number or email within 28 days of the change.

21.145 OPERATING & MAINTENANCE INSTRUCTIONS & PLANS

(a) The holder of an aeronautical telecommunication service certificate shall—
(1) have operating and maintenance instructions and plans that set out the requirements for operating and maintaining each aeronautical facility listed in the manual of operations; and

(2) provide the operating and maintenance instructions required under (a) for the use and guidance of its personnel.

(b) The operating and maintenance instructions and plans required under paragraph (a)(1) shall include—

(1) details of the critical performance parameters for each aeronautical facility; and

(2) the associated minimum performance levels for those critical performance parameters referred to in paragraph (b)(1); and

(3) details of the test equipment required for the measurement of those critical performance parameters referred to in paragraph (a); and

(4) details of the mandatory inspections and test procedures for the operational service; and

(5) details of the mandatory inspection and test procedures for the operation and maintenance of each aeronautical facility.

(6) an analysis of the number of personnel required to operate and maintain each facility taking into account the workload required.

(7) the corrective plan and procedures for each facility, including such as whether the repair of modules and component are undertaken in-house or by equipment manufacturers; and

(8) the spare support for each facility.

21.150 Interface Arrangement for Support Services

(a) The aeronautical telecommunication service provider shall formalize interface arrangements where applicable with external organizations in the form of service level agreements, detailing the following—

(1) interface and functional specifications of the support service;

(2) service level of the support service such as availability, accuracy, integrity and recovery time of failure of service; and

(3) monitoring and reporting of the operational status of the service to the service provider.

21.155 Deviations

(a) If an emergency necessitates immediate action for the protection of life or property, and the action involves an aircraft operation, the holder of an aeronautical telecommunication service certificate may, subject to this Section, deviate from any requirement of these Regulations.

(b) The holder of an aeronautical telecommunication service certificate who deviates from a requirement of these Regulations under paragraph (a) shall—

(1) provide a written report to the Authority as soon as practicable, but in any event not later than 14 days, after the emergency; and

(2) include in the report required under (b)(1) the nature, extent, and duration of the deviation.

21.160 Temporary Aeronautical Facility

(a) If a temporary aeronautical facility is operated for the purpose of a site test, the holder of an aeronautical telecommunication service certificate is not required to comply with any requirements of Subpart B, except for Section 21.080(b) and (c).

21.165 Prohibition

(a) Except for the operation of a temporary aeronautical facility for site tests according to the procedures required under Section 21.080(b), the holder of an aeronautical telecommunication service certificate may not permit an aeronautical facility to continue in operational service under the authority of the certificate if the holder has any cause to suspect the integrity of the information being provided by the facility.

(b) Except if a deviation is required under Section 21.155(a) or a site test is carried out according to the procedures required under Section 21.080(b), the holder of an aeronautical telecommunication service

certificate shall not operate an aeronautical facility under the authority of that certificate unless—

(1) the aeronautical facility is listed in the certificate holder's manual of operations; and

(2) the performance of the aeronautical facility meets the applicable information published for that facility under Section 21.100; and

(3) the performance of the aeronautical facility meets the applicable requirements in Section 21.080(a); and

(4) any integrity monitoring system for the aeronautical facility is fully functional; and

(5) all the periodic tests for the aeronautical facility are completed according to the programmes established under regulation 21.105(c)(2) and (3); and

(6) the aeronautical facility is included in the certificate holder's security programme required under 21.125(a) if the destruction, damage, or interference with the aeronautical facility is likely to endanger the safety of an aircraft in flight; and

(7) if (6)) applies, the requirements of the security programme for the aeronautical facility are being complied with.

SUBPART D: FACILITY SPECIFICATIONS & REQUIREMENTS

21.170 SPECIFICATIONS & REQUIREMENTS

(a) The following specifications and requirements are applicable to the aeronautical facilities referred to in 21.080(a)(1)—

(1) each radio navigation aid listed in an aeronautical telecommunication service certificate holder's manual of operations shall be provided with a monitoring system that will remove the aeronautical facility from operational service and transmit a warning to an appropriate control point upon detection of any of the following conditions;

(i) navigation information outside the prescribed tolerance for the facility;

(ii) failure of the identification signal;

(iii) failure of the monitoring system.

SUBPART E: SAFETY OVERSIGHT REQUIREMENTS

21.175 SAFETY OVERSIGHT FUNCTION

(a) The Authority shall exercise safety oversight as part of its supervision of requirements applicable to the aeronautical telecommunication services in order to monitor the safe provision of these activities and to verify that the applicable safety regulatory requirements and their implementing arrangements are met.

21.180 VERIFICATION OF COMPLIANCE WITH SAFETY REGULATORY REQUIREMENTS

(a) The Authority shall establish a process in order to verify compliance with applicable safety regulatory requirements prior to the issue or renewal of a certificate necessary to provide aeronautical telecommunication services including safety-related conditions attached to it.

(b) The process referred to in paragraph (a) shall—

(1) be based on documented procedures;

(2) be supported by documentation specifically intended to provide safety oversight personnel with guidance to perform their functions;

(3) provide the organisations concerned with an indication of the results of the safety oversight activity;

(4) be based on safety regulatory audits and reviews conducted;

(5) provide competent authorities with the evidence needed to support further action.

21.185 SAFETY REGULATORY AUDITS

(a) The Authority shall conduct safety regulatory audits of all the aeronautical telecommunication services activities.

(b) The safety regulatory audits referred to in paragraph (a) shall—

(1) provide the Authority with evidence of compliance with applicable safety regulatory requirements and with implementing arrangements by evaluating the need for improvement or corrective action;

(2) be independent of internal auditing activities undertaken by the service provider concerned as part of its safety or quality management systems;

(3) be conducted by qualified inspectors;

(4) apply to complete implementing arrangements or elements thereof, and to processes, products or services;

(5) determine whether—

(i) implementing arrangements comply with safety regulatory requirements;

(ii) actions taken comply with the implementing arrangements;

(iii) the results of actions taken match the results expected from the implementing arrangements;

(6) lead to the correction of any identified non-conformities

(c) Within the inspection programme, the Authority shall establish and update at least annually a programme of safety regulatory audits in order to—

(1) cover all the areas of potential safety concern, with a focus on those areas where problems have been identified;

(2) cover all the aeronautical telecommunication service providers, services;

(3) ensure that audits are conducted in a manner commensurate to the level of risk posed by the aeronautical telecommunication service providers' activities;

(4) ensure that sufficient audits are conducted over a period of 1 year to check the compliance of all these aeronautical telecommunication service providers with applicable safety regulatory requirements in all the relevant areas of the functional system;

(5) ensure follow up of the implementation of corrective actions.

(d) The Authority may decide to modify the scope of pre-planned audits and to include additional audits, wherever that need arises.

(e) The Authority shall decide which arrangements, elements, services, functions, products, physical locations and activities are to be audited within a specified time frame.

(f) Audit observations and identified non-conformities shall be documented. The latter shall be supported by evidence, and identified in terms of the applicable safety regulatory requirements and their implementing arrangements against which the audit has been conducted.

(g) An audit report, including the details of the non-conformities, shall be drawn up.

21.190 CORRECTIVE ACTIONS

(a) The Authority shall communicate the audit findings to audited aeronautical telecommunication service providers and shall simultaneously request corrective actions to address the non-conformities identified without prejudice to any additional action required by the applicable safety regulatory requirements.

(b) Audited aeronautical telecommunication service providers shall determine the corrective actions deemed necessary to correct non-conformities and the time frame for their implementation.

(c) The Authority shall assess the corrective actions as well as their implementation as determined by audited aeronautical telecommunication service providers and accept them if the assessment concludes that they are sufficient to address the non-conformities.

(d) Audited aeronautical telecommunication service providers shall initiate the corrective actions accepted by the Authority. These corrective actions and the subsequent follow-up process shall be completed within the time period accepted by competent authorities.

21.195 Safety Oversight of Changes to Functional Systems

(a) The aeronautical telecommunication service providers shall only use procedures accepted by the Authority when deciding whether to introduce a safety-related change to their functional systems. In case of communication, navigation or surveillance service providers, the Authority shall accept these procedures in the framework of these regulations.

(b) The aeronautical telecommunication service providers shall notify the Authority of all planned safety-related changes.

21.200 Contingency Plan Requirements

(a) An aeronautical telecommunication service provider shall have in place contingency plan for all the services it provides in the case of events which result in significant degradation or interruption of its services.

(b) The plan shall include—

(1) the actions to be taken by the members of the aeronautical telecommunication service provider's personnel responsible for providing the service;

(2) possible alternative arrangements for providing the service; and

(3) the arrangements for resuming normal operations for the service.

Subpart F: Approval Requirement

21.205 Approval Requirement

(a) An aeronautical telecommunication service provider shall not provide communication, navigation and surveillance systems or operate communication, navigation and surveillance facility or facilities in the designated airspace and aerodromes unless the system or facility has been approved by the Authority.

(b) The Authority shall approve installation, commissioning, decommissioning, upgrading or relocation of all the communication, navigation and surveillance facility or facilities in the designated airspace and aerodromes.

Subpart G: Administrative Fines

21.210 Administrative Fines

(a) If any provision of these Regulations, any orders, notices or proclamations made thereunder is contravened in relation to the provision of services by the aeronautical telecommunication service provider or head of department or the responsible engineer on duty, if the aeronautical telecommunication service provider or head of department or the responsible engineer on duty 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 for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(b) Any who contravenes any provision of these Regulations shall be guilty of an offence and shall on conviction be liable for each offence and to a fine not exceeding the amount specified in Appendix 1 to 21.210.

APPENDICES

APPENDIX 1 TO 21.210

COLUMN 1	COLUMN 2	FINES (RWANDAN FRANCS)	
SECTION	PARTICULARS	INDIVIDUAL	CORPORATE
21.120	Reporting of failures, malfunction and defects	600,000	3,000,000
21.105	Periodic Flight Inspection and testing of Radio Navigation Aids	1,000,000	5,000,000
21.135	Logging and keeping of maintenance records	300,000	1,500,000
21.070	Manual of Operations to be in force	300,000	2,000,000
21.090	Compliance with the RCATS and manufacturer instructions	600,000	3,000,000

End of RCAR Part 21

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Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA 22 W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX 22 TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE 22 D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 22

Air Traffic Services

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SUBPART A: GENERAL

22.001 PURPOSE & APPLICABILITY

(a) These Regulations may be cited as the Civil Aviation (Air Traffic Services) Regulations.

(b) These regulations prescribe the requirements of Rwanda for—

(1) the certification and operation of organizations providing an air traffic service in Kigali Flight Information Region; and

(2) operating and technical standards for providing an air traffic service by those organizations.

(c) These regulations are applicable to—

(1) a person providing air traffic services within designated air spaces and at an aerodrome; and

(2) Organizations that provide the required air traffic services; and

(3) Persons that administer the required air traffic services on behalf of the organizations

(d) These regulations shall not apply—

(1) in respect of any air traffic services that are provided by or under the authority of the Minister of Defence; and.

(2) to a person providing air traffic services in the course of his duties to state aircraft.

(e) Civil Aviation Technical Standards published by the Authority shall be applicable to the provision of air traffic services in Rwanda.

22.005 DEFINITIONS

(a) For the purpose of this Part, the following definitions apply—

Annex 1. Annex 1 to the Convention;

Annex 2. Annex 2 to the Convention;

Annex 3. Annex 3 to the Convention;

Annex 10. Annex 10 to the Convention;

Annex 11. Annex 11 to the Convention;

Area of responsibility. The airspace, and in the case of an aerodrome, the manoeuvring area, within which a particular operating position is responsible for the provision of an air traffic service;

ATS Letter of Agreement/procedures. A document formalising matters of operational significance between ATS units;

ATS messages. Emergency messages, movement and control messages, and flight information messages as described in the Civil Aviation Technical Standards for Air Traffic Services 13.1;

Authority. Rwanda Civil Aviation Authority (RCAA)

Civil Aviation Technical Standards. A document issued by the Authority containing standards pertaining to the certification and operating requirements to be complied with by organisations providing an air traffic service in Kigali Flight Information Region for the safety of air navigation. These standards are complementary to the requirements of these Regulations.

Document 4444. The ICAO document titled Procedures for Air Navigation Services;

Document 7030. The ICAO document titled Regional Supplementary Procedures as applicable to the Africa-Indian Ocean (AFI) Regions;

Document 9432. The ICAO document titled Manual of Radiotelephony;

Essential traffic. Any controlled traffic that is not separated by the prescribed minima in relation to other controlled flights where separation is required;

Filed flight plan. The flight plan as filed with an ATS unit by the pilot or a designated representative, without any subsequent changes;

Flow control. Measures designed to adjust the flow of traffic into a given airspace, along a given route, or bound for a given aerodrome, to ensure the most effective utilization of the airspace;

Operating position. The work station from which one or more air traffic controllers or flight service operators provide air traffic services within an allocated area or areas of responsibility;

Rated air traffic controller. An air traffic controller holding a current licence, and a rating, or ratings, validated for the particular location, issued in accordance with the Civil Aviation (Personnel Licensing) Regulations;

Rated flight service operator. A flight service operator holding a current licence, and a rating, or ratings, validated for the particular location, issued in accordance with the Civil Aviation (Personnel Licensing) Regulations;

Strayed aircraft. An aircraft that has deviated significantly from its intended track or reports that it is lost;

Traffic avoidance advice. Advice provided by an ATS unit specifying manoeuvres to assist a pilot to avoid a collision;

Traffic information. Information issued by an ATS unit, to alert a pilot to other known or observed air traffic which may be in proximity to the position, or intended route of flight, and to help the pilot avoid a collision.

22.010 ACRONYMS & ABBREVIATIONS

(a) The following acronyms and abbreviations are used in this Part—

ANSP = Air Navigation Service Provider
ATS = Air Traffic Services
CGPM = General Conference of Weights and Measures
RCATS = Rwanda Civil Aviation Technical Standards
RSP = Required Surveillance Performance

22.015 ISSUE OF CIVIL AVIATION OF TECHNICAL STANDARDS

(a) The Authority may issue Civil Aviation Technical Standards (Air Traffic Services) prescribing standards for these Regulations that provides for the following matters—
  (1) standards, including procedures, systems and documents used to provide an air traffic service;
  (2) standards for facilities and equipment used to provide an air traffic service;
  (3) standards for the training and checking of an ATS provider's personnel;
  (4) any matter required or permitted by these Regulations to be provided for by the Technical Standards;
  (5) any matter necessary or convenient to be provided for the effective operation of these Regulations.

(b) The standards referred to paragraph (a) shall, for the safety of air navigation, be complied with by—
  (1) air traffic service certificate holder; and
  (2) air traffic service certificate applicant.

(c) The Authority shall also publish Advisory Circulars containing acceptable methods and procedures for compliance with these regulations and the prescribed standards.

22.020 GENERAL REQUIREMENTS & PROHIBITIONS

(a) No person shall provide air traffic control services unless they are provided in accordance with—
  (1) the requirements of these regulations;
  (2) any Civil Aviation Technical Standards prescribed by the Authority.

(b) No person shall act as an air traffic controller—
  (1) within eight hours after consuming alcohol;

(2) while under the influence of alcohol; or
(3) while under the influence of any drug or other substance that impairs the person's faculties to the extent that aviation safety is affected.

22.025 ESTABLISHMENT OF AUTHORITY

(a) An applicant for the grant of an air traffic service certificate shall determine those portions of the airspace and aerodromes where air traffic services will be provided.

(b) The applicant shall arrange for such services to be established and provided in accordance with the provisions of these regulations and implementing standards prescribed by the Authority.

(c) Where air traffic services are established, information shall be published as necessary to permit the utilization of such services.

(d) The authority responsible the provision of air traffic services shall arrange for those services to be established and provided in accordance with these Regulations.

22.030 OBJECTIVES OF THE AIR TRAFFIC SERVICES

(a) An applicant shall establish procedures to ensure that the objectives of the air traffic services is to—
(1) prevent collisions between aircraft;
(2) prevent collisions between aircraft on the manoeuvring area and obstructions on that area;
(3) expedite and maintain an orderly flow of air traffic;
(4) provide advice and information useful for the safe and efficient conduct of flights; and
(5) notify appropriate organizations regarding aircraft in need of search and rescue aid, and assist such organizations as required.

22.035 CLASSIFICATION OF AIRSPACE

(a) An applicant for the grant of an air traffic service certificate shall select the airspace classes appropriate to the needs.

(b) The applicant shall establish procedures to ensure that ATS airspaces are classified in accordance with the following—
(1) Class A. IFR flights only are permitted, all flights are provided with air traffic control service and are separated from each other.
(2) Class B. IFR and VFR flights are permitted, all flights are provided with air traffic control service and are separated from each other.
(3) Class C. IFR and VFR flights are permitted, all flights are provided with air traffic control service and IFR flights are separated from other IFR flights and from VFR flights. VFR flights are separated from IFR flights and receive traffic information in respect of other VFR flights.
(4) Class D. IFR and VFR flights are permitted and all flights are provided with air traffic control service, IFR flights are separated from other IFR flights and receive traffic information in respect of VFR flights, VFR flights receive traffic information in respect of all other flights.
(5) Class E. IFR and VFR flights are permitted, IFR flights are provided with air traffic control service and are separated from other IFR flights. All flights receive traffic information as far as is practical. Class E shall not be used for control zones.
(6) Class F. IFR and VFR flights are permitted, all participating IFR flights receive an air traffic advisory service and all flights receive flight information service if requested.
(7) Class G. IFR and VFR flights are permitted and receive flight information service if requested.

(c) The requirements for flights within each class shall be in accordance with Appendix 4 of technical standards- Air traffic services.

(d) .

22.040 ESTABLISHMENT & IDENTIFICATION OF AIR TRAFFIC SERVICES ROUTES

(a) An applicant shall ensure that—
  (1) when ATS routes are established, a protected airspace along each ATS route and a safe spacing between adjacent ATS routes are provided; and
  (2) designators for ATS routes are selected in accordance with the principles set forth in RCATS-ATS Appendix 1.

(b) Standard departure and arrival routes and associated procedures shall be identified in accordance with the principles set forth in Appendix 3 of the RCATS-ATS.

22.045 ESTABLISHMENT & IDENTIFICATION OF SIGNIFICANT POINTS

(a) An applicant for the grant of air traffic certificate shall establish procedures to ensure that significant points are—
  (1) established for the purposes of defining an ATS route or instrument approach procedure and/or in relation to the requirements of air traffic services for information regarding the progress of aircraft in flight; and
  (2) identified by designators.

(b) A Significant point shall be established and identified in accordance with the principles set forth in RCATS-ATS, Appendix 2.

22.050 AERONAUTICAL DATA

The determination and reporting of air traffic services -related aeronautical data with the accuracy and integrity requirements shall be in accordance with the provisions of RCATS-ATS, chapter 2, 2.20

22.055 UNITS OF MEASUREMENT

The SI Units developed and maintained by the General Conference of Weights and Measures (CGPM) shall be in accordance with the provisions of Civil Aviation (Units of Measurement to be used in air and ground) Regulations.

22.060 LANGUAGE PROFICIENCY

An applicant for the grant of an air traffic service certificate shall ensure that air traffic controllers demonstrate the ability to read, speak, write and understand the English language used for radiotelephony communication as specified in Civil Aviation (Personnel Licensing) Regulations.

22.065 RESERVED

SUBPART B: CERTIFICATION REQUIREMENTS

22.070 REQUIREMENT FOR CERTIFICATE

No person shall provide an air traffic service except under the authority of, and in accordance with the provisions of, an air traffic service certificate issued under these Regulations.

22.075 APPLICATION FOR CERTIFICATE

(a) An applicant for the grant of an air traffic service certificate shall complete an application, in a form and in the manner prescribed by the Authority, which shall include the following information—
  (1) Applicant's name and address in Rwanda; and
  (2) The specific air traffic service or services to be provided; and
  (3) The aerodrome location or airspace designation at, or within which, the service will be provided; and
  (4) Such other information relating to the applicant and the intended service as may be required by the Authority as indicated on the form and submit it to the Authority with:
    (i) the applicant's manual of operations required under Section 22.110; and
    (ii) if applicable, a payment of the appropriate application fee prescribed by the Authority.

22.080 ISSUE OF CERTIFICATE

(a) Subject to paragraph (b) below, Authority shall issue an air traffic service certificate to an applicant if the Authority is satisfied that—
  (1) the applicant meets the requirements of these Regulations and standards prescribed by the Authority; and
  (2) the applicant, and the applicant's senior person or persons required by Section 22.100, are fit and proper persons; and
  (3) the granting of the certificate is not contrary to the interests of aviation safety.

(b) The Authority shall ensure, in the interests of aviation safety that only one certificate for the same air traffic service is current at any time.

(c) (The provision of the AIS, CNS, MET , PANS-OPS and/or SAR services, when under the authority of the applicant for the grant of an air traffic service certificate, are included in the scope of the ATS provider's certificate.

22.085 PRIVILEGES OF CERTIFICATE

(a) An air traffic service certificate shall specify which of the following air traffic services, and which training and assessment for such services, the certificate holder is authorized to provide—
  (1) area control service;
  (2) approach control service;
  (3) aerodrome control service;
  (4) flight information service; and
  (5) alerting service.

(b) An air traffic service certificate—
  (1) shall state the aerodrome or airspace at, or within which, the service is to be provided; and
  (2) specifies the air traffic services authorized to be provided; and
  (3) shall include such conditions as the Authority considers appropriate in the interest of aviation safety and efficiency.

22.090 DURATION OF CERTIFICATE

(a) An air traffic service certificate shall be granted or renewed for a period of up to 2 years.

(b) An air traffic service Certificate shall remain in force until it expires, or is suspended or revoked.

(c) The Authority may, by written notice given to the holder of an air traffic service certificate, suspend or revoke the certificate if there are reasonable grounds for believing that:

(1) a condition to which the certificate is subject has been breached; or

(2) the holder has failed to comply with these Regulations.

(d) Before suspending or cancelling an air traffic service certificate, the Authority shall:

(1) give to the holder a show cause notice that:

(i) sets out the facts and circumstances that, in the opinion of the Authority, would justify the suspension or cancellation; and

(ii) invites the holder to show cause, in writing, within 30 days after the date of the notice, why the certificate should not be suspended or revoked; and

(2) take into account any written submissions that the holder makes to the Authority within 30 days.

(e) The holder of an air traffic service certificate that has been suspended or revoked shall forthwith surrender the certificate to the Authority immediately.

22.095 RENEWAL OF CERTIFICATE

(a) An applicant for the renewal of an air traffic service certificate shall complete an application, in a form and in the manner prescribed by the Authority, and submit it to the Authority.

(b) The application for the renewal shall be made not less than 90 days before the expiry date specified on the certificate and shall be accompanied by;

(i) the Manual of Air traffic service operations (MATS) if significant changes have been made following the initial certification; and

(ii) the fee as prescribed by the Authority.

22.100 PERSONNEL REQUIREMENTS

(a) An applicant for the grant of an air traffic service certificate shall employ, contract, or otherwise engage—

(1) a senior person identified as the chief executive who has the authority within the applicant's organization to ensure that every air traffic service listed in the manual of operations—

(i) can be financed; and

(ii) is provided in accordance with the requirements and standards prescribed by these Regulations; and

(2) a senior person or persons ultimately responsible to the chief executive who is or are responsible for the following functions—

(i) ensuring that the applicant's organization complies with the requirements of these Regulations; and

(ii) the system for safety management required under Section 22.295; and

(3) sufficient personnel to manage, support, and provide the air traffic services and any associated training or assessment listed in the applicant's manual of operations.

(b) The senior person required by paragraph (a)(2) shall be able to demonstrate competency and experience relevant to the management of safety systems and the activities of the certificate holder.

(c) The applicant shall establish procedures to—

(1) ensure the continued competence of those personnel who are authorized by the applicant to provide the air traffic services, and training and assessment for those services, listed in the applicant's manual of operations; and

(2) provide those authorized personnel with written evidence of the scope of their authorization; and

(3) ensure that those authorized personnel hold appropriate current licenses and ratings issued in accordance with Civil Aviation (Personnel Licensing) Regulations; and

(4) ensure that authorized personnel only exercise the privileges of their rating or ratings and are familiar with all relevant and current applicable to those licenses and ratings; and

(5) facilitate, for rated air traffic service licence holders, compliance with the recent experience requirements prescribed by the Authority; and

(6) ensure, that an air traffic controller does not exercise the privileges of their rating or ratings—

(i) unless they comply with any endorsements on their medical certificate; and

(ii) when any decrease in their medical fitness might render them unable to safely exercise these privileges.

(7) ensure that all qualified air traffic controllers be in possession of a valid air traffic controller license and a current medical certificate before they can provide any air traffic service.

22.105 ATS PERSONNEL TRAINING

(a) An applicant for the grant of an air traffic service certificate shall establish procedures and programs for the training and assessment of the following personnel—

(1) air traffic controllers; and

(2) personnel directly involved in activities supporting rated air traffic controllers.

(b) The applicant shall establish procedures to ensure that personnel giving instruction in an operational environment hold an appropriate current ATS instructor endorsement issued under Civil Aviation (Personnel Licensing) Regulations.

(c) The applicant shall establish procedures to ensure that personnel carrying out air traffic examination for the issue of licenses, or validation of ratings, have knowledge/experience requirements prescribed by the Authority.

22.110 AIR TRAFFIC SERVICE ORGANISATION MANUAL OF OPERATIONS

(a) An applicant for the grant of an air traffic service certificate shall provide the Authority with a manual of operations containing—

(1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the manual of operations and any included manuals—

(i) define the organisation and demonstrate means and methods for ensuring ongoing compliance with these regulations and any other applicable regulations; and

(ii) are to be complied with by its personnel at all times; and

(2) in relation to the system for safety management required by Section 22.295—

(i) all of the documentation required by Civil Aviation (Safety Management System) Regulations; and

(ii) for an applicant that is not applying for a renewal of an air traffic service certificate, an implementation plan that describes how the system for safety management will be implemented; and

(3) the titles and names of the senior person or persons (for the supervisory positions) required by Section 22.100(a)(1) and (2); and

(4) the duties and responsibilities of the senior person or persons required by Section 22.100(a)(1) and (c), including—

(i) matters for which they have responsibility to deal directly with the Authority on behalf of the organisation; and

(ii) responsibilities for safety management; and

(5) an organisation chart showing lines of responsibility of the senior person or persons required by Section 22.100(a)(1) and (2), and extending to each location listed in (6)(i); and

(6) in the case of an organisation providing air traffic services from more than 1 ATS unit, a table listing—

(i) locations of ATS units; and

(ii) the aerodrome or airspace being serviced; and
(iii) the services provided; and

(7) details of the applicant's staffing structure for each ATS unit; and
(8) a statement showing how the provider determines the number of operational staff required, including the number of operational supervisory staff; and
(9) details of procedures required by Section 22.100(c) Personnel Requirements regarding the competency, qualifications, maintenance of current operating practice, and fitness of personnel; and
(10) details of procedures required by Section 22.105 regarding the training and assessment of ATS personnel, and regarding the qualifications of ATS training personnel; and
(11) information identifying the lines of safety responsibility within the organization; and
(12) a description of the display systems to be used in meeting the requirements of Section 22.125(b)(5)(i) and (c)(2)(i); and
(13) the information required by Section 22.140 (C) regarding hours of service, the establishment of an air traffic service, and any transitional arrangements; and
(14) if the service is an ATS for a controlled aerodrome—
(i) a chart of the manoeuvring area of the aerodrome showing all runways, taxiways, parking areas, etc.;
(ii) extracts from the Airport Emergency Plan (AEP) relevant to the ATS functions;
(iii) a copy of the procedures as set out in the aerodrome manual for preventing unauthorized entry of persons or things onto the movement area of the aerodrome; and
(iv) a copy of the procedures set out in the aerodrome manual for the control of surface vehicles operating on or in the vicinity of the manoeuvring area;
(15) procedures regarding shift administration required by Section 22.145; and
(16) details of the procedures required by Section 22.120 regarding the control of documentation; and
(17) the contingency plan required by Section 22.150; and
(18) details of the systems and procedures required by Section 22.155 regarding co-ordination requirements; and
(19) details of the procedures required by Section 22.160 regarding the notification of facility status; and
(20) details of the systems and procedures required by Section 22.165 regarding general information requirements; and
(21) details of the systems and procedures required by Section 22.170 regarding meteorological information and reporting; and
(22) details of the systems and procedures required by Section 22.175 regarding the provision of Air traffic control services; and
(23) details of systems and procedures required by Section 22.180 regarding the provision of area control and approach control services where applicable; and
(24) details of systems and procedures required by Section 22.185 regarding the provision of aerodrome control service where applicable; and
(25) details of systems and procedures required by Section 22.190 regarding the separation of controlled flights and active special use airspace; and
(26) details of the procedures required by Section 22.195 regarding responsibility for control; and
(27) details of the procedures required by Section 22.200 regarding the application of priorities; and
(28) details of the procedures required by Section 22.205 regarding flow control; and
(29) details of the procedures required by Section 22.210 regarding issuing ATC clearances
(30) details of the procedures required by Section 22.215 regarding a correct read-back of clearances and safety-related information; and
(31) details of the procedures required by Section 22.220 regarding the allocation of cruising levels; and
(32) details of the procedures required by Section 22.225 regarding deviations from an ATC clearance; and

(33) details of systems and procedures required by Sections 22.230, 22.235 and 22.240 regarding the provision of flight information service; and
(34) details of systems and procedures required by Section 22.245 regarding the provision of alerting service; and
(35) details of the procedures required by Section 22.250 regarding the processing of flight plans; and
(36) details of the procedures required by Section 22.255 regarding time in ATS; and
(37) details of altimeter setting procedures required by Section 22.260; and
(38) details of the radio and telephone procedures required by Section 22.265; and—
(i) details of the procedures required by Section 22.350 ATS Surveillance Service regarding the provision of radar services; and
(ii) systems and procedures governing ATIS broadcasts
(39) details of the procedures required by Section 22.270 regarding aircraft emergencies and irregular operation; and
(40) details required by Section 22.275 regarding procedures following a serious incident or accident; and
(41) details of the procedures required by Section 22.280 regarding reporting of incidents; and
(42) details of systems and procedures required by Section 22.310 regarding the gathering and management of records; and
(43) details of the procedures required by Section 22.290 regarding the keeping of logbooks and position logs; and
(44) details of the programme required by Section 22.300 regarding security arrangements; and
(45) details of the procedures required by Section 22.285 regarding disruptions to service; and
(46) a description of the procedures to be followed to ensure all operational staff are familiar with any operational changes that have been issued since they last performed operational duties
(47) details of the procedures required by Section 22.345 separation minima applicable; and
(48) procedures to control, amend and distribute the manual of operations.

(b) The applicant's ATS procedures and standards in paragraph (a) shall be in accordance with these regulations, Doc 4444, supplemented by Doc 7030 as applicable.

(c) The applicant's manual of operations shall be approved by the Authority.

22.115 AMENDMENT OF CERTIFICATE & MANUAL OF OPERATIONS

(a) A holder of an air traffic service certificate shall ensure that, the manual of operations is amended so as to remain with a current description of the holder's organization and services.

(b) The holder of an air traffic service certificate shall ensure that any amendment made to the holder's manual of operations—
(1) meets the applicable requirements of these Regulations and the standards prescribed by the Authority; and
(2) complies with the amendment procedures contained in the manual of operations.

(c) The holder of an air traffic service certificate shall forward to the Authority for approval and retention, a copy of each amendment to manual of operations before incorporating the amendment into the manual of operations. The holder shall forward to the Authority—
(1) a copy of each amendment, at least 30 working days in advance of the effective date; and
(2) an amendment of an urgent or immediate nature, without delay, and no later than the date on which it is effective.

(d) If there is any change that requires an amendment to the certificate, the holder of the air traffic service certificate shall forward the certificate to the Authority for endorsement of the change as soon as practicable.

(e) The holder of an air traffic service certificate shall make amendments to the manual of operations as the Authority considers necessary in the interests of aviation safety.

22.120 CONTROL OF DOCUMENTATION

(a) An applicant for the grant of an air traffic service certificate shall hold copies of the relevant technical manuals, and all other documents, necessary for the provision and operation of the services listed in the manual of operations.

(b) The applicant shall establish a procedure to control all the documentation required by paragraph (a). The procedure shall ensure that—

(1) all incoming documentation is reviewed, and actioned as required, by authorized personnel; and
(2) all documentation is reviewed and authorised before issue; and
(3) current copies of all relevant documentation are available to personnel at all locations where they need access to such documentation for the provision and operation of air traffic services; and
(4) all obsolete documentation is promptly removed from all points of issue or use; and
(5) any obsolete documents retained as archives are suitably identified as obsolete; and
(6) changes to documentation are reviewed and approved by authorised personnel who shall have access to pertinent background information upon which to base their review and approval; and
(7) the current version of each item of documentation can be identified to preclude the use of out-of-date editions.

22.125 FACILITY REQUIREMENTS

(a) An applicant for the grant of an air traffic service certificate shall establish the following facilities that are appropriate to the air traffic services listed in the applicant's manual of operations—

(1) aerodrome control towers;
(2) approach control offices;
(3) area control centres;
(4) flight information centres; and
(5) dedicated training and assessment facilities.

(b) Except as provided in paragraph (h), an applicant for an aerodrome control service, shall establish procedures to ensure that any aerodrome control tower including any temporary tower or office, listed in the applicant's manual of operations, is—

(1) constructed and situated to provide—
  (i) the maximum practicable visibility of aerodrome traffic; and
  (ii) protection from glare and reflection; and
  (iii) protection from noise; and
(2) safeguarded from any development that would affect the requirements of paragraph (1); and
(3) at solo watch locations, provided with—
  (i) toilet facilities that ensure the minimum possible interruption to, or degradation of,air traffic services; and
  (ii) storage and preparation facilities for food and drink in the visual control room; and
(4) provided with equipment for two-way voice communication with—
  (i) any aircraft, in or adjacent to airspace for which the applicant has responsibility; and
  (ii) any aircraft, vehicle, and person, on, or adjacent to, the manoeuvring area; and
(5) provided with the following minimum equipment:
  (i) a display system or systems designed to show the disposition of current and pending aerodrome traffic together with ancillary information for individual aircraft;
  (ii) a power supply;

(iii) appropriate and current maps and charts;
(iv) binoculars;
(v) clocks;
(vi) log keeping system;
(vii) outside temperature indicator;
(viii) QNH display;
(ix) signal lamp with green, red, and white functions;
(x) telephone communications;
(xi) status monitors for approach and landing aids road a
(xii) visibility and cloud height checkpoints;
(xiii) voice and, if applicable, data recording equipment;
(xiv) wind direction and wind speed display;
(xv) an AFTN terminal or, if provided for in an ATS letter of agreement, an alternative means of reception and transmission of information normally conveyed by AFTN; and
(xvi) if applicable, airfield lighting controls panel; and

(6) provided with 2 independent sources of the current altimeter setting, at least 1 of which shall be an aneroid barometer or barometric altimeter situated in the visual control room.

(c) The applicant shall establish procedures to ensure that an area control centre, a flight information centre, and an approach control office is—

(1) provided with equipment enabling—
(i) to the fullest extent practical, two-way voice communication; and
(ii) if applicable, data communication with any aircraft in, or adjacent to, airspace for which the applicant has responsibility; and

(2) provided with the following minimum equipment—
(i) a display system or systems designed to show the disposition of current and pending flights together with ancillary information for individual aircraft:
(ii) a power supply:
(iii) appropriate and current maps and charts:
(iv) clocks:
(v) log keeping system:
(vi) status monitors as appropriate for navigation, approach, and landing aids:
(vii) telephone communications:
(viii) voice recording equipment and, if applicable, data recording equipment:
(ix) an AFTN terminal:
(x) for an approach control operating position, an ILS status monitor at the approach control or approach control radar operating position for the aerodrome concerned:
(xi) for an approach control operating position responsible for aircraft on final approach, or aircraft landing or taking off, a wind direction and wind speed display fed from the same source as the corresponding equipment in the aerodrome control tower.

(d) The applicant shall establish procedures to ensure that the aeronautical telecommunications equipment required by paragraphs (b) and (c) are operated in accordance with the requirements of the Civil Aviation (Aeronautical Telecommunication Services) Regulations.

(e) The applicant shall establish procedures to ensure that any visual display unit used by an air traffic service is positioned with due regard to the relative importance of the information displayed and ease of use by the staff concerned.

(f) The equipment required by paragraphs (b)(4) and (5), and (c)(1) and (2), shall have a level of reliability, availability, and redundancy, that minimises the possibility of failure, non-availability, or significant degradation of performance.

(g) The applicant shall establish procedures to ensure that the status monitors required by paragraphs (b)(4)(xi) and (c)(2)(vi) and (x) are fitted with—

(1) an aural signal to indicate a change of status; and

(2) a visual indication of the current status.

(h) A temporary aerodrome control tower is not required to be provided with the equipment required under paragraphs (b)(4)(xi), (xv) and (xvi) and (xvii) if it is impracticable to do so and other appropriate measures are taken, as the case may be, to—

(1) provide the person providing the air traffic service from the temporary tower or office with the information that would be available from the equipment required under paragraph (b)(4)(xi) and (xv); and

(2) control the airfield lighting if applicable.

22.130 FAILURE OR IRREGULARITY OF SYSTEMS & EQUIPMENT

(a) An applicant shall establish procedures to ensure that air traffic control units immediately report in accordance with local instructions any failure or irregularity of communication, navigation and surveillance system or any other safety significant systems or equipment which could adversely affect the safety or efficiency of flight operations and/or the provision of air traffic control service.

22.135 ATS REQUIREMENT FOR COMMUNICATION

(a) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that requirements for Section 22.125(b)(4) and (c)(1) be used in air-ground communication to enable two-way communications to take place in all ATS units for ATS purposes.

(b) The applicant shall ensure that all facilities for direct-speech or data link communications between ATS units and between ATS units and other units described under paragraphs (d) and (e) shall be provided with automatic recording.

(c) Recordings of communications channels as required in paragraph (b) shall be retained for a period of at least ninety days.

(d) An applicant shall ensure the use of Direct-speech and/or data link communications in ground-ground communications between applicable ATS units and other supporting units /agencies for ATS purposes.

(e) The applicant shall ensure that the communication facilities required under paragraph (d) include where applicable, provisions for—

(1) communications by direct speech alone, or in combination with data link communications, whereby for the purpose of transfer of control using radar or ADS-B, the communications can be established instantaneously and for other purposes the communications can normally be established within fifteen seconds; and

(2) printed communications, when a written record is required; the message transit time for such communications being no longer than five minutes.

(f) The applicant shall ensure that these communication facilities, in all cases include provisions for messages in a form suitable for retention as a permanent record, and delivery in accordance with transit times specified by regional air navigation agreements.

22.140 ESTABLISHMENT & TRANSFER OF SERVICE

(a) An applicant for the grant of an air traffic service certificate shall determine those portions of the airspace and aerodromes where air traffic services will be provided.

(b) An applicant shall arrange for such services to be established and provided in accordance with the provisions of this regulation and technical standards as prescribed by the authority,

(c) An applicant for the grant of an air traffic service certificate shall include with the application—

(1) for each aerodrome and airspace, a schedule of the proposed hours of service; and

(2) in respect of an aerodrome, or airspace, not currently provided with an air traffic service, a summary of safety factors considered before seeking certification.

(d) An applicant for the grant of an air traffic service certificate intending to assume responsibility for providing any air traffic service from an existing certificate holder, shall include with the application, full details of transitional arrangements endorsed by the chief executives of both organisations.

(e) Where air traffic services are established, information shall be published as necessary to permit the utilization of such services.

22.145 SHIFT ADMINISTRATION

(a) An applicant for the grant of an air traffic service certificate shall establish a procedure to ensure that—

(1) adequate time is provided at the beginning and end of each shift, for the performance of those duties required—

(i) before providing an air traffic service; and

(ii) after ceasing to provide an air traffic service; and

(2) a minimum of 15 minutes is provided for each transfer of watch at an ATS operational position.

22.150 CONTINGENCY PLAN

(a) An applicant for the grant of an air traffic service certificate shall establish a contingency plan providing for the safe and orderly flow of traffic in the event of a disruption, interruption, or temporary withdrawal of an air traffic service or related supporting service.

22.155 CO-ORDINATION REQUIREMENTS

(a) An applicant for the grant of an air traffic service certificate shall establish systems and procedures for ensuring, if applicable, co-ordination between each ATS unit listed in the applicant's manual of operations and the following agencies—

(1) each holder of an aeronautical telecommunication service certificate issued in accordance with the Civil Aviation (Aeronautical Telecommunication Services) Regulations; and

(2) each holder of an instrument flight procedure service certificate issued in accordance with the civil aviation (Instrument Flight Procedure Service; and

(3) each holder of a meteorological service certificate issued in accordance with the Civil Aviation (Aeronautical Meteorological Service) Regulations; and

(4) each holder of an aeronautical information service certificate issued in accordance with the Civil Aviation (Aeronautical Information Design) Regulations; and

(5) aircraft operators; and

(6) the Rwanda Defense Force; and

(7) search and rescue authorities; and

(8) if the listed ATS unit is an aerodrome control—

(i) the aerodrome operator; and

(ii) the apron management service, if the service is not provided by the aerodrome control unit.

(b) An applicant shall establish procedures for ensuring that an ATS letter of agreement is in place between each ATS unit listed in the applicant's manual of operations and—

(1) each ATS unit responsible for adjoining airspace, and

(2) any other ATS unit with which regular operational co-ordination is required.

(c) An applicant shall establish procedures for ensuring that each ATS letter of agreement—
  (1) details matters that are necessary for effective co-ordination between the unit's party to the agreement; and
  (2) is kept current; and
  (3) is signed by senior representatives of the participating units; and
  (4) is part of the applicant's manual of operations.

(d) An applicant shall provide systems and procedures for facilitating communications between those ATS units that have an operational requirement to communicate with each other.

(e) An applicant shall provide systems and procedures for ensuring that ATS units, aircraft operators, and aeronautical meteorological service providers, if they require the information, are provided, through the exchange of ATS messages, with details of:
  (1) the intended movement of each aircraft for which a flight plan has been filed, and any amendments to the flight plan; and
  (2) current information on the actual progress of the flight.

(f) An applicant shall establish procedures for ensuring that activities potentially hazardous to civil aircraft are coordinated

(g) An applicant shall establish procedures for ensuring that ATS messages are prepared and transmitted in accordance with procedures detailed and cross-referenced in Document 4444 (Part IX – Air Traffic Services Messages), except that the term CAVOK shall not be used.

22.160 NOTIFICATION OF FACILITY STATUS

(a) An applicant for the grant of an air traffic service certificate shall establish procedures to notify the users of its air traffic services of relevant operational information and of any changes in the operational status of each facility or service listed in the applicant's manual of operations.

(b) The applicant shall ensure that procedures established under paragraph (a) require:
  (1) operational information for each of the applicant's air traffic services to be forwarded to the holder of the aeronautical information service certificate issued in accordance with the Civil Aviation (Aeronautical Information Service) Regulations for the AIP service; and
  (2) the users of the applicant's air traffic services to be notified without delay of any change in operational status of a facility or service that may affect the safety of air navigation, and, except if the change is temporary in nature, information concerning any change in operational status is forwarded to the holder of the aeronautical information service certificate for the NOTAM service.

22.165 GENERAL INFORMATION REQUIREMENTS

(a) An applicant for the grant of an air traffic service certificate shall establish procedures for the receipt of information on the following activities when the activity could affect airspace used by flights within the applicant's area of responsibility—
  (1) pre-eruption volcanic activity; and
  (2) volcanic eruptions; and
  (3) volcanic ash-cloud; and
  (4) release into the atmosphere of radioactive materials or toxic chemicals.

(b) The applicant shall establish systems and procedures to ensure that each ATS unit, as appropriate to the applicant's intended area of responsibility, is kept informed of the operational status of—
  (1) non-visual navigation aids; and
  (2) visual aids essential for take-off, departure, approach, and landing procedures; and
  (3) visual and non-visual aids essential for surface movement.

(c) An applicant for the grant of an air traffic service certificate for an—

(1) aerodrome control unit; or

(2) approach control unit; or

shall establish procedures to ensure the unit is kept informed of operationally significant conditions on the movement area. The information shall include the existence of temporary hazards and the operational status of any associated facilities at the aerodrome.

22.170 METEOROLOGICAL INFORMATION & REPORTING

(a) An applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure that all meteorological information provided as part of any flight information service is supplied by the holder of an aeronautical meteorological service organization certificate issued under the Civil Aviation (aeronautical meteorological service) Regulations.

(b) The applicant shall establish systems and procedures to ensure that ATS units are supplied with the meteorological information necessary for the performance of their respective functions, in a form that requires a minimum of interpretation by ATS personnel.

(c) The applicant shall establish procedures to ensure that equipment used in the compilation of basic weather reports—

(1) supplies data representative of the area for which the measurements are required; and

(2) where that equipment consists of multiple wind direction and speed indicators, identifies the runway, or section of the runway, monitored by each instrument.

(d) The applicant shall establish a procedure to ensure that the information contained in a meteorological bulletin remains unchanged through onward transmission.

(e) The applicant shall establish procedure to ensure that Air traffic Services units are supplied with up-to-date information on existing and forecast meteorological conditions and with the frequency which satisfies the requirements of air traffic services units concerned.

(f) To ensure that aircraft receive the most up-to-date meteorological information for aircraft operations as prescribed in paragraph (e), arrangements shall be made, between meteorological and air traffic services authorities.

22.175 PROVISIONS OF AIR TRAFFIC CONTROL SERVICES

(a) An applicant shall provide air traffic control services to—

(1) all IFR flights in airspace classes A, B, C. D, and E;

(2) all VFR flights in airspace Classes B, C, and D;

(3) all special VFR flights; and

(4) all aerodrome traffic at controlled aerodrome.

(b) An applicant shall provide air traffic control services by various units as follows—

(1) area control service—

(i) by an area control centre; or

(ii) by the unit providing approach control service in a control zone or in a control area of limited extent which is designated primarily for the provision of approach control service and where no area control centre is established;

(2) approach control service—

(i) by an aerodrome control tower or area control centre when it is necessary or desirable to combine under the responsibility of one unit the functions of the approach control service with those of the aerodrome control service or the area control service;

(ii) by an approach control unit when it is necessary or desirable to establish a separate unit; and

(3) aerodrome control service: by an aerodrome control tower.

22.180 AREA & APPROACH CONTROL SERVICES

(a) (An applicant for the grant of an air traffic service certificate in respect of an area control service or approach control service shall establish systems and procedures to—

(1) be provided with information on the intended movement of each aircraft, or variations therefrom, and with current information on the actual progress of each aircraft,

(2) determine from information received the positions of known aircraft relative to each other; and

(3) provide for the issue of ATC clearances, instructions, and information in accordance with the airspace classification and type of flight for the purpose of preventing collisions between aircraft under the control of the unit, and for expediting and maintaining a safe and efficient flow of traffic; and

(4) co-ordinate clearances with other ATC units as necessary;

(i) whenever an aircraft might otherwise conflict with traffic operated under the control of such other units; and

(ii) before transferring control of an aircraft to such other units.

(5) display information on aircraft movements together with a record of clearances issued, in a manner that permits ready analysis of such information in order to maintain an efficient flow of air traffic with adequate separation between aircraft.

(b) Clearances issued by air traffic control units shall provide separation—

(1) between all flights in airspace Classes A and B;

(2) between IFR flights in airspace Classes C, D and E;

(3) between IFR flights and VFR flights in airspace Class C;

(4) between IFR flights and special VFR flights;

(5) between special VFR flights when so prescribed by the appropriate authority, except that when requested by an aircraft and if so prescribed by the appropriate ATS authority for the cases listed under paragraph (2) above in airspace Classes D and E, a flight may be cleared without separation being so provided in respect of a specific portion of the flight conducted in visual meteorological conditions.

(c) The separation required by paragraph (e) shall be obtained by at least one of the following—

(1) vertical separation, obtained by requiring aircraft using prescribed altimeter setting procedures to operate at different levels expressed in terms of flight levels or altitudes in accordance with the provisions of Section 22.260.

(2) horizontal separation, obtained by providing—

(i) longitudinal separation, by maintaining an interval between aircraft operating along the same, converging or reciprocal tracks, expressed in time or distance; or

(ii) lateral separation, by maintaining aircraft on different routes or in different geographical areas; and

(3) composite separation, consisting of a combination of vertical separation and one of the other forms of separation contained in (2) above, using minima for each which may be lower than, but not less than half of, those used for each of the combined elements when applied individually. Composite separation shall only be applied on the basis of regional air navigation agreements

(d) The applicant shall establish requirements for carriage and operation of pressure altitude reporting transponders within its airspace so as to improve the effectiveness of air traffic services as well as airborne collision avoidance systems.

(e) The separation required in paragraph (c) (1), (2) and (3) above, shall be selected from those prescribed by the provisions of the PANS-ATM and the *Regional Supplementary Procedures* as applicable under the prevailing circumstances.

(f) The selection of separation minima shall be made in consultation between the appropriate ATS authorities

responsible for the provision of ATS in neighboring airspace when—

(1) traffic will pass from one into the other of the neighboring airspaces;

(2) routes are closer to the common boundary of the neighboring airspaces than the separation minima applicable in the circumstances.

(g) In Class D or E airspace, the ATC separation required by paragraph (c) does not apply to an IFR flight if the pilot has been cleared to maintain own separation from other IFR flights. The clearance shall not be issued unless—

(1) the clearance is in response to a specific request from the pilot of the aircraft; and

(2) the flight is during the day and visual meteorological conditions exist; and

(3) a radar control service is not available; and

(4) the clearance is for a specific portion of the flight; and

(5) the pilots of all flights that will be essential traffic agree with the application of the procedure; and

(6) essential traffic information is passed to the pilots of all affected flights; and

(7) the flights concerned are on the same ATC frequency

(h) For all airspace where a reduced vertical separation minimum of 300m (1000 ft) is applied between FL 290 and FL 410 inclusive, an applicant shall institute a programme, on a regional basis, for monitoring the height–keeping performance of aircraft operating at these levels.

(i) The applicant shall establish systems and procedures to ensure that the coverage of the height-monitoring facilities provided under the program in paragraph (h) is adequate to permit monitoring of the relevant aircraft types of all operators that operate in RVSM airspace.

22.185 AERODROME CONTROL SERVICE

(a) An applicant for the grant of an air traffic service certificate in respect of an aerodrome control service shall establish systems and procedures to—

(1) determine, from information received and visual observation, the relative positions of known aircraft to each other; and

(2) provide for the issue of ATC clearances, instructions, and information, for the purpose of preventing collisions between—

(i) aircraft flying in the vicinity of an aerodrome; and

(ii) aircraft landing and taking off; and

(iii) aircraft operating on the manoeuvring area; and

(iv) aircraft, vehicles, and persons, operating on the manoeuvring area; and

(v) aircraft on the manoeuvring area and obstructions on that area; and

(3) provide for the issue of ATC clearances, instructions, and information, for the purpose of expediting and maintaining a safe and efficient flow of traffic; and

(4) ensure that emergency vehicles responding to an aircraft in distress are given priority over all other surface movement traffic; and

(5) maintain a continuous watch on all flight operations on and in the vicinity of an aerodrome, if there are other aerodromes within a control zone, traffic at all aerodromes within such a zone, shall be coordinated so that traffic circuits do not conflict.

(6) provide for the control of the movement of persons or vehicles, including towed aircraft, on the manoeuvring area, as necessary to avoid hazard to them or to aircraft landing, taxiing, or taking off; and

(7) co-ordinate as necessary with other ATS units; and

(8) display, at operating positions, continuously updated information on aircraft movements.

(b) The applicant shall establish a procedure to ensure that, when radio communication is not available, basic clearances, instructions, and information required by paragraph (a)(2) can be conveyed.

(c) The applicant shall establish procedures to ensure that when required by either the weather, or category of approach, or both—

(1) aircraft on an ILS approach are informed of ILS critical area incursions, or the imminent possibility of an incursion; or

(2) the applicable ILS critical areas are protected from incursion when an aircraft is on an ILS approach, or has reached a point on the approach from which protection from incursion is necessary.

(d) The applicant shall establish a procedure to ensure that, except as provided in Section 22.225 and subject to authorisation by the applicable approach control unit, aerodrome control units provide separation between—

(1) IFR flights and Special VFR flights; and

(2) Special VFR flights when the flight visibility is reported to be less than 5 km.

(e) The applicant shall establish a procedure to ensure that, when authority has been delegated by, and accepted from, the applicable area or approach control unit, aerodrome control units provide separation between controlled flights in accordance with the delegation.

(f) The separation required by paragraphs (d) and (e) shall be obtained by the use of vertical or horizontal separation, in accordance with criteria and minima prescribed by—

(1) these Regulations; or

(2) Technical standards as prescribed by the authority; or

(3) Document 4444; and

(4) Document 7030.

(g) The applicant shall establish procedures to ensure that the designated preferred runway is that most suitable for the particular operation.

(h) Aerodrome control towers shall be responsible for alerting the rescue and fire-fighting services whenever:

(1) an aircraft accident has occurred on or in the vicinity of the aerodrome; or

(2) information is received that the safety of an aircraft which is or will come under the jurisdiction of the aerodrome control tower may have or has been impaired; or

(3) requested by the flight crew; or

(4) when otherwise deemed necessary or desirable.

22.190 SPECIAL USE AIRSPACE

(a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish systems and procedures to ensure that separation is provided between controlled flights and active special use airspace, except when—

(1) the pilot has approval from the administering authority to operate in the airspace; or

(2) in the case of a danger area or a volcanic hazard zone, the pilot has notified an express intention to operate in the danger area or the volcanic hazard zone, as the case may be; or

(3) it is known, or reasonably believed, that the pilot of a VFR flight or an IFR flight navigating by visual reference is aware that the airspace is active; or

(4) on a request by the pilot, the flight is cleared to maintain its own separation from the airspace.

22.195 RESPONSIBILITY FOR CONTROL

(a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that any controlled flight is under the control of only one ATC operating position at any given time.

(b) The applicant shall establish procedures to ensure that responsibility for the control of all aircraft operating within a given block of airspace is vested in a single air traffic control unit.

(c) The applicant shall establish procedures for the transfer of responsibility for the control of an aircraft.

(d) The procedures required by paragraph (c) shall ensure that—

(1) transfer arrangements are:—

(i) agreed between ATC units responsible for adjacent airspaces and published in ATS letters of agreement; and

(ii) in place for separate operating positions within an ATC unit and promulgated in the holder's manual of operations; and

(2) responsibility for control of an aircraft is not transferred from one ATC unit to another without—

(i) communication of appropriate parts of the current flight plan; and

(ii) any relevant control information; and

(iii) the consent of the accepting unit.

22.200 PRIORITIES

(a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that, providing safety is not jeopardized, ATC units apply the following priorities—

(1) an aircraft known or believed to be in a state of emergency or impaired operation has priority over other aircraft:

(2) an aircraft landing, or in the final stages of an approach to land, has priority over a departing aircraft:

(3) an aircraft landing or taking off has priority over a taxiing aircraft.

(b) The applicant shall establish procedures to ensure that, where practical, following a request from a pilot, an aircraft involved in, or positioning for, the following activities is granted priority—

(1) ambulance or mercy mission:

(2) search and rescue:

(3) civil defence or police emergency:

(4) carriage of head-of-State, head-of-government, or equivalent dignitary.

(c) The applicant shall establish procedures to ensure that an aircraft at a cruising level generally has priority over other aircraft requesting that level, except that an aircraft occupying a cruising level may be reassigned another level to maintain separation.

(d) An applicant for an air traffic service certificate in respect of an area control service may establish procedures regarding priorities to be applied in airspace designated as RNP airspace.

(e) Subject to the requirements of paragraphs (a) and (b), an applicant may put in place schemes for the determination of priorities for arriving and departing flights, provided that consultation with interested parties is undertaken prior to implementing the scheme.

(f) The applicant shall establish procedures to ensure that, if priorities are established under paragraphs (d) or (e), relevant information including details regarding the handling of complaints, is published in the Rwanda AIP.

(g) The applicant shall establish procedures to ensure that, providing safety is not jeopardized, due regard is given to those priorities determined in conjunction with the aerodrome operator for:

(1) aircraft arriving and departing the aerodrome; and

(2) other operations in a control zone associated with the aerodrome.

(h) The applicant shall establish procedures to ensure that, except when applying priority in accordance with other provisions of this, priority for arriving and departing flights is allocated on a first-come first-served basis.

(i) The applicant shall establish procedures to ensure that the provision of an ATC service takes precedence:

(1) over the provision of a flight information service whenever the situation so requires; and

(2) over the performance of any other non-ATS tasks.

22.205 FLOW CONTROL

(a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish flow control procedures where, due to limitations in ATS system capacity or aerodrome capacity, the applicant considers the procedures necessary.

(b) The procedures shall take account of—

(1) the requirements of affected aerodrome operators including their traffic handling priorities; and

(2) the needs of aircraft operators, and other ATS providers, who will be affected by the procedures; and

(3) the requirements of the aeronautical information service, including advance notice, and information on the method of activation and de-activation.

22.210 ATC CLEARANCES

(a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures for the provision of ATC clearances.

(b) The procedures shall ensure that—

(1) no person knowingly issues an ATC clearance or instruction that requires or invites a pilot to violate the provisions of any other; and

(2) clearances and instructions contain positive and concise data and are, where practicable, phrased in a standard manner; and

(3) if a pilot advises that a clearance or instruction is unsuitable, an amended clearance or instruction is, if practicable, issued; and

(4) an ATC clearance for an enroute flight consists of—

(i) the aircraft identification as shown in the flight plan or, where similarity with another flight might cause confusion, an alternative identification provided by ATC; and

(ii) the clearance limit; and

(iii) the route of flight; and

(iv) the level(s) of flight for the entire route, or part thereof, and changes of level if required; and

(v) any necessary instructions or information on other matters such as approach or departure manoeuvres, communications, and the time of validity or expiry of the clearance.

(5) an ATC clearance for a local flight, a flight operating in defined areas, or a flight operating in a random manner, includes those elements detailed in paragraph (4) that are appropriate; and

(6) an ATC clearance for a transonic flight—

(i) extends at least to the end of the transonic acceleration phase; and

(ii) provides for uninterrupted descent during deceleration from supersonic cruise to subsonic flight.

(c) ATC units shall issue such ATC clearances as are necessary to prevent collisions and to expedite and maintain an orderly flow of air traffic.

(d) ATC clearances must be issued early enough to ensure that they are transmitted to the aircraft in sufficient time to comply with them.

(e) An applicant shall establish procedures to ensure that an air traffic control clearance be coordinated between air traffic control units to cover the entire route of an aircraft or a specified portion thereof.

22.215 READ-BACK OF CLEARANCES & SAFETY-RELATED I N F O R M A T I O N

(a) Each applicant for the grant of an air traffic service certificate shall establish procedures to ensure that;

(1) the flight crew read back to the air traffic controller safety-related parts of ATC clearances and instructions which are transmitted by voice for the following items—

(i) ATC route clearances;

(ii) clearances and instructions to enter, land on, take off from, hold short of, cross and backtrack on any runway; and

(iii) runway-in-use, altimeter settings, SSR codes, level instructions, heading and speed instructions and, whether issued by the controller or contained in ATIS broadcasts, transition levels.

(2) Other clearances or instructions, including conditional clearances are read back or acknowledged in a manner to clearly indicate that they have been understood and will be complied with.

(3) the controller listens to the read-back to ascertain that the clearance or instruction has been correctly acknowledged by the flight crew and shall take immediate action to correct any discrepancies revealed by the read-back.

(b) Unless specified by the ATS units, voice read-back of CPDLC messages shall not be required.

22.220 CRUISING LEVELS

(a) An applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that cruising levels allocated within the Kigali FIR are selected in accordance with prescribed standards for IFR or VFR flights, except that, within controlled airspace—
  (1) for both IFR and VFR flights, correlation of cruising level with track need not apply; and
  (2) VFR flights may be allocated IFR levels.

(b) An applicant for an air traffic service certificate for the provision of an area control service in the Kigali FIR shall establish procedures to ensure that cruising levels are allocated in accordance with Rwanda Civil Aviation Regulations except that correlation of cruising level track need not apply.

22.225 DEVIATION FROM AN ATC CLEARANCE

(a) Subject to paragraph (a), an applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that instructions issued by ATC to restore a loss of separation do not hinder the responses of a pilot to—
  (1) an ACAS resolution advisory; or
  (2) a GPWS or TAWS alert; or
  (3) a weather, or other emergency situation that necessitates a deviation from an ATC clearance.

(b) The procedures required by paragraph (b) shall specify that if any separation has been lost it is restored once the emergency situation has been resolved.

22.230 FLIGHT INFORMATION SERVICE: GENERAL

(a) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that a flight information service is provided to the following—
  (1) each aircraft being provided with an ATC service that is likely to be affected by the information in paragraph (b):
  (2) each aircraft being provided with an aerodrome flight information service that is likely to be affected by the information in paragraph (b):
  (3) each aircraft operating IFR that is likely to be affected by the information in paragraph (b):
  (4) any aircraft operating VFR for which the pilot has submitted a VFR flight plan to an ATS unit:
  (5) any aircraft operating VFR if the pilot makes a specific request to an ATS unit for flight information.

(b) The applicant shall ensure that the procedures required by paragraph (a) for the provision of the flight information service includes the provision of available and relevant—
  (1) SIGMET and AIRMET information; and
  (2) (information on weather conditions reported or forecast at departure, destination, and alternate aerodromes; and
  (3) information concerning pre-eruption volcanic activity, volcanic eruptions, and volcanic ash clouds; and
  (4) information concerning the release into the atmosphere of radioactive materials or toxic chemicals; and
  (5) information on changes in the serviceability of navigation aids; and
  (6) information on changes in the condition of aerodromes and associated facilities, including information on the state of the aerodrome movement areas when they are affected by snow, ice, or water; and
  (7) information on unmanned free balloons; and
  (8) other information likely to affect safety.

(c) An applicant for the grant of an air traffic service certificate for an aerodrome control service shall establish procedures to ensure that, whenever water is present on a runway, a description of the runway surface conditions on the centre half of the width of the runway is made available using one of the following terms—
  (1) DAMP – the surface shows a change of color due to moisture:
  (2) WET – the surface is soaked but there is no standing water:

(3) WATER PATCHES – significant patches of standing water are visible:

(4) FLOODED – extensive standing water is visible.

(d) An applicant for the grant of an air traffic service certificate for an aerodrome control service, approach control service, shall establish procedures to ensure that, if practical, local aircraft operators likely to be affected by the information are advised of short-notice changes to published hours of service if they are unlikely to have the information from any other source.

(e) An applicant shall ensure that where ATS units provide both flight information service and air traffic control service, the provision of air traffic control service have precedence over the provision of flight information service whenever the provision of air traffic control service so requires.

22.235 FLIGHT INFORMATION SERVICE: TRAFFIC INFORMATION

(a) An applicant for the grant of an air traffic service certificate for an air traffic control service shall establish procedures to ensure that essential traffic information is passed to all affected traffic.

(b) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that each ATS unit operating under that certificate provides traffic information to flights that are known to the ATS unit and are likely to be affected by the information as follows—

(1) in class C airspace, between VFR flights, together with traffic avoidance advice on request:

(2) in class D airspace, between IFR and VFR flights, and between VFR flights, together with traffic avoidance advice on request:

(3) in class G airspace, between IFR flights, and, if practical, between other flights on request.

22.240 AERODROME FLIGHT INFORMATION SERVICE

(a) An applicant for an air traffic service certificate in respect of an aerodrome flight information service shall establish systems and procedures to—

(1) determine, from information received and visual observation, the relative positions of known aircraft to each other; and

(2) provide for the issue of advice and information, including the designation of a preferred runway for the purpose of the safe and efficient operation of—

(i) aircraft flying in the vicinity of an aerodrome; and

(ii) aircraft operating on the manoeuvring area; and

(iii) aircraft landing and taking off; and

(iv) aircraft, vehicles, and persons on the manoeuvring area; and

(v) aircraft on the manoeuvring area and obstructions on that area.

(b) The applicant shall establish procedures to ensure that the designated preferred runway is that most suitable for the particular operation

22.245 ALERTING SERVICE

(a) In this —

(1) ALERFA means the Alert phase;

(2) DETRESFA means the Distress phase;

(3) INCERFA means the Uncertainty phase;

(4) RCC means the rescue co-ordination centre.

(b) An applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure the provision of an alerting service within its areas of responsibility—

(1) (for all aerodrome traffic when an aerodrome control service is being provided; and

(2) for all aircraft—

(i) operating under the submitted a flight plan; or

(ii) otherwise known by any air traffic service to be in need of assistance; or

(iii) known or believed to be the subject of unlawful interference.

(c) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that, in the event of a state of emergency described in paragraph (f)—

(1) immediate declaration of an INCERFA, ALERFA, or DETRESFA is made, in accordance with par (6); and

(2) the declaration is notified to the ATS unit or FIC responsible, except where the emergency can be dealt with by local emergency organisations.

(d) An applicant for the grant of an air traffic service certificate in respect of an approach control service shall establish procedures to ensure that, in the event of a state of emergency, the approach control unit concerned or FIC—

(1) serves as the central point within the FIR concerned for collecting all information relevant to the state of emergency; and

(2) forwards such information without delay to the RCC.

(e) Notwithstanding paragraph (d), an applicant for an air traffic service certificate for an aerodrome control service, shall establish procedures to ensure that whenever the urgency of the situation so requires, those services shall first alert appropriate local emergency organizations which can give immediate assistance required.

(f) The declaration required by paragraph (c) shall be made in the following circumstances, and in any other circumstances that warrant such a declaration—

(1) (a) INCERFA when—

(i) no communication has been received from an IFR or controlled VFR aircraft within a period of 30 minutes after the time a communication should have been received, or from the time an unsuccessful attempt to establish communication with the aircraft was first made, whichever is the earlier; or

(ii) a pilot fails to terminate the flight plan or amend the nominated SARTIME and immediate checks have failed to locate the aircraft; or

(iii) a VFR aircraft on a VFR flight plan for which a SARTIME has not been provided fails to arrive within 30 minutes of the estimated time of arrival—

except when no doubt exists as to the safety of the aircraft and its occupants; or

(2) ALERFA when—

(i) an aircraft is known or believed to be subject to unlawful interference; or

(ii) following the uncertainty phase, subsequent attempts to establish communication with the aircraft or inquiries to other relevant sources have failed to reveal any news of the aircraft; or

(iii) an aircraft has been cleared to land, and fails to land within five minutes of the estimated time of landing, and communication has not been re-established with the aircraft; or

(iv) information has been received that indicates that the operating efficiency of the aircraft has been impaired, but not to the extent that a forced landing is likely—

except, in the case of (ii), (iii), and (iv), when evidence exists that would allay apprehension as to the safety of the aircraft and its occupants; or

(3) DETRESFA when—

(i) following the alert phase further unsuccessful attempts to establish communication with the aircraft and more widespread unsuccessful inquiries point to the probability that the aircraft is in distress; or

(ii) the fuel on board is considered to be exhausted, or to be insufficient to enable the aircraft to reach safety; or

(iii) information is received that indicates that the operating efficiency of the aircraft has been impaired to the extent that a forced landing is likely; or

(iv) information has been received that, or it is reasonably certain that, the aircraft is about to make or has made a forced landing—

except when there is reasonable certainty that the aircraft and its occupants are not threatened by grave and imminent danger and do not require immediate assistance.

(g) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure the notification of an emergency situation required by paragraph (c)(2) includes such of the following information as is available, in the order listed—

(1) (INCERFA, ALERFA, or DETRESFA as appropriate to the phase of the emergency:
(2) agency and person calling:
(3) nature of the emergency:
(4) significant information from the flight plan:
(5) unit that made last contact, time, and radio frequency used:
(6) last position report and how determined:
(7) colour and distinctive marks of aircraft:
(8) dangerous goods carried as cargo;
(9) any action taken by the reporting office; and
(10) other pertinent remarks.

(h) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that, following the notification of an emergency situation, the RCC is provided, without delay, with—

(1) any useful additional information, especially on the development of the state of emergency through subsequent phases; and
(2) notification when the emergency situation no longer exists.

(i) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure, as necessary, the use of all available means to establish and maintain communication with, and surveillance of, an aircraft in a state of emergency.

(j) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that, when a state of emergency is considered to exist, the last known position of any aircraft involved is established and recorded.

(k) An applicant for the grant of an air traffic service certificate in respect of an approach control or a Flight information Centre shall establish procedures to ensure that:

(1) (a) when an approach control unit (APP) declares an INCERFA or ALERFA it shall, where practical, advise the aircraft operator prior to notifying the RCC; and
(2) all information notified to the RCC by an APP shall, where practical, also be communicated without delay to the aircraft operator.
(3) other aircraft known to be in the vicinity of the aircraft involved be informed of the nature of the emergency as soon as practicable except when the aircraft in the state of emergency is subjected to unlawful interference.

22.250 FLIGHT PLANS

(a) An applicant for the grant of an air traffic service certificate shall establish procedures for the acceptance and actioning of flight plans.

(b) An applicant shall ensure that the acceptance procedures required by paragraph (a) include, for the first ATS unit receiving a filed flight plan—

(1) a check for compliance with any prescribed flight plan format and data conventions; and
(2) a check for completeness, and to the extent practical, for accuracy; and
(3) provision for any action necessary to make the plan acceptable to ATS.

(c) Any applicant intending to provide air traffic services from more than one location may nominate a single ATS unit within the applicant's organisation to accept filed flight plans on behalf of any or every unit.

(d) An applicant for the grant of an air traffic service certificate intending to operate a centralised flight planning office shall ensure the office is equipped with—

(1) AFTN, facsimile, and computer data-link connection facilities, for the acceptance of flight plans from aircraft operators and any other ATS unit; and
(2) facilities for the advance filing, retention, and activation of standard or repetitive elements of flight plan

information.

(e) An operator shall, prior to departure ensure that—

(1) Where the flight is intended to operate on a route or in an area where a required navigation performance (RNP) type is prescribed, the aircraft has an appropriate RNP approval, and all conditions applying to that approval will be satisfied; and

(2) Where that operation in reduced vertical separation minimum (RVSM) airspace is planned, the aircraft has the required RVSM approval.

22.255 TIME IN ATS

(a) An applicant for the grant of an air traffic service certificate shall establish a procedure to ensure that each ATS unit is equipped with clocks and other time recording devices clearly visible from each operating position in the unit concerned and—

(1) use Co-Ordinated Universal Time and express that time in hours and minutes of the 24-hour day beginning at 0000 UTC; and

(2) are correct to within 30 seconds of UTC as determined by reference to a standard time station or GPS time standard.

(b) The applicant shall establish a procedure to ensure that the correct time, to the nearest half minute, is provided—

(1) in respect of any aerodrome control service, to IFR aircraft prior to taxiing for take-off unless arrangements have been made for the pilot to obtain it from other sources; and

(2) to any aircraft on request.

(c) The applicant shall obtain the correct time from a standard time station or, if not possible, from another unit which has obtained the correct time from such station.

22.260 ALTIMETER SETTING PROCEDURES

(a) An applicant for the grant of an air traffic service certificate shall establish a procedure to ensure that—

(1) QNH altimeter settings are in hectopascals rounded down to the nearest whole hectopascal; and

(2) the appropriate aerodrome QNH altimeter setting is provided to all aircraft on initial radio contact, including aircraft that advise having received the current applicable ATIS broadcast, except when it is known the aircraft has already received the information; and

(3) ATS units provide to an aircraft on request, the current applicable aerodrome QNH altimeter setting.

22.265 RADIO & TELEPHONE PROCEDURES

(a) Each applicant for the grant of an air traffic service certificate shall establish systems and procedures to ensure that—

(1) the standard telephony and radiotelephony phraseology prescribed in paragraph (b) is used; and

(2) in all radiotelephony communications discipline is observed, by transmitting only those messages that are necessary for the provision of an air traffic service, or that otherwise contribute to safety; and

(3) communications procedures are in accordance with the applicable communication procedures prescribed by the authority.

(b) The applicant shall establish procedures to ensure that, for the purposes of paragraph (a)(1), the standard phraseology, and the circumstances in which it is used, is that published in—

(1) Subpart D of these regulations; or

(2) Technical standards as prescribed by the Authority; or

(3) Document 4444; or

(4) Document 9432.

(c) For the purposes of paragraph (b), where differences occur between the stated documents, the particular phraseology shall be selected according to the order of precedence of the documents as listed.

22.270 AIRCRAFT EMERGENCIES & IRREGULAR OPERATION

(a) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure maximum assistance and priority is given to an aircraft known, or believed to be, in a state of emergency including being subjected to unlawful interference.

(b) An applicant shall, where appropriate, establish procedures to assist strayed aircraft, unidentified aircraft, and aircraft subject to military interception.

22.275 ACTION AFTER SERIOUS INCIDENT OR ACCIDENT

(a) An applicant for the grant of an air traffic service certificate shall establish procedures regarding a serious incident or accident to—

(1) determine if any air navigation facilities have contributed to the event; and

(2) ensure immediate action is taken to:

i. warn other aircraft that may be using or intending to use the facilities; and

ii. advise the operator of the facility of the occurrence, and that the facility may be implicated; and

(3) assist the operator of the facility with the prompt promulgation of any decision to withdraw the equipment from service; and

(4) ensure that any facility identified in paragraph (a)(1) is not used in the provision of separation to IFR aircraft until cleared for use by the relevant holder of an aeronautical telecommunications service certificate issued under the Civil Aviation (Aeronautical Telecommunications Service) Regulations.

22.280 REPORTING OFINCIDENTS

(a) An applicant for the grant of an air traffic service certificate shall establish procedures for—

(1) the notification, investigation, and reporting of incidents to the authority; and

(2) the forwarding of facility malfunction reports to the applicable aeronautical telecommunication service certificate holder.

(3) the aeronautical telecommunication service provider to promptly respond to the facility malfunction reports and provide feedback to the applicable air traffic service unit.

22.285 SERVICE DISRUPTIONS

(a) An applicant for the grant of an air traffic service certificate shall establish procedures to:

(1) advise the Authority of any planned disruption to the provision of air traffic services that could have an impact on safety; and

(2) investigate any unplanned disruption to the provision of air traffic services; and

(3) report to the Authority, within 48 hours of the occurrence, the circumstances surrounding any unplanned disruption to air traffic services when the disruption affected, or could have affected, the safety of air traffic.

(b) Disruptions reportable under paragraph (a) shall include, but are not limited to, any—

(1) failure to open watch within 15 minutes of the promulgated opening time; and

(2) any interruption, of greater than 10 minutes, to the normal provision of an air traffic service; and

(3) curtailment of watch, by greater than 30 minutes, from the promulgated off watch time.

22.290 LOGBOOKS & POSITION LOGS

(a) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that a logbook, with sequentially numbered pages, is kept at each ATS unit, and, where a unit has physically separate operations areas, at each such location within the unit.

(b) The procedure shall ensure that—

(1) the logbook is maintained by the senior person on duty, or the person on watch at a nominated operating position; and

(2) the logbook is maintained throughout the hours of watch of the unit or operations room; and
(3) all entries include the time of entry; and
(4) the person responsible for maintaining a logbook signs On Watch, and effects transfer of responsibility by successive On Watch entries; and
(5) logbook entries are—
(i) in chronological sequence and in ink; and
(ii) without erasure, defacement, or obliteration; and
(iii) corrected by drawing a single line through the erroneous information and initialing the correction; and
(6) actual times of opening and closing watch are recorded in the logbook, together with the reason for every variation from published hours of service; and
(7) logbooks are retained for a period of one year from the date of final entry.

(c) An applicant shall establish a procedure to ensure the keeping of an operating position log, when such information is not available in the logbook required by paragraph (a).

(d) The procedure shall ensure that the operating position log—
(1) contains sufficient information to identify—
(i) when that position was in operation; and
(ii) the services being provided from that position; and
(iii) the identity of the individual providing the service; and
(2) is retained for a period of at least 1year from the date of filing.

22.295 SAFETY MANAGEMENT SYSTEM

(a) An applicant for the grant of an air traffic service certificate shall develop and implement, and maintain a system for safety management in accordance with Civil Aviation (Safety Management System) Regulations.

(b) A Safety Management System shall have the following minimum required elements—
(1) The ATS provider's safety policy and objectives;
(2) The organisational commitment and staff responsibilities for safety matters;
(3) The development of a process that ensures the levels of safety that apply to the services, and ensures analysis, assessment, and control of the safety risks associated with identified hazards;
(4) The process for hazard identification through internal reporting of safety concerns and incidents;
(5) The process for the assessment, control, and mitigation of existing and potential safety hazards in service provision;
(6) The definition of the interface arrangements for safety management and related responsibilities and procedures, with internal functional groups and with aviation service providers and support service providers;
(7) The process for internal safety reviews to verify organisational performance;
(8) The development of safety performance indicators and targets of SMS; and
(9) The processes for the management of changes to existing services.

(c) The applicant of an air traffic service certificate will develop and implement the SMS as prescribed by the Authority.

22.300 SECURITY

(a) An applicant for the grant of an air traffic service certificate shall prepare an ATS security programme.

(b) An ATS security programme shall specify the physical security requirements, practices, and procedures to be followed for the purposes of minimising the risk of destruction of, damage to, or interference with the operation of, any ATS unit operated by the applicant where such destruction, damage, or interference is likely to endanger the safety of aircraft.

(c) Without limiting the generality of paragraph (b), the security programme shall specify such physical security

requirements, practices, and procedures as may be necessary:

(1) to ensure that entrances to permanent ATS facilities operated by the applicant are subject to positive access control at all times, so as to prevent unauthorised entry; and

(2) to protect personnel on duty; and

(3) to be followed in the event of a bomb threat or other threat of violence against an ATS unit; and

(4) to monitor unattended ATS unit buildings to ensure that any intrusion or interference is detected.

22.305 SECURITY TRAINING PROGRAMME

(a) A holder of an air traffic service certificate shall establish a security training programme and procedures for ensuring that every person who is employed, engaged, or contracted by the applicant has the appropriate level of security awareness applicable to the person's function.

(b) The training programme required by paragraph (a) shall contain—

(1) applicable segments for initial training and recurrent training; and

(2) knowledge testing or competency assessment as appropriate for the training conducted.

(c) The holder shall establish procedures for ensuring that each segment required by paragraph (b)(1)—

(1) includes a syllabus that is acceptable to the Authority; and

(2) is conducted in a structured and coordinated manner by a person authorised by the certificate holder.

(d) The holder of an air traffic service certificate shall establish procedures for ensuring that every person who is required to be trained under paragraph (a) undertakes the recurrent training segment of the training programme at an interval of not more than 3 years.

22.310 MANAGEMENT OF RECORDS

(a) An applicant for the grant of an air traffic service certificate shall establish systems and procedures for identifying, collecting, indexing, filing, storing, securing, maintaining, accessing, and disposing of, records necessary for—

(1) the operational provision of air traffic services; and

(2) the purpose of assisting with any accident or incident investigation.

(b) The records referred to in paragraph (a) shall include—

(1) telephone communications; and

(2) radio broadcasts and communications; and

(3) air-ground digital data exchanges; and

(4) radar information; and

(5) filed flight plans including standard and repetitive plans; and

(6) flight progress strips; and

(7) staff duty rosters; and

(8) appropriate meteorological and aeronautical information, except where the information is retained for an equivalent period by a meteorological or AIS organisation; and

(9) a record for every person who is required to be trained under these regulations, including details of:

(i) each segment of training that is undertaken; and

(ii) knowledge testing or competency assessment as appropriate for the training conducted.

(10) job descriptions of air traffic services personnel.

(c) The applicant shall establish systems and procedures for ensuring the automatic electronic recording of—

(1) all ATS radio and telephone communications; and

(2) (all relevant data from primary and secondary radar equipment, or obtained through automatic dependent surveillance (ADS), used in providing or supporting an ATC service; and

(3) for any equipment coming into service after the date these Regulations comes into force, any transfer and acceptance of control process not conducted by telephone.

(d) The applicant shall establish systems and procedures to ensure that electronic records referred to in paragraph (c)—

(1) include time recording, correct to within 5 seconds of UTC, as determined by reference to a standard time station or GPS time standard; and

(2) either—

(i) replicate the voice communications, and, if applicable, the radar picture, applying at the particular operating position; or

(ii) are accompanied by a statement fully describing the differences between the recording supplied and a recording in accordance with paragraph (d)(2)(i).

(e) For the purposes of paragraph (d)(2) the term radar picture includes any visual presentation of aircraft position, however derived.

(f) The applicant shall establish systems and procedures for ensuring that all records, except where replication is required by paragraph (d)(2)(i), are sufficiently clear to convey the required information.

(g) The applicant shall establish procedures for ensuring that the records referred to in paragraph (b) are retained for at least 90 days from the date of last entry, except for—

(1) staff duty rosters which shall be retained for 6 months from the date of last duty roster made; and

(2) written records associated with the requirements of Section 22.285(a)(2) and (3) which shall be retained for 2 years; and

(3) training records which shall be retained for a period of 3 years from the date the affected person ceases to work or be associated with the air traffic service organization then archive the records in accordance with local human resource arrangements

SUBPART C: OPERATING REQUIREMENTS

22.315 CONTINUED COMPLIANCE

(a) Each holder of an air traffic service certificate shall—

(1) hold at least one complete and current copy of the manual of operations at each ATS unit listed in its manual of operations, except that manuals relating solely to a particular location need only be held at principal locations and the unit concerned; and

(2) comply with all procedures and standards detailed in its manual of operations; and

(3) make each applicable part of the manual of operations available to personnel who require those parts to carry out their duties; and

(4) continue to meet the standards and comply with the requirements of Subpart B prescribed for certification under these Regulations; and

(5) promptly notify the Authority of any change of address for service.

22.320 SUSPENSION OF VFR OPERATIONS

(a) Each holder of an air traffic service certificate for an approach control service or aerodrome control service may, when appropriate for safety reasons, suspend any or all controlled VFR operations within a control zone.

22.325 WITHDRAWAL OR TRANSFER OF SERVICE

(a) Each holder of an air traffic service certificate who wishes to permanently withdraw an air traffic service shall give the Authority at least 90 days' notice of the proposal and include in that notice a summary of factors considered in arriving at the decision to withdraw the service.

(b) Each holder of an air traffic service certificate who intends to permanently reduce the hours of operation of an air traffic service shall provide to the Authority advance notice of, and the reasons for, the proposed reduction.

(c) Each holder of an air traffic service certificate who is the outgoing provider of an air traffic service shall not hinder the preparation and execution of the transitional arrangements required by Section 22.140(d).

22.330 PERFORMANCE-BASED NAVIGATION (PBN) OPERATIONS

(a) Each holder of an air traffic service certificate shall establish procedures, when applicable, to prescribe, the navigation specification(s) for designated areas, tracks or ATS routes on the basis of regional air navigation agreements.

(b) In designating a navigation specification, limitations may apply as a result of navigation infrastructure constraints or specific navigation functionality requirements.

(c) The prescribed navigation specification shall be appropriate to the level of communications, navigation and ATS provided in the airspace concerned as prescribed in the ICAO Doc 9613 – Performance Based Navigation Manual.

22.335 PERFORMANCE-BASED COMMUNICATION (PBC) OPERATIONS

(a) An applicant shall establish procedures to ensure that—

(1) performance-based communication (PBC), where applicable, Required Communication Performance (RCP) specifications are prescribed on the basis of regional air navigation agreements

(2) the prescribed RCP specification in paragraph (a)(1) shall be appropriate to the air traffic services provided in Rwanda airspace.

22.340 PERFORMANCE-BASED SURVEILLANCE (PBS) OPERATIONS69.

(a) An applicant for the grant of air traffic service certificate when applying performance-based surveillance (PBS), shall establish procedures to ensure that Required surveillance performance (RSP) specifications is prescribed on the basis of regional air navigation agreements

(b) The prescribed RSP specification in paragraph (a) shall be appropriate to the air traffic services and equipment capability provided.

22.345 SEPARATION MINIMA

(a) The applicant shall select the separation minima for application within a given portion of airspace as follows—

(1) the separation minima shall be selected from those prescribed by the provisions of the PANS-ATM and the Regional Supplementary Procedures as applicable under the prevailing circumstances, except where types of aids are used or circumstances prevail which are not covered by current State provisions, other separation minima shall be established as necessary by:

(i) the ANSP following consultation with operators, for routes or portions of routes contained within the sovereign airspace of Rwanda

(ii) Regional air navigation agreements for routes or portions of routes contained within airspace over the high seas or over areas of undetermined sovereignty

(2) the selection of separation minima shall be made in consultation between the ANSPs responsible for the provision of air traffic services in neighbouring airspace when—

(i) traffic will pass from one into the other of the neighbouring airspaces;

(ii) routes are closer to the common boundary of the neighbouring airspaces than the separation minima applicable in the circumstances.

(b) The applicant shall establish procedures to ensure that the details of the selected separation minima and of their areas of application be notified—

(1) to the ATS units concerned; and

(2) to pilots and operators through aeronautical information publications, where separation is based on the use by aircraft of specified navigation aids or specified navigation techniques.

22.350 ATS SURVEILLANCE SERVICE

(a) An applicant for the grant of an air traffic service certificate shall establish procedures to ensure that where an ATS surveillance system is used to support the provision of an air traffic service—

(1) all ATS surveillance services are provided in accordance with procedures published in—
  (i) Document 4444; or
  (ii) Document 7030 (as applicable to the Africa-Indian Ocean (AFI) Region); or
  (iii) these regulations; and
(2) SSR code allocation for international flights is in accordance with the code assignment system published in the applicable ICAO Air Navigation Plan; and
(3) an SSR code management plan is in place for domestic flights that conforms to the applicable principles contained in Document 4444; and
(4) full information is made available to pilots and aircraft operators on—
  (i) the nature and extent of the ATS surveillance services provided; and
  (ii) any significant limitations regarding such ATS surveillance services; and
(5) the information displayed at individual ATS surveillance service operating positions is that required for the air traffic services to be provided; and
(6) have a very high level of reliability, availability and integrity; and
(7) back-up facilities are provided; and
(8) ground systems provides for the display of safety-related alerts and warnings, including conflict alert, conflict prediction, minimum safe altitude warning and unintentionally duplicated SSR codes.

(b) The applicant shall establish procedures to ensure that, the provision of ATS surveillance services is limited when position data quality degrades below a level specified by the provider of air traffic services.

SUBPART D: STANDARD PHRASEOLOGY

22.355 APPLICABILITY

(a) This Subpart prescribes standard phraseology to be used in the particular circumstances stated, in accordance with the requirements of Section 22.265.

(b) In this Subpart, words in brackets indicate an appropriate insertion is required and an oblique stroke indicates a choice required to be made from the alternatives separated by the stroke.

22.360 CONTROLLER/PILOT PHRASEOLOGY

(a) Unavailability of route or cruising level—
  (1) When it is not possible to clear a flight via the preferred route or cruising level:
    "(route and/or level) NOT AVAILABLE DUE (reason)"

(b) Block levels—
  (1) When approving a requested block level:
    "MAINTAIN BLOCK (level) TO (level)"
  (2) When cancelling a block level:
    "CANCEL BLOCK CLEARANCE ..."

(c) DME climbs and descents—
  (1) When authorising a DME step climb procedure:
    "CLIMB ABOVE DME STEPS" or
    "CLIMB ABOVE VORSEC DME STEPS"
  (2) When authorising a DME step descent procedure:
    "DESCEND DME STEPS TO (level)" or
    "DESCEND VORSEC DME STEPS TO (level)"

(d) Visual departures—
  (1) When authorising a visual departure:
    "VISUAL DEPARTURE"

(e) Holding—

(1) When issuing a holding instruction where more than one holding pattern is published for a specified geographical location:
"HOLD AT (designator). ENTER THE (descriptor) HOLDING PATTERN"

(f) Precautionary holding—

(1) When issuing a holding instruction to Rwanda operators, when that instruction is likely to be cancelled before the aircraft reaches the designated holding point:
"PRECAUTIONARY HOLD"

(g) Runway operations—

(1) When approving a request for a stop and go landing:
"CLEARED STOP AND GO"

(2) When emphasising the runway to be used for landing:
"RUNWAY (designator) CLEARED TO LAND"

(3) When an expeditious take-off is required:
"CLEARED IMMEDIATE TAKE-OFF"

(h) Land and hold short operations—

(1) When requiring an aircraft to terminate its landing run in less than the available runway length:
"LAND AND HOLD SHORT BY (taxiway or other specified point)"

(i) Visual separation—

(1) When requiring a pilot to maintain visual separation from another aircraft:
"MAINTAIN VISUAL SEPARATION FROM (traffic) TO/UNTIL (clearance limit)"

(j) Terrain clearance—

(1) When advising a pilot that a descent clearance is based on a radar terrain contour map use the suffix:
"… RADAR TERRAIN"

(2) When requiring pilots to arrange their own terrain clearance:
"MAINTAIN TERRAIN CLEARANCE VISUALLY"

(k) Confirmation of unlawful interference—

(1) When seeking verification that the SSR transponder Mode A code 7500 has been set intentionally:
"CONFIRM SQUAWKING 7500"

(l) Helicopter operations—

(1) When approving helicopter operations at a controlled aerodrome, but outside the manoeuvring area:
"LAND/TAKEOFF/AIR TAXI AT YOUR DISCRETION"

(m) Traffic avoidance advice—

(1) When initiating, or responding to a request for, traffic avoidance advice:
"SUGGEST ...."

(n) Traffic information—

(1) When indicating there is no pertinent IFR traffic information:
"NO REPORTED IFR TRAFFIC"

(o) Joining the circuit—

(1) When instructing an aircraft to make the standard overhead joining procedure:
"MAKE STANDARD OVERHEAD JOIN"

(2) When instructing an aircraft to cross over the aerodrome, then follow specific joining instructions:
"CROSS OVERHEAD, JOIN (specific instructions)"

22.365 ATS CO-ORDINATION PHRASEOLOGY

(a) Release instructions to aerodrome control—

(1) When there are no restrictions:
"RELEASED"

(2) When the aircraft is to be held on the ground:
"HOLD"

(3) When a release is based on clock time:
"CLEARANCE VALID/EXPIRES AT (time)"

(4) When a release is based on time interval:
"RELEASED (number of minutes) MINUTES BEHIND (leading aircraft)"

(5) When a release is based on the application of vertical separation:
"RELEASED AFTER (leading aircraft callsign) HAS PASSED (level)"

(6) When a release is subject to aerodrome control providing separation from specified traffic, where RYS means "Released, your separation":
"RYS (callsign of conflicting traffic) (details of conflicting traffic, if not already passed)"

(b) Clarification of responsibility for providing separation—

(1) When assigning or clarifying who is providing separation, and to acknowledge the arrangement:
"MY SEPARATION/YOUR SEPARATION (call sign of conflicting traffic)"

(c) Co-ordination between radar controllers—

(1) When effecting a radar transfer of control:
"RADAR RELEASE (details)"

(2) When radar identity only is being transferred:
"RADAR IDENT (details)"

(d) Negotiation of revised estimate messages—

(1) Invitation by transferring controller:
"WILL YOU ACCEPT (details)"

(2) Refusal by accepting controller:
"NEGATIVE, WILL ACCEPT (alternative details)"

SUBPART E: RADAR PROCEDURES

22.370 VERIFICATION OF SSR TRANSPONDER MODE C LEVEL INFORMATION

(a) Subject to paragraph (b), aerodrome control may verify the Mode C level information of a departing aircraft when the tower radar indicates a positive rate of climb from the aerodrome elevation.

(b) Mode C information shall not be used when the displayed level varies by more than 300 feet from the aerodrome elevation during the take-off roll.

22.375 SPEED CONTROL

(a) Speed control shall not be applied or continued after a point 4 nm from the runway threshold on final approach.

SUBPART F: SAFETY OVERSIGHT REQUIREMENT

22.380 SAFETY OVERSIGHT FUNCTION

(a) The Authority shall exercise safety oversight as part of its supervision of requirements applicable to the air traffic services in order to monitor the safe provision of these activities and to verify that the applicable safety regulatory requirements and their implementing arrangements are met.

22.385 VERIFICATION OF COMPLIANCE WITH SAFETY REGULATORY REQUIREMENTS

(a) The Authority shall establish a process in order to verify compliance with applicable safety regulatory requirements prior to the issue or renewal of a certificate necessary to provide air traffic services including safety-related conditions attached to it.

(b) The process referred to in paragraph (a) shall—

(1) be based on documented procedures;

(2) be supported by documentation specifically intended to provide safety oversight personnel with guidance to perform their functions;

(3) provide the organisations concerned with an indication of the results of the safety oversight activity;

(4) be based on safety regulatory audits and reviews conducted; and

(5) provide competent authorities with the evidence needed to support further action.

22.390 SAFETY REGULATORY AUDITS

(a) The Authority shall conduct safety regulatory audits of all the air traffic services activities.

(b) The safety regulatory audits referred to in paragraph (a) shall—

(1) provide the Authority with evidence of compliance with applicable safety regulatory requirements and with implementing arrangements by evaluating the need for improvement or corrective action;

(2) be independent of internal auditing activities undertaken by the service provider concerned as part of its safety or quality management systems;

(3) be conducted by qualified inspectors;

(4) apply to complete implementing arrangements or elements thereof, and to processes, products or services;

(5) determine whether—

(i) implementing arrangements comply with safety regulatory requirements;

(ii) actions taken comply with the implementing arrangements;

(iii) the results of actions taken match the results expected from the implementing arrangements;

(6) lead to the correction of any identified non-conformities.

(c) Within the inspection programme, the Authority shall establish and update at least annually a programme of safety regulatory audits in order to—

(1) cover all the areas of potential safety concern, with a focus on those areas where problems have been identified;

(2) cover all the air traffic services;

(3) ensure that audits are conducted in a manner commensurate to the level of risk posed by the service providers' activities;

(4) ensure that sufficient audits are conducted every year to check the compliance of all these service providers with applicable safety regulatory requirements in all the relevant areas of the functional system;

(5) ensure follow up of the implementation of corrective actions.

(d) The Authority may decide to modify the scope of pre-planned audits and to include additional audits, wherever that need arises.

(e) The Authority shall decide which arrangements, elements, services, functions, products, physical locations and activities are to be audited within a specified time frame.

(f) Audit observations and identified non-conformities shall be documented. The latter shall be supported by evidence, and identified in terms of the applicable safety regulatory requirements and their implementing arrangements against which the audit has been conducted. An audit report, including the details of the non-conformities, shall be drawn up.

22.395 CORRECTIVE ACTIONS

(a) (The Authority shall communicate the audit findings to audited air traffic service provider and shall simultaneously request corrective actions to address the non-conformities identified without prejudice to any additional action required by the applicable safety regulatory requirements.

(b) Audited air traffic service providers shall determine the corrective actions deemed necessary to correct non-conformities and the time frame for their implementation.

(c) The Authority shall assess the corrective actions as well as their implementation as determined by audited service providers and accept them if the assessment concludes that they are sufficient to address the non-conformities.

(d) Audited air traffic service providers shall initiate the corrective actions accepted by the Authority. These corrective actions and the subsequent follow-up process shall be completed within the time period accepted by competent authorities.

22.400 SAFETY OVERSIGHT OF CHANGES TO FUNCTIONAL SYSTEMS

(a) Air traffic service providers shall only use procedures accepted by the Authority when deciding whether to introduce a safety-related change to their functional systems. In case of communication, navigation or surveillance service providers, the Authority shall accept these procedures in the framework of these regulations.

(b) Service providers shall notify the Authority of all planned safety-related changes

22. 405 ADMINISTRATIVE FEES

(a) If any provision of these Regulations, orders, notices or proclamations made thereunder 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 for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(b) Any who contravenes any provision of these Regulations shall be guilty of an offence and shall on conviction be liable for each offence and/or each flight to a fine not exceeding the amount specified in Appendix 1 to this regulation.

APPENDICES

Appendix 1 to 22.405: ADMINISTRATIVE FINES

SECTION	PARTICULARS	FINES (RWANDAN FRANCS)	
		INDIVIDUAL	CORPORATE
22.020	General Requirements and Prohibitions	300,000	2,000,000
22.070	Requirement for Certificate	300,000	3,000,000
22.100	Personnel Requirements	300,000	3,000,000
22.105	ATS Personnel Training	150,000	4,000,000
22.130	Failure or Irregularity of Systems	300,000	3,000,000
22.135	ATS requirement for communication to be in force	300,000	3,000,000
22.175	Provision of Air Traffic Control Service	500,000	3,000,000
22.275	Action after serious Incident or Accident	300,000	1,500,000
22.280	Reporting of Incidents	500,000	5,000,000
22.285	Service Disruptions	500,000	5,000,000
22.300	Security	300,000	3,000,000
22.310	Management of records	300,000	3,000,000
22.315	Continued Compliance	300,000	3,000,000

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA 23 W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX 23 TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE 23 D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE

Part 23

Flight Procedure Services

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SUBPART A: GENERAL

23.001 CITATION & APPLICABILITY

(a) These Regulations may be cited as the Civil Aviation (Instrument Flight Procedure Design Service) Regulations.

(b) These regulations prescribe the requirements for the design, continuous maintenance and periodic review of instrument flight procedures (IFP).

(c) This Part is applicable to—

(1) persons providing an Instrument Flight Procedure Design Service within certificated airspaces and at aerodromes for civil aviation purposes

(2) persons seeking certification to provide instrument flight procedures services; and

(3) organizations that provide the required instrument flight procedures services; and

(4) persons that administer the required instrument flight procedures services on behalf of the organizations.

(d) These regulations do not apply to the design of aircraft performance operating limitations or flight paths, for critical engine inoperative emergency procedures

(e) Civil Aviation Technical Standards published by the Authority to further clarify the applicable flight procedures standards and practices shall also be applicable to the development, checking, maintenance and review of aeronautical navigation procedures and charts in Rwanda.

(f) Those requirements addressing persons certificated under any Part of these Regulations apply also to any person who engages in an operation governed by any Part without the appropriate certificate, licence, operations specification, or similar document required as part of the certification.

23.005 DEFINITIONS

(a) For the purpose of this Part, the following definitions shall apply—

Aerodrome operating minima. The limits of usability of an aerodrome for—

(i) take-off, expressed in terms of runway visual range and/or visibility and, if necessary, cloud conditions;

(ii) landing in precision approach and landing operations, expressed in terms of visibility and/or runway visual range and decision altitude/height (DA/H) as appropriate to the category of the operation;

(iii) landing in approach and landing operations with vertical guidance, expressed in terms of visibility and/or runway visual range and decision altitude/height (DA/H); and

(iv) landing in non-precision approach and landing operations, expressed in terms of visibility and/or runway visual range, minimum descent altitude/height (MDA/H) and, if necessary, cloud conditions.

Aeronautical Information Publication (AIP). a publication issued by or with the authority of a state and containing aeronautical information of a lasting character essential to air navigation;

Conceptual design. High-level graphical and/or textual description of the designer's interpretation of the stakeholders' requirements.

Designer. A person adequately trained who performs the design of an instrument flight procedure.

Document 8168. The ICAO document titled Procedures for Air Navigation Services - Aircraft Operations

Flight procedure design process. The process which is specific to the design of instrument flight procedures leading to the creation or modification of an instrument flight procedure.

Functional validation. Confirmation of the correct implementation of automation functions and of the compliance of the human machine interface with the user requirements

Instrument approach procedure. A series of pre-determined manoeuvres by reference to flight instruments with specific protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply.

Instrument flight procedure. A published procedure used by aircraft flying in accordance with the instrument flight rules which is designed to achieve and maintain an acceptable level of safety in operations and includes an instrument approach procedure, a standard instrument departure, a planned departure route and a standard instrument arrival.

Instrument flight procedure designer. A person who has acquired and maintained the required competency level to design instrument flight procedures in accordance with the applicable criteria

Instrument flight procedure design service. A service established for the design, documentation, validation, maintenance and periodic review of instrument flight procedures necessary for the safety, regularity and efficiency of air navigation

Integrity (aeronautical data). A degree of assurance that an aeronautical data and its value has not been lost or altered since the data origination or authorized amendment.

Planned departure route. A notified instrument flight rule departure (IFR) route linking the aerodrome or a specific runway of the aerodrome with a specified significant point, normally on the boundary of controlled airspace associated with the aerodrome.

Procedure. A specified way to carry out an activity or a process (see ISO 9000:2000 Quality management systems — Fundamentals and vocabulary, section 3.4.5). controller holding a current license, and a rating, or ratings, validated for the particular location, issued in accordance with the Civil Aviation (Personnel Licensing) Regulations;

Quality record. Objective evidence which shows how well a quality requirement is being met or how well a quality process is performing. Quality records normally are audited in the quality evaluation process.

Review. An activity undertaken to determine the suitability, adequacy and effectiveness of the subject matter to achieve established objectives (see ISO 9000:2000 Quality management systems — Fundamentals and vocabulary, section 3.8.7).

Software validation. Acknowledgement, derived from a series of tests, of the compliance of an automation system with the applicable standards.

Standard instrument arrival. A designated instrument flight rule arrival (IFR) route linking a significant point, normally on an ATS route, with a point from which a published instrument approach procedure can be commenced.

Standard instrument departure. A designated instrument flight rule (IFR) departure route linking the aerodrome or a specific runway of the aerodrome with a specified significant point, normally on a designated ATS route, at which the enroute phase of a flight commences

Validation with reference to criteria. Confirmation through a series of tests of the compliance of the results with reference to applicable criteria.

Validation. Confirmation, through the provision of objective evidence, that the requirements for a specific intended use or application have been fulfilled. The activity whereby a data element is checked as having a value that is fully applicable to the identity given to the data element, or a set of data elements that is checked as being acceptable for their purpose.

Verification. Confirmation, through the provision of objective evidence, that specified requirements have been fulfilled. The activity whereby the current value of a data element is checked against the value originally supplied.

23.010 ABBREVIATIONS & ACRONYMS

(a) The following abbreviations and acronyms are used in this Part—

AIP = Aeronautical Information Publication
ARINC = Aeronautical Radio Corporation
ATS = Air Traffic Service
FVP = Flight Validation Pilot
ICAO = International Civil Aviation Organisation
IFP = Instrument Flight Procedures
IFPD = Instrument Flight Procedures Design
OJT = On-the-Job Training
PANS-OPS = ICAO Doc 8168
PBN = Performance Based Navigation
SID = Standard Instrument Departure
STAR = Standard Terminal Arrival Route

23.015 GENERAL

(a) An IFPD organization shall be responsible for providing instrument flight procedure design services.

(b) The IFPD organization may—

(1) agree with one or more ATS provider(s) to provide a joint service; and
(2) delegate the provision of the service to external agency(ies)

(c) The IFPD organization shall follow an instrument flight procedure process that encompasses acquisition of data, design and promulgation of procedures and in accordance with design criteria approved by the Authority.

(d) The IFPD organization shall establish procedures to ensure that the quality and safety of the procedure design product are assured through review, verification, coordination and validation of the procedure at appropriate points in the process.

(e) The IFPD organization shall ensure that the units of measurement, as prescribed by the authority are used in the design of IFP.

23.020 REQUIREMENTS FOR THE PROVISION OF AN INSTRUMENT FLIGHT PROCEDURE DESIGN SERVICE

(a) A person shall not provide an Instrument Flight Procedure Design Service within Rwanda unless—

(1) he is approved by the authority; and
(2) the services are provided in accordance with—
(i) the requirements prescribed in these Regulations or any other publications issued by the Authority; and
(ii) the procedures specified in the service providers' Manual of instrument flight procedure design.

SUBPART B: ORGANISATION REQUIREMENTS

23.025 INSTRUMENT FLIGHT PROCEDURE DESIGN (IFPD) ORGANIZATION

(a) The IFPD organization;

(1) maintain an appropriate instrument design office to enable the Instrument Flight Procedure (IFP) designer to carry on design work in IFP in accordance with the requirements set out in these regulations; and

(2) ensure that the designs of instrument flight procedure are in accordance with—

(i) the criteria contained the international civil aviation organization document number 8168 as amended;

(iii) applicable standards as set out in these regulations

(b) The IFPD organization as the IFPD organization shall make provisions for person(s) trained in IFP design to check and verify independently the plans of each instrument flight procedure designed.

23.030 INSTRUMENT FLIGHT PROCEDURE DESIGN MANUAL

(a) The IFPD organization shall develop and maintain an operations manual which shall serve to demonstrate how the service provider will comply with the requirements set out in these regulations.

(b) The contents of the operations manual shall include but not limited to the following—

(1) the information required of the IFP design organization as mentioned in these regulations; and

(2) a description of the IFP design office that shows the role, responsibilities and job functions of the IFP design office personnel who are responsible for ensuring the compliance of the organization with the requirements in paragraph (a).

(c) The IFPD organization shall—

(1) keep the operations manual in a readily accessible form;

(2) ensure that the IFP designer has ready access to the operations manual; and

(3) amend the operations manual whenever necessary to keep its content up to date.

(d) The IFPD organization shall submit a copy of the most current operations manual to the Authority for approval.

(e) The IFPD organization shall ensure that an instrument flight procedure design service provider utilizes a quality management system at each stage of the instrument flight procedure design process.

23.035 EMPLOYMENT OF PERSONNEL

(a) The approved instrument flight procedure design organization shall—

(1) employ, contract, or engage sufficient personnel to plan, design, verify, and maintain the instrument flight procedures; and

(2) develop job descriptions for its Procedure design technical staff.

23.040 PROCEDURE DESIGN FACILITIES & RESOURCE REQUIREMENTS

(a) The IFPD organization shall provide and maintain adequate facilities for carrying on design work on instrument flight procedures as follows—

(1) having available equipment appropriate for the design, design verification, flight validation, and maintenance of applicable types of instrument flight procedures;

(2) access to relevant and current data including, but not limited to, aeronautical data, land contour data or charts detailing terrain, obstacle data, current navigation aid coordinate data and aerodrome reference point and threshold data for the design, design verification, flight verification, and maintenance of the instrument flight procedures; and

(3) ready access to copies of relevant documentation comprising technical standards, practices, and instructions, and any other documentation that may be necessary for the design, design verification, flight validation, and maintenance of the types of instrument flight procedure.

(4) the data referred to in paragraph (a)(2) is current, traceable, and meets the required level of accuracy for the design, design verification, flight validation and maintenance of instrument flight procedure.

23.045 DOCUMENTS & RECORDS CONTROL S Y S T E M

(a) The designer organization shall establish and put into effect, a system for controlling documents and records relating to the instrument flight procedures on which the designer carries on design work, including the policies and procedures for making, amending, preserving and disposing of those documents and records.

(b) The designer organisation shall, at authority's request, make the documents and records, or copies of them or extracts from them, available for inspection by the Authority.

(c) The documentation developed and maintained by the IFP designer is divided into three categories and includes—

(1) information required for publication in the AIP;

(2) documentation required to maintain transparency concerning the details and assumptions used by the IFP designer, which should include supporting information/data used in the design, such as—

(i) controlling obstacle for each segment of the procedure;

(ii) effect of environmental considerations on the design of the procedure;

(iii) infrastructure assessment;

(iv) airspace constraints;

(v) for modifications or amendments to existing procedures, the reasons for any changes; and

(vi) for any deviation from existing standards, the reasons for such a deviation and details of the mitigations applied to assure continued safe operations.

(3) additional documentation required to facilitate ground and flight validation of the procedure.

(d) All calculations and results of calculations shall be presented in a manner that enables the reader to follow and trace the logic and resultant output and the record of all calculations shall be kept in order to prove compliance to or variation from the standard criteria.

(e) Formulae used during calculation shall be the standard formulae as stated in ICAO Doc 8168 and related ICAO publications.

(f) The IFPD organization shall establish procedure to ensure that all documentation undergo a final verification for accuracy and completeness prior to validation and publication.

(g) The IFPD organization shall establish procedure to ensure that all documentation be retained to assist in recreating the procedure in the future in the case of incidents and for periodic review and maintenance.

(h) The periodic retention shall not be less than the operational lifetime of the procedure.

23.050 IFP DESIGNER QUALIFICATIONS, TRAINING, experience and Approval

(a) The IFPD organization shall ensure that a person designing or amending a flight instrument procedure has required Competency level for flight procedure design through training and supervised on- the-job training (OJT).

(b) The training for IFP designers shall include an initial training and recurrent training.

(c) The IFPD organization shall establish procedures to ensure that the instrument flight procedure designer is able to demonstrate a basic level of competency through initial training that includes at least the following elements—

(1) knowledge of information contained in International Civil Aviation Organization (ICAO) Document number 8168, ICAO documents and manuals pertaining to the design of instrument flight procedures as amended;

(2) enhancement of knowledge and skills in the design of procedures; and

(3) competency as outlined in the competency framework for flight procedures designers as prescribed by the Authority

(4) practical exercises in the design of procedures (OJT)

(d) The IFPD organization shall ensure that the IFP designer, in addition to initial training, acquires more competency through recurrent training that includes at least the following elements—
  (1) knowledge about updates in ICAO provisions and other provisions pertaining to procedure design; and
  (2) maintenance and enhancement of knowledge and skills in the design of procedures.

(e) The IFPD organization shall ensure that new IFP designers undergo an adequate, supervised OJT.

(f) The IFPD organization shall—
  (1) develop and implement training programme and a training plan that is commensurate to the technical competence required by its staff; and
  (2) maintain training records for their instrument flight procedure designers.
  (3) ensure that only designers approved by the Authority shall undertake the design, review, validation of IFPs for operational use

(g) A person seeking approval as required in paragraph (f)(3) shall—
  (1) provide proof of successful completion of the ICAO PANS-OPS training course applicable to the approval being requested based on the ICAO PANS-OPS criteria.
  (2) demonstrate practical application of theoretical knowledge through the design of two instrument flight procedures under supervision of a qualified designer;
  (3) demonstrate ability to maintain a documented quality assurance process for procedure design.

(h) An approved procedure designer shall only design IFPs within the scope of their approval

(i) Ensure that the units of measurement, as specified in the civil aviation (units of measurement to be used in air and ground operations) regulations are used in the design of Instrument flight procedure.

23.055 PROCEDURE DATA & INFORMATION ACQUISITION

(a) The IFPD organization shall ensure that the quality characteristics of data acquired for the FPD process are known and adequate, or that, in the case where the data's quality characteristics are unknown or inadequate, that appropriate data verification occurs prior to use.

(b) The IFPD organization shall ensure that the survey and subsequent IFP design activities are controlled and monitored by a person(s) trained in procedure design.

(c) In the obstacle survey for procedure design, the IFP designer shall consider that—
  (1) all obstacles be accounted for and Items, such as trees and heights of tall buildings shall be accounted for either by physical examination of the site or by addition of a suitable margin above terrain contours; and
  (2) the accuracy of the vertical and horizontal data obtained may be adjusted by adding an amount equal to the specified survey error to the height of all measured obstructions and by making a corresponding adjustment for specified horizontal error.

(d) The procedure design information shall be coordinated with all relevant stakeholders throughout the procedure design and validation process to ensure that the procedure meets the needs of the user and the community
  (1) As input for the procedure design process the following aspects need to be assessed—
    (i) airport, navigation aid, obstacle, terrain coordinate and elevation data, based on verified surveys and complying with technical standard requirements prescribed by the authority;
    (ii) airspace requirements;
    (iii) user requirements – the needs of Air Traffic Service provider and operators who will use this procedure;
    (iv) airport infrastructure such as runway classification, lighting, communications, runway markings, and availability of local altimeter setting;
    (v) environmental considerations; and

(vi) any other potential issue associated with the procedure.

23.060 INSTRUMENT FLIGHT PROCEDURE DESIGN (IFPD)

(a) Instrument flight Procedures shall be designed in accordance with these regulations, the procedures for Air Navigation Services – Aircraft Operations criteria to ICAO Doc 8168 – PANS- OPS and other documents prescribed by the Authority.

(b) Each new or revised procedure shall be verified by a person(s) trained in procedure design other than the one who designed the procedure, to ensure compliance with applicable criteria.

(c) Published procedures shall be subject to periodic review to ensure that they continue to comply with changing criteria, and meets user requirements. The maximum interval for this review is five years.

23.065 FLIGHT VALIDATION

(a) Validation shall consist of ground validation and flight validation.

(b) The IFPD organization shall ensure that a person conducting flight validation including simulator evaluation is a qualified and experienced flight validation pilot.

(c) The qualifications for Flight Validation Pilot shall include—

(1) at least a commercial pilot licence with instrument rating; and

(2) a requirement that the licence held by the Flight Validation Pilot shall be for the aircraft category appropriate for the procedure to be validated; and

(3) meet all the experience requirements for the airline transport pilot licence in the relevant category of aircraft as described in personnel licensing regulations except that the Flight Validation Pilot does not have to be the pilot-in-command of the validation flight nor is he required to have the type rating on the aircraft used for the validation flight.

(d) In order to adequately validate instrument procedures, Flight Validation Pilot's training shall include the elements prescribed in Appendix 1 to 23.065.

(e) The IFP designer shall be the originator of all data applicable to conduct a flight validation provided to the flight inspection operations activity.

(f) The flight validation of IFP shall—

(1) provide assurance that adequate obstacle clearance has been provided;

(2) verify that the navigation data to be published, as well as that used in the design of the procedure, is correct;

(3) verify that all required infrastructure, such as runway markings, lighting, and communications and navigation sources, are in place and operative;

(4) conduct an assessment of fly ability to determine that the procedure can be safely flown; and

(5) evaluate the charting, required infrastructure, visibility and other operational factors.

(g) Flight validation of IFP when required shall be carried out as part of the initial record and shall be included as part of the periodic quality assurance programme. It shall be accomplished by a qualified and experienced Flight Validation Pilot (FVP).

(h) Flight validation is conducted whenever the following conditions exist—

(1) the fly ability of a procedure cannot be determined by other means;

(2) the procedure requires mitigation for deviations from design criteria

(3) the accuracy and/or integrity of obstacle and terrain data cannot be determined by other means; and

(4) new procedures differ significantly from existing procedures.

23.070 GROUND VALIDATION

(a) Ground validation shall review of the entire instrument flight procedure package by a person(s) trained in procedure design and with appropriate knowledge of flight validation issues.

(b) The ground validation shall be conducted to determine if flight validation is needed for modifications and amendments to previously published procedures.

(c) Ground validation is undertaken by a qualified flight procedure designer with appropriate knowledge of validation issues.

23.075 SAFETY ASSESSMENT

(a) The Designer shall carry out a safety assessment in respect of proposals for new flight procedure designs or any significant changes in a revised procedure and the proposals shall be implemented only when the assessment has shown that an acceptable level of safety will be met.

(b) The safety assessment shall consider relevant factors determined to be safety-significant, including but not limited to—

(1) types of aircraft and their performance characteristics, including navigation capabilities and navigation performance;
(2) traffic density and distribution;
(3) airspace complexity; ATS route structure and classification of the airspace;
(4) aerodrome layout
(5) type and capabilities of ground navigation systems
(6) any significant local or regional data (e.g. obstacles, infrastructures, operational factors, etc).

(c) Safety risk control/mitigation process shall include hazard/consequence identification and safety risk assessment.

(d) As part of the safety assurance, the risk control/ mitigation process shall include a system of feedback to ensure integrity, efficiency and effectiveness of the defences under the new operational conditions.

(e) The ATS Provider responsible for procedure design shall establish procedure to ensure that the results and conclusions of the safety assessment and mitigation process of a new or changed procedure are specifically documented, and that this documentation is maintained throughout the life of the instrument flight procedure.

23.080 APPROVAL OF INSTRUMENT FLIGHT PROCEDURES

(a) An instrument flight procedure for use by civil aircraft within Rwanda shall not be published unless the instrument flight procedure is approved by the Authority;

(b) The Authority shall only accept IFPs for approval, submitted by approved procedure designers;

(c) For IFPs designed by approved procedure designers independently outside the approved organization the submission of approval shall be in line with these regulations.

23.085 PUBLICATION OF INSTRUMENT FLIGHT PROCEDURES

(a) The approved service provider shall ensure that instrument flight procedure designs/charts, are provided to the Aeronautical Information Service (AIS) provider for publication in the Aeronautical Information Publication (AIP).

(b) The IFP shall be accompanied by a narrative, which describes the procedure in textual format.

(c) The intended effective date for operational use of the IFP shall be included in the document narrative.

(d) The designs/charts published in the AIP shall be produced in accordance with the provisions contained in the documents listed below—

(1) Civil aviation (Aeronautical Information services) regulations
(2) ICAO Doc 8168 Volumes I and II - Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)
(3) ICAO Doc 8697 – Aeronautical Chart Manual

(4) Civil Aviation technical standards- Aeronautical information service.

(e) The aeronautical charts included in the AIP shall be kept up-to date by means of replacement sheets where necessary and significant amendments or revisions in the IFP shall be clearly indicated in the revised charts.

23.090 USE OF AUTOMATION IN PROCEDURE DESIGN & FLIGHT VALIDATION

(a) The IFPD organization or designated service provider of designer organization using an automated flight procedure design tool shall ensure that such tool is validated.

(b) Validation of the software shall be in accordance with the requirements prescribed by the Authority

(c) The scope of validation shall include compliance with ICAO criteria contained in document number 8168.

(d) The flight validation tools required under this section shall include the use of equipment that—

(1) has the precision, and accuracy traceable to appropriate standards, that are necessary for the validation being performed;

(2) has known measurement uncertainties including, but not limited to, the software, firmware and crosswind uncertainties;

(3) records the actual flight path of the validation aircraft;

(4) is checked before being released for use, and at intervals not exceeding the calibration intervals recommended by the manufacturer, to establish that the system is capable of verifying the integrity of the instrument flight procedure; and

(5) is operated in accordance with flight validation system procedures and criteria by persons who are competent and current on the system used.

23.095 ERRORS IN PUBLISHED INSTRUMENT FLIGHT PROCEDURES

(a) The IFPD organization shall establish procedures for recording, investigating, correcting, and reporting, any identified error, and any identified non-conformance or suspected non-conformance with these regulations.

(b) The procedure required by paragraph (a) shall require that—

(1) an instrument flight procedure is immediately withdrawn from operational use if the error or non-conformance affects, or may affect, the safety of an aircraft operation; and

(2) the error or non-conformance is corrected, and approved by a senior person who is appropriately authorized by the service provider.

(3) the correction required by paragraph (b)(2) is clearly identified and promulgated by the most appropriate means relative to the operational significance of the error or non-conformance;

(4) the source of the error or non-conformance is identified, and—

(i) if possible, eliminated to prevent a recurrence; and

(ii) preventive action is taken to ensure that the source of the error or non-conformance has not affected the integrity of any other instrument flight procedure; and

(iii) the Authority is immediately notified, of a promulgated information incident relating to an error or non-conformance referred to in paragraph (a) above.

23.100 AERODROME OPERATING MINIMA

(a) The requirements for aerodrome operating minima are as specified in the civil aviation (operation of aircraft) regulations.

(b) The procedures for the establishment of the aerodrome operating minima shall be prescribed by the Authority.

(c) The requirements for aerodrome operating minima are as specified in the Civil Aviation (Operation of Aircraft) Regulations.

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APPENDICES

APPENDIX 1 TO 23.065: FLIGHT VALIDATION PILOT TRAINING

(a) The Flight Validation Pilot shall receive the following training—

(1) Standards, procedures and guidance pertinent to AIS, including Annex 15;

(2) Standards, procedures and guidance pertinent to flight inspection, including Annex 10 and ICAO Doc 8071 — Manual on Testing of Radio Navigation Aids;

(3) Standards, procedures and guidance pertinent to aerodromes, including Annex 14, ICAO Doc 9157 — Airport Services Manual and ICAO Doc 9157 — Aerodrome Design Manual;

(4) Standards, procedures and guidance pertinent to charting and aviation publications including Annex 4 and ICAO Doc 8697 — Aeronautical Chart Manual;

(5) performance-based navigation (PBN) and conventional instrument procedure construction such as standard instrument departures/standard instrument arrivals (SIDs/STARs) and holding/reversal procedures, including the PANS-OPS;

(6) the PBN concept including the ICAO Doc 9613 — Performance-based Navigation (PBN) Manual;

(7) the basic concept of and differences between flight validation and flight inspection;

(8) ARINC 424 coding;

(9) Human Factors;

(10) different types of aircraft operations and aircraft performance (i.e. limitations and equipment);

(11) obstacle assessment methodology;

(12) safety assessment process;

(13) geodesy, including ICAO Doc 9906, Volume 2, paragraph 3.3.3.8; and

(14) comprehensive understanding of ICAO Doc 9906, Volume 5.

End of RCAR Part 23

Bibonye kugira ngo bishyirwe ku mugereka w'Iteka rya Minisitiri nº04/CAB.M/018 ryo ku wa 24/07/2018 rishyiraho amabwiriza ajyanye n'iby'indege za gisivili

Kigali, ku wa **24/07/2018**

(sé)
GATETE Claver
Minisitiri w'Ibikorwa Remezo

Bibonywe kandi bishyizweho Ikirango cya Repubulika:

(sé)
BUSINGYE Johnston
Minisitiri w'Ubutabera/ Intumwa Nkuru ya Leta

Seen to be annexed to Ministerial Order nº04/CAB.M/018 of 24/07/2018 establishing civil aviation regulations

Kigali, on **24/07/2018**

(sé)
GATETE Claver
Minister of Infrastructure

Seen and sealed with the Seal of the Republic:

(sé)
BUSINGYE Johnston
Minister of Justice/ Attorney General

Vu pour être annexé à l'Arrêté Ministériel nº04/CAB.M/018 du 24/07/2018 établissant les règlements de l'aviation civile

Kigali, le **24/07/2018**

(sé)
GATETE Claver
Ministre des Infrastructures

Vu et scellé du Sceau de la République:

(sé)
BUSINGYE Johnston
Ministre de la Justice/ Garde des Sceaux

UMUGEREKA WA 24 W'ITEKA RYA MINISITIRI Nº04/CAB.M/018 RYO KU WA 24/07/2018 RISHYIRAHO AMABWIRIZA AJYANYE N'IBY'INDEGE ZA GISIVILI

ANNEX 24 TO MINISTERIAL ORDER Nº04/CAB.M/018 OF 24/07/2018 ESTABLISHING CIVIL AVIATION REGULATIONS

ANNEXE 24 D'ARRETE MINISTERIEL Nº04/CAB.M/018 DU 24/07/2018 ETABLISSANT LES REGLEMENTS DE L'AVIATION CIVILE