GOVERNMENT NOTICE NO. 27

AVIATION ACT

(CAP. 70:01)

AVIATION (GENERAL POLICIES, PROCEDURES AND DEFINITIONS) REGULATIONS, 2013

ARRANGEMENT OF REGULATIONS

REGULATION

IN EXERCISE of the powers conferred by section 19 of the Aviation Act, I, MOHAMMED SIDIK MIA, Minister of Transport and Public Works, make the following Regulations—

PART I—PRELIMINARY

Citation and application

1.—(1) These Regulations may be cited as the Aviation (General Policies, Procedures and Definitions) Regulations, 2013 and, shall apply to all persons operating or maintaining the following—

(*a*) Malawi registered aircraft;

(*b*) aircraft registered in another Contracting State that is operated by a person licensed by Malawi, and maintained in accordance with the standards of the aircraft State of Registry, wherever that maintenanceis; performed; and

(*c*) aircraft of other Contracting States operating in Malawi.

(2) Regulations addressing persons certified under any Aviation Regulations apply also to any person who engages in an operation governed by any Regulations without the appropriate certificate, licence, operations specification, or similar document required as part of the certification.

(3) Regulations addressing general matters establish minimum standards for all aircraft operated in Malawi. Specific Regulations applicable to the holder of a certificate shall apply if they conflict with a more general Regulation.

(4) Foreign air operators who conduct commercial air transport into, from or within Malawi, shall be governed by the provisions of the Operations Specification issued by the Authority, and by those provisions in the Aviation (Instruments and Equipment) Regulations, 2013, (Operations) Regulations, 2013 and (Commercial Air Transport by Foreign Air Operations in Malawi) Regulations, 2013, that specifically address commercial air transport.

(5) Regulations that address AOC holders apply only to operators certified by Malawi.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"Accelerate-Stop Distance Available (ASDA)" means the length of the take-off run available plus the length of stopway, if provided;

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

"acceptance checklist" means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;

"accountable manager" means the person acceptable to the Authority who has corporate authority for ensuring that all operations and maintenance activities can be financed and carried out to the standard required by the Authority, and any additional requirements defined by the operator;

"accredited representative" means as relating to an aircraft accident, 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 party (ICAO Annex 13);

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

"acts of unlawful interference" means acts or attempted acts such as to jeopardise the safety of civil aviation and transport, i.e.—

(*a*) unlawful seizure of aircraft in flight;

(*b*) unlawful seizure of aircraft on the ground;

(*c*) hostage-taking on board an aircraft or on aerodromes;

(*d*) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;

(*e*) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes; and

(*f*) communication of false information as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility;

"ADS agreement" means an ADS reporting plan that establishes the conditions of ADS data reporting (i.e., data required by the air traffic services or control unit and frequency of ADS reports that have to be agreed to prior to the provision of the ADS services);

"ADS contract" means a means by which the terms of an ADS agreement will be exchanged between the ground system and the aircraft, specifying under what conditions ADS reports would be initiated, and what data would be contained in the reports;

"advisor" means as relating to an aircraft accident, 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;

"advisory airspace" means an airspace of defined dimensions, or designated route, within which air traffic advisory service is available;

"advisory route" means a designated route along which air traffic advisory service is available;

"aerial work" means an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc;

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

"aerodrome control service" means air traffic control service for aerodrome traffic;

"aerodrome control tower" means a unit established to provide air traffic control service to aerodrome traffic;

"aerodrome operating minima" means the limits of usability of an aerodrome for—

(*a*) take-off, expressed in terms of runway visual range and/or visibility and, if necessary, cloud conditions;

(*b*) 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;

(*c*) 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

(*d*) 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;

"aerodrome traffic zone" means an airspace of defined dimensions established around an aerodrome for the protection of aerodrome traffic;

"aeronautical experience" means pilot time obtained in an aircraft, approved flight simulation training device for meeting the training and flight time requirements of these Regulations;

"aeronautical product" means any aircraft, aircraft engine, propeller, or subassembly, appliance, material, part, or component to be installed thereon;

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

"aeroplane flight manual" means 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 crewmembers of the safe operation of the aeroplane;

"agricultural aircraft operation" means the operation of an aircraft for the purpose of—

(*a*) dispensing any economic poison;

(*b*) dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control; or

(*c*) engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects;

"air navigation facility" means any facility used in, available for use in, or designed for use in aid of air navigation, including aerodromes, landing areas, lights, any apparatus or equipment for disseminating weather information, for signalling, for radio directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft;

"air operator" means any organization which undertakes to engage in domestic commercial air transport or international commercial air transport, whether directly or indirectly or by a lease or any other arrangement;

"Air Operator Certificate (AOC)" means a certificate authorizing an operator to carry out specified commercial air transport operations;

"air traffic" means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

"air traffic control clearance" means authorization for an aircraft to proceed under conditions specified by an air traffic control unit;

"Air Traffic Control (ATC) facility" means a building holding the persons and equipment responsible for providing ATC services (e.g., airport tower, approach control centre), may also be called air traffic control unit;

"air traffic control service" means a service provided within advisory airspace that promotes the safe, orderly, and expeditious flow and separation of air traffic at aerodromes and during the approach, departure, and en route environments including aircraft that are operating on IFR flight plans; also can be called Air Traffic Advisory Service (ATAS) or Air Traffic Service (ATS);

"Air Traffic Service (ATS)" means *see* Air traffic control service;

"air traffic services airspaces" means airspaces of defined dimensions, alphabetically designated, within which specific types of flights may operate and for which air traffic services and rules of operation are specified;

"air traffic services reporting office" means a unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before departure;

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;

"aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which—

(*a*) a person is fatally or seriously injured as a result of—

(i) being in the aircraft;

(ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or

(iii) direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew;

(*b*) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin; or the aircraft is missing or is completely inaccessible;

"aircraft avionics" means a term designating any electronic device; including its electrical part—for use in an aircraft, including radio, automatic flight control and instrument systems;

"aircraft category" means classification of aircraft according to specified basic characteristics, e.g. aeroplane, helicopter, glider, free balloon, airship, powered-lift;

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

"aircraft certificated for multi-pilot operation" means a type of aircraft which the State of Registry has determined, during the certification process, can be operated safely with a minimum crew of two pilots;

"aircraft component" means any component part of an aircraft up to and including a complete powerplant and/or any operational/emergency equipment;

"aircraft engine" means any engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers;

"aircraft operating manual" means 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;

"aircraft piracy" means any actual or attempted seizure or exercise of control, by force or violence, or by any other form of intimidation, with wrongful intent, of an aircraft within the jurisdiction of Malawi;

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

"aircraft technical log" means documentation for an aircraft that includes the maintenance record for the aircraft and a record for each flight made by the aircraft; the aircraft technical log is comprised of a journey records section and a maintenance section;

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

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

"airman" means—

(*a*) any individual who engages, as the person in command or as pilot, mechanic, or member of the crew, or who navigates an aircraft while the aircraft is underway;

(*b*) any individual in charge of the inspection, maintenance, overhauling, or repair of aircraft, and any individual in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances; or

(*c*) any individual who serves in the capacity of flight operations officer;

"airmanship" means the consistent use of good judgement and well-developed knowledge, skills and attitudes to accomplish flight objectives;

"airship" means a power-driven lighter than air aircraft;

"airway" means a control area or portion thereof established in the form of a corridor;

"airworthiness approval tag (CAA form)" means a tag that may be attached to a part: the tag must include the part number, serial number, and current life status of the part: each time the part is removed from a type certificated product, a new tag must be created or the existing tag must be updated with the current life status: the DCA Form AAT has two distinct purposes—

(*a*) as a certification of release to service of a part, component or assembly after maintenance, preventive maintenance, overhaul or rebuilding; and

(*b*) for shipping of a newly manufactured part;

"airworthiness data" means any information necessary to ensure that an aircraft or aircraft component can be maintained in a condition such that airworthiness of the aircraft, or serviceability of operational and emergency equipment, as appropriate, is assured;

"airworthiness directive" means continuing airworthiness information that applies to the following products: aircraft, aircraft engines, propellers, and appliances: an airworthiness directive is mandatory if issued by the State of Design;

"airworthiness release" means the air operator's aircraft are released for service following maintenance by a person specifically authorized by the air operator rather than by an individual or maintenance organization on their own behalf;

"airworthy" means the status of an aircraft, engine, propeller or part when it conforms to its approved design and is in a condition for safe operation;

"alteration" means the alteration of an aircraft/aeronautical product in conformity with an approved standard;

"alerting service" means a service provided to notify appropriate organizations regarding aircraft in need of search and rescue aid, and assist such organizations as required;

"alternate aerodrome" means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or land at the aerodrome of intended landing: alternate aerodromes include the following—

(*a*) take-off alternate—an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure;

(*b*) en-route alternate—an aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition en route;

(*c*) ETOPS en-route alternate—a suitable and appropriate alternate aerodrome at which an aeroplane would be able to land after experiencing an engine shut-down or other abnormal or emergency condition while en route in an ETOPS operation;

(*d*) destination alternate—an alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing; the aerodrome from which a flight departs may also be an en-route or a destination alternate aerodrome for that flight;

"alternate means of compliance" means a pre-approved manner of achieving regulatory compliance that has been determined to be an acceptable substitute to the regulatory requirements; an example of alternate means of compliance would be the CAA's acceptance of reduced training time for personnel undergoing a specific air operator's approved aircraft type-rating training programme from those training time requirements traditionally prescribed for approved programmes of a more generic nature leading towards the same aircraft type-rating;

"alternative means of compliance" means an approved alternative from those prescribed approaches that has been demonstrated to consistently achieve or exceed the desired outcomes as intended through regulation;

"Altimetry System Error (ASE)" means the difference between the altitude indicated by the altimeter display, assuming a correct altimeter barometric setting, and the pressure altitude corresponding to the undisturbed ambient pressure;

"altitude" means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level (MSL);

"annexes to the Chicago Convention" means the documents issued by the International Civil Aviation Organisation (ICAO) containing the Standards and Recommended Practices applicable to civil aviation;

"anticipated operating conditions" means those conditions which are envisaged to occur during the operation life of the aircraft taking into account the operations for which the aircraft is made eligible, the conditions so considered being relative to the meteorological state of the atmosphere, to the configuration of terrain, to the functioning of the aircraft, to the efficiency of personnel and to all the factors affecting safety in flight; anticipated operating conditions do not include—

(*a*) those extremes which can be effectively avoided by means of operating procedures; and

(*b*) those extremes which occur so infrequently that to require the Standards to be met in such extremes would give a higher level of airworthiness that experience has shown to be necessary and practical;

"appliances" means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not part or parts of aircraft, aircraft engines, or propellers;

"approach and landing operations using instrument approach procedures" means instrument approach and landing operations are classified as follows—

(*a*) non-precision approach and landing operations: an instrument approach and landing which utilised lateral guidance but does not utilise vertical guidance;

(*b*) approach and landing operations with vertical guidance: an instrument approach and landing which uses lateral and vertical guidance but does not meet the requirements established for precision approach and landing operations;

(*c*) precision approach and landing operations: an instrument approach and landing using precision lateral and vertical guidance with minima as determined by the category of operation—lateral and vertical guidance refers to the guidance provided either by: a ground-based navigation aid, or computer generated navigation data;

(*d*) Category I (CAT I) operation—A precision instrument approach and landing with—

(i) a decision height not lower than 60 m (200 feet; and

(ii) with either a visibility not less than 800 m or a runway visual range not less than 550 m;

(*e*) Category II (CAT II) operation—a precision instrument approach and landing with—

(i) a decision height lower than 60 m (200 feet), but not lower than 30 m (100 feet); and

(ii) a runway visual range not less than 300 m;

(*f*) Category IIIA (CAT IIIA) operation—a precision instrument approach and landing with—

(i) a decision height lower than 30 m (100 feet) or no decision height; and

(ii) a runway visual range not less than 175 m;

(*g*) Category IIIB (CAT IIIB) operation—a precision instrument approach and landing with—

(i) a decision height lower than 15 m (50 feet) or no decision height; and

(ii) a runway visual range less than 175 m but not less than 50 m;

(*h*) Category IIIC (CAT IIIC) operation—a precision instrument approach and landing with no decision height and no runway visual range limitations—where decision height (DH) and runway visual range (RVR) fall into different categories of operation, the instrument approach and landing operation would be conducted in accordance with the requirements of the most demanding category (e.g. an operation with a DH in the range of CAT IIIA but with an RVR in the range of CAT IIIB would be considered a CAT IIIB operation or an operation with a DH in the range of CAT II but with an RVR in the range of CAT I would be considered a CAT II operation);

"approach control service" means air traffic control service for arriving or departing controlled flights;

"approach control unit" means a unit established to provide air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes;

"appropriate ATS or ATC authority" means the relevant authority designated by Malawi responsible for providing air traffic services in the airspace concerned;

"appropriate airworthiness requirements" means the comprehensive and detailed airworthiness codes established, adopted or accepted by a Contracting State for the class of aircraft, engine or propeller under consideration;

"appropriate authority" means—

(*a*) regarding flight over the high seas: the relevant authority of the State of Registry;

(*b*) regarding flight other than over the high seas: the relevant authority of the State having sovereignty over the territory being overflown;

"approval for return to service *see* maintenance release;

"approved" means the Authority has reviewed the method, procedure, or policy in question and issued a formal written approval;

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

"approved continuous maintenance programme" means a maintenance programme approved by the State of Registry;

"approved curriculum" means a set of special training courses in an area of specialization offered by an ATO which is approved by the Authority;

"approved data" means technical information approved by the Authority;

"Approved Maintenance Organization (AMO)" means an organization approved by the Authority, in accordance with the Aviation (Approved Maintenance Organization) Regulations, 2013, to perform specific aircraft maintenance activities by the Authority; these activities may include the inspection, overhaul, maintenance, repair and/or modification and release to service of aircraft or aeronautical products;

"approved standard" means a manufacturing, design, maintenance, or quality standard approved by the Authority;

"approved training" means training carried out under special curricula and supervision approved by the Authority;

"Approved Training Organization (ATO)" means an organization approved by the Authority, in accordance with the (Approved Training Organization Regulations, to perform flight crew training and other training approved by the Authority;

"apron" means a defined area, on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fueling, parking or maintenance;

"area control centre" means a unit established to provide air traffic control service to controlled flights in control areas under its jurisdiction;

"area control service" means air traffic control service for controlled flights in control areas;

"area navigation (RNAV)" means a method of navigation that permits aircraft operations on any desired flight path within the coverage of station-referenced navigation aids or within the limits of the capability of self-contained aids, or a combination of these—area navigation includes performance-based navigation as well as other operations that do not meet the definitions of performance-based navigation;

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

"ATS or ATC route means a specified route designed for channelling the flow of air traffic as necessary for the provision of air traffic services, defined by route specifications that include an ATS or ATC route designator, the track to or from significant points (way points), distance between significant points, reporting requirements, and as determined by the appropriate ATS or ATC authority, the lowest safe altitude—the term "ATS" or "ATC" route is used to mean variously, airway, advisory route, controlled or uncontrolled route, arrival or departure route;

"authorized instructor" means a person who—

(*a*) holds a valid ground instructor certificate issued under the Aviation (Personnel Licensing) Regulations, 2013, when conducting ground training;

(*b*) holds a current flight instructor certificate issued under the Aviation (Personnel Licensing) Regulations, 2013 when conducting ground training or flight training; or

(*c*) is authorized by the Authority to provide ground training or flight training under the Aviation (Personnel Licensing) Regulations, 2013 and (Approved Training Organization) Regulations, 2013;

"Authority" means the civil aviation authority responsible for the oversight of civil aviation in Malawi;

"Automatic Dependent Surveillance (ADS)" means a surveillance technique in which aircraft automatically provide, via a data link, data derived from on-board navigation and position-fixing systems, including aircraft identification, four-dimensional position and additional data as appropriate;

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

"banner" means an advertising medium supported by a temporary framework attached externally to the aircraft and towed behind the aircraft;

"cabin crewmember" means a crew member who performs, in the interest of safety of passengers, duties assigned by the operator or the pilot-in-command of the aircraft, but who shall not act as a flightcrew member;

"calendar day" means the period of elapsed time, using Coordinated Universal Time or local time, that begins at midnight and ends 24 hours later in the next midnight;

"calendar month" means a period of a month beginning and ending with the dates that are conventionally accepted as marking the beginning and end of a numbered month (as January 1 to January 31 in the Gregorian calendar);

"calendar year" means a period of a year beginning and ending with the dates that are conventionally accepted as marking the beginning and end of a numbered year (as January 1 to December 31 in the Gregorian calendar);

"calibration" means a set of operations, performed in accordance with a definite documented procedure that compares the measurement performed by a measurement device or working standard with a recognized bureau of standards for the purpose of detecting and reporting or eliminating adjustment errors in the measurement device, working standard, or aeronautical product tested;

"cargo aircraft" means any aircraft carrying goods or property but not passengers: in this context the following are not considered to be passengers—

(*a*) a crewmember;

(*b*) an operator's employee permitted by, and carried in accordance with, the instructions contained in the Operations Manual;

(*c*) an authorized representative of an Authority; and

(*d*) a person with duties in respect of a particular shipment on board;

"Category A" with respect to helicopters, means a multi-engine helicopter designed with engine and system isolation features specified in the Aviation (Aircraft Registration and Marking) Regulations, 2013, and capable of operations using take-off and landing data scheduled under a critical engine failure concept which assures adequate designated surface area and adequate performance capability for continued safe flight or safe rejected take-off;

"Category B" with respect to helicopters, means a single-engine or multi-engine helicopter which does not meet Category A standards. Category B helicopters have no guaranteed capability to continue safe flight in the event of an engine failure, and a forced landing is assumed;

"Category one operation (CAT I)" means a precision instrument approach and landing with a decision height not lower than 60 m (200 ft) and with either a visibility not less than 800 m or a runway visual range not less than 550 m;

"Category two operation (CAT II)" means a precision instrument approach and landing with a decision height lower than 60 m (200 ft) but no lower than 30 m (100 ft) and a visual range not less 300 m;

"Category three A (CAT IIIA) operation" means a precision approach and landing with: a decision height lower than 30 m (100 ft) or no decision height; and a runway visual range not less than 175 m;

"Category three B (CAT IIIB) operation" means a precision approach and landing with: a decision height lower than 15 m (50 ft) or no decision height; and a runway visual range less than 175 m but not less than 50 m;

"Category three C (CAT IIIC) operation" means a precision instrument approach and landing with no decision height and no runway visual range limitations;

"causes" means as relating to an aircraft accident or incident, actions, omissions, events, conditions, or a combination thereof which led to the accident or incident;

"ceiling" means the height above the ground or water of the base of the lowest layer of cloud below 6,000 metres (20,000 feet) covering more than half the sky;

"certify as airworthy" means the act of completing a maintenance release by a properly authorized person after the modification, overhaul, repair or inspection of an aircraft or aeronautical product by which the aircraft or aeronautical part is cleared for use in flight as meeting the requirements of the airworthiness certificate of Malawi;

"certifying staff" means those personnel who are authorized by the Approved Maintenance Organization in accordance with a procedure acceptable to the Authority to certify aircraft or aircraft components for release to service;

"change-over-point" means the point at which an aircraft navigating on an ATC route segment defined by reference to very high frequency omnidirectional radio ranges is expected to transfer its primary navigational references from the facility behind the aircraft to the next facility ahead of the aircraft—change-over-points are established to provide the optimum balance in respect of signal strength and quality between facilities at all levels to be used and to ensure a common source of azimuth guidance for all aircraft operating along the same portion of a route segment;

"check airman (aeroplane)" means a person who is qualified, and permitted, to conduct an evaluation in an aeroplane, in a flight simulation training device for a particular type aeroplane, for a particular AOC holder;

"check airman (simulator)" means a person who is qualified to conduct an evaluation, but only in a flight simulation training device for a particular type aircraft, for a particular AOC holder;

"Chicago Convention" means the Convention on International Civil Aviation concluded in Chicago, U.S.A. in 1944, in effect, 1947: the Articles of the Chicago Convention govern the actions of the contracting States in matters of international civil aviation safety directly and through the Annexes to the Convention, which set forth ICAO Standards and Recommended Practices;

"citizen of Malawi" means one of the following—

(*a*) an individual who is a citizen of Malawi;

(*b*) a partnership of which each member is a citizen of Malawi; or

(*c*) a corporation or association created or organized and authorized under the laws of Malawi;

"civil aircraft" means any aircraft other than a state or public aircraft;

"civil aviation" means the operation of any civil aircraft for the purpose of general aviation operations, aerial work or commercial air transport operations;

"clearance limit" means the point to which an aircraft is granted an air traffic control clearance;

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

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

"common mark" means a mark assigned by the International Civil Aviation Organization to the common mark registering authority registering aircraft of an international operating agency on other than a national basis;

"common mark registering authority" means the authority maintaining the non-national register or, where appropriate, the part thereof, in which aircraft of an international operating agency are registered;

"competency" means a combination of skills, knowledge and attitudes required to perform a task to the prescribed standard;

"competency element" means an action that constitutes a task that has a triggering event and a terminating event that clearly defines its limits, and an observable outcome;

"competency unit" means a discrete function consisting of a number of competency elements;

"complex aeroplane" means an aeroplane that has retractable landing gear, flaps, and a controllable pitch propeller; or in the case of a seaplane, flaps and a controllable pitch propeller;

"composite" means structural materials made of substances, including, but not limited to, wood, metal, ceramic, plastic, fiber-reinforced materials, graphite, boron, or epoxy, with built-in strengthening agents that may be in the form of filaments, foils, powders, or flakes, of a different material;

"computer system" means any electronic or automated system capable of receiving, storing, and processing external data, and transmitting and presenting such data in a usable form for the accomplishment of a specific function;

"configuration" (as applied to the aeroplane) means a particular combination of the positions of the moveable elements, such as wing flaps and landing gear, etc., that affect the aerodynamic characteristics of the aeroplane;

"Configuration Deviation List (CDL)" means a list established by the organization responsible for the type design with the approval of the State of Design which identifies any external parts of an aircraft type which may be missing at the commencement of a flight, and which contains, where necessary, any information on associated operating limitations and performance correction;

"congested area" means a city town or settlement, or open air assembly of people;

"congested hostile environment" means a hostile environment within a congested area;

"consignment" means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address;

"Contracting States" means all States that are signatories to the Convention on International Civil Aviation (Chicago Convention);

"continuing airworthiness" means the set of processes by which an aircraft, engine, propeller or part complies with the applicable airworthiness requirements and remains in a condition for safe operation throughout its operating life;

"control area" means a controlled airspace extending upwards from a specified limit above the earth;

"controlled aerodrome" means an aerodrome at which air traffic control service is provided to aerodrome traffic;

"controlled airspace" means an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification—controlled airspace is a generic term that covers ATC or ATS airspace Classes A, B, C, D, and E as described in ICAO Annex 11: 2.6;

"controlled flight" means any flight which is subject to an air traffic control clearance;

"controlled flight into terrain" means an occurrence when an airworthy aircraft is flown, under the control of a qualified pilot, into terrain (water or obstacles) with inadequate awareness on the part of the pilot of the impending collision;

"Controller-Pilot Data Link Ccommunications (CPDLC)" means a means of communication between controller and pilot, using data link for ATC communications;

"control zone" means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;

"conversion" means the action taken by Malawi in issuing its own licence on the basis of a licence issued by another Contracting State for use on aircraft registered in Malawi;

"co-pilot" means a licensed pilot serving in any piloting capacity other than as pilot-in-command but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction—co-pilot as here defined is synonymous with the term "second-in-command" or "SIC.";

"corporate aviation operation" means the non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot(s) employed to fly the aircraft;

"course" means a programme of instruction to obtain an airman licence, rating, qualification, authorization, or currency;

"courseware" means instructional material developed for each course or curriculum, including lesson plans, flight event descriptions, computer software programmes, audio-visual programmes, workbooks, and handouts;

"credit" means recognition of alternative means or prior qualifications;

"crewmember" means a person assigned by an operator to duty on an aircraft during a flight duty period;

"crew resource management" means a programme designed to improve the safety of flight operations by optimising the safe, efficient, and effective use of human resources, hardware, and information through improved crew communication and coordination;

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

"critical phases of flight" means those portions of operations involving taxiing, takeoff and landing, and all flight operations below 10,000 feet, except cruise flight;

"critical power-unit(s)" means the power-unit(s) failure of which gives the most adverse effect on the aircraft characteristics relative to the case under consideration; on some aircraft there may be more than one equally critical power-unit, in this case, the expression "the critical power-unit" means one of those critical power-units;

"cross country" means a flight between a point of departure and a point of arrival following a pre-planned route using standard navigation procedures;

"cross-country time" means that time a pilot spends in flight in an aircraft which includes a landing at a point other than the point of departure and, for the purpose of meeting the cross-country time requirements for a private pilot licence (except with a rotorcraft rating), commercial pilot licence, or an instrument rating, includes a landing at an aerodrome which must be a straight-line distance of more than 50 nautical miles from the original point of departure;

"cruise climb" means an aeroplane cruising technique resulting in a net increase in altitude as the aeroplane mass decreases;

"cruise relief pilot" means a flight crew member who is assigned to perform pilot tasks during cruise flight to allow the PIC or co-pilot to obtain planned rest;

"cruising level" means a level maintained during a significant portion of a flight;

"current flight plan" means the flight plan, including changes, if any, brought about by subsequent clearances;

"danger area" means an airspace of defined dimensions within which activities dangerous to the flight of the aircraft may exist at specified times;

"dangerous goods" means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the ICAO Technical Instructions (see definition below) or which are classified according to those Instructions;

"dangerous goods accident" means an occurrence associated with and related to the transport of dangerous goods which results in fatal or serious injury to a person or major property damage;

"dangerous goods incident" means an occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained: any occurrence relating to the transport of dangerous goods which seriously jeopardizes an aircraft or its occupants is deemed to constitute a dangerous goods incident;

"dangerous goods transport document" means a document specified by the ICAO Technical Instructions for the Safe Transportation of Dangerous Goods by Air: it is completed by the person who offers dangerous goods for air transport and contains information about those dangerous goods: the document bears a signed declaration indicating that the dangerous goods are fully and accurately described by their proper shipping names and UN numbers (if assigned) and that they are correctly classified, packed, marked, labelled and in a proper condition for transport;

"data link communications" means a form of communication intended for the exchange of messages via a data link;

"deadhead transportation" means time spent in transportation on aircraft (at the insistence of the AOC holder) to or from a crewmember's home station;

"Decision Altitude (DA) or Decision Height (DH)" means a specified altitude or height in the precision approach or approach with vertical guidance at which a missed approach must be initiated if the required visual reference to continue the approach has not been established;

NOTE 1—Decision altitude (DA) is referenced to mean sea level and decision height (DH) is referenced to the threshold elevation;

NOTE 2—The required visual reference means that section of the visual aids or of the approach area which should have been in view forsufficient time for the pilot to have made an assessment of the aircraft position and rate of change of position, in relation to thedesired flight path. In Category III operations with a decision height that required visual reference is that specified for the particular procedure and operation;

NOTE 3—For convenience where both expressions are used they may be written in the form "decision altitude/height" and abbreviated "DA/H";

"Defined Point After Take-Off (DPATO)" means the point, within the take-off and initial climb phase, before which the Class 2 helicopter's ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

"Defined Point Before Landing (DPBL)" means the point, within the approach and landing phase, after which the Class 2 helicopter's ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

"design landing" mass means the maximum mass of the aircraft at which, for structural design purposes, it is assumed that it will be planned to land;

"design take-off mass" means the maximum mass at which the aircraft, for structural design purposes, is assumed to be planned to be at the start of the take-off run;

"design taxing mass" means the maximum mass of the aircraft at which structural provision is made for load liable to occur during use of the aircraft on the ground prior to the start of take-off;

"directly in charge" as applied to an Approved Maintenance Organization means an appropriately licensed person(s) having the responsibility for the work of an approved maintenance organization that performs maintenance, preventive maintenance, alterations, or other functions affecting aircraft airworthiness: a person directly in charge does not need to physically observe and direct each worker constantly but must be available for consultation on matters requiring instruction or decision from higher authority;

"Director" means the Director of Civil Aviation delegated the responsibility for oversight of Civil Aviation activities in Malawi;

"discrete source damage" means structural damage of the aeroplane that is likely to result from: impact with a bird, uncontained fan blade failure, uncontained engine failure, uncontained high-energy rotating machinery failure or similar causes;

"dry lease" means the lease of an aircraft without the crew;

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

"duty" means any task that flight or cabin crewmembers are required by the operator to perform, including for example, flight duty, administrative work, training, positioning and standby when it is likely to induce fatigue;

"duty period" means as related to an air operator, a period which starts when flight or cabin crew personnel are required by an operator to report for or to commence a duty and ends when that person is free from all duties;

"duty time" means the total time from the moment a person identified in these regulations begins, immediately after a rest period, any work on behalf of the certificate holder until that person is free from all restraint associated with that work;

"economic poison" means any substance or mixture of substances intended for—

(*a*) 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 Malawi may declare to be a pest; and;

(*b*) use as a plant regulator, defoliant or desiccant;

"effective length of the runway" means the distance for landing from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centreline of the runway to the far end;

"elevated heliport" means a heliport located on a raised structure on land;

"Enhanced Vision System (EVS)" means a system to display electronic real-time images of the external scene achieved through the use of image sensors;

"Emergency Locator Transmitter (ELT)" means a generic term describing equipment which broadcast distinctive signals on designated frequencies and, depending on application, may be automatically activated by impact or be manually activated; an ELT may be any of the following—

(*a*) automatic fixed ELT—an automatically activated ELT which is permanently attached to an aircraft;

(*b*) automatic portable ELT—an automatically activated ELT which is rigidly attached to an aircraft but readily removable from the aircraft;

(*c*) automatic deployable ELT (ELT(AD))—an ELT which is rigidly attached to an aircraft and which is automatically deployed and activated by impact, and in some cases, also be hydrostatic sensors. Manual deployment is also provided;

(*d*) survival ELT—an ELT which is removable from an aircraft, stowed so as to facilitate its ready use in an emergency, and manually activated by survivors;

(*e*) ELT battery useful life—the length of time after its date of manufacture or recharge that the battery or battery pack may be stored under normal environmental conditions without losing its ability to allow the ELT to meet the applicable performance standards;

(*f*) ELT battery expiration date—the date of battery manufacture or recharge plus one half of its useful life;

(*g*) engine—a unit used or intended to be used for aircraft propulsion: it consists of at least those components and equipment necessary for function and control, but excludes the propeller (if applicable);

"Enhanced Ground Proximity Warning (EGPWS)" means a forward looking warning system that uses the terrain data base for terrain avoidance;

"equivalent system of maintenance"—an AOC holder may conduct maintenance activities through an arrangement with an AMO or may conduct its own maintenance, preventive maintenance, or alterations, so long as the AOC holder's maintenance system is approved by the

Authority and is equivalent to that of an AMO, except that the approval for return to service of an aircraft/aeronautical product shall be made by an appropriately licensed aircraft maintenance engineer or aviation repair specialists in accordance with the (Personnel Licensing) Regulations, 2013, as appropriate;

"error" means as relates to the flight crew, an action or inaction by the flightcrew that leads to deviations from organizational or flightcrew intentions or expectations;

"error management" means the process of detecting and responding to errors with counter-measures that reduce or eliminate the consequences of errors, and mitigate the probability of errors or undesired aircraft state;

"estimated off-block time" means the estimated time at which the aircraft will commence movement associated with departure;

"estimated time of arrival" means for IFR flights, the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that approach procedure will be commenced, or if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome: for VFR flights, the time at which it is estimated that the aircraft will arrive over the aerodrome;

"extended flight over water" means a flight operated over water at a distance of more than 93 km (50 NM), or 30 minutes at normal cruising speed, whichever is the lesser, away from land suitable for making an emergency landing;

"examiner" means any person designated by the Authority to act as a representative of the Authority in examining , inspecting, and testing persons and aircraft for the purpose of issuing licences, ratings and certificates;

"exception" means as it related to dangerous goods in the Aviation (Air Operator Certification and Administration) Regulations, 2013—a provision in ICAO Annex 18 which excludes a specific item of dangerous goods from the requirements normally applicable to that item;

"expected approach time" means the time at which ATC expects that an arriving aircraft, following a delay, will leave the holding point to complete its approach for a landing;

NOTE—The actual time of leaving the holding point will depend upon the approach clearance;

"extended overwater operation" means with respect to aircraft other than helicopters, an operation over water at a horizontal distance of more than 50 nm from the nearest shoreline; and to helicopters, an operation over water at a horizontal distance of more than 50 nm from the nearest shoreline and more than 50 nm from an offshore heliport structure;

"facility" means as used in the Aviation (Approved Maintenance Organizations) Ragulations, 2013—a physical plant, including land, buildings, and equipment, which provide the means for the performance of maintenance, preventive maintenance, or modifications of any article;

"factor of safety" means a design factor used to provide for the possibility of loads greater than those assumed, and for uncertainties in design and fabrication;

"fatal injury" means as relates to an aircraft accident, any injury which results in death within 30 days of the accident;

"fatigue" means a physiological state of reduced mental or physical performance capability resulting from sleep loss or extended wakefulness, Circadian phase, or workload (mental and/or physical activity) that can impair a crew member's alertness and ability to safely operate an aircraft or perform safety related duties;

"Fatigue Risk Management System (FRMS)" means a data-driven means of continuously monitoring and managing fatigue-related safety risks, based upon scientific principles and knowledge as well as operational experience that aims to ensure relevant personnel are performing at adequate levels of alertness;

"Final Approach and Take-Off area (FATO)" means a defined area over which the final phase of the approach manoeuvre to hover or landing is completed and from which the take-off manoeuvre is commenced: where the FATO is to be used by performance class helicopters, the defined area includes the rejected take-off area available;

"fire resistant" means the capability to withstand the application of heat by a flame for a period of 5 minutes;

"fireproof" means the capability to withstand the application of heat by a flame for a period of 15 minutes;

"fireproof material" means a material capable of withstanding heat as well as or better than steel when the dimensions in both cases are appropriate for the specific purpose;

"flight(s") means the period from takeoff to landing;

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

"flight data analysis" means a process of analysing recorded flight data in order to improve the safety of flight operations;

"flight duty period" means a period which commences when a flight or cabin crew member is required to report for duty that includes a flight or a series of flights and which finishes when the aeroplane finally comes to rest and the engines are shut down at the end of the last flight on which he/she is a crewmember;

"flight information centre" means a unit established to provide flight information service and alerting service;

"flight information region" means an airspace of defined dimensions within which flight information service and alerting service are provided;

"flight information service" means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

"flight level" means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1,013.2 hectopascals (hPa), and is separated from other surfaces by specific pressure intervals;

"flight manual" means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft is to be considered airworthy, and instructions information necessary to the flight crew members for the safe operation of the aircraft;

"flight operations officer/flight dispatcher" means a person designated by the operator to engage in the control and supervision of flight operations, whether licensed or not, suitably qualified in accordance with Annex 1, who supports, briefs and/or assists the pilot-in-command in the safe conduct of the flight;

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

"filed flight plan—the flight plan as filed with an air traffic service unit by the pilot or designated representative, without any subsequent changes;

"flight recorder" means any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation;

NOTE—This could include the Cockpit Voice Recorder (CVR) or Flight Data Recorder (FDR);

"flight safety document system" means a set of inter-related documentation established by the operator, compiling and organizing information necessary for flight and ground operations, and comprizing, as a minimum, the operations manual and the operator's maintenance control manual;

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

(*a*) a flight simulator, which provides an accurate representation of the flight deck of a particular aircraft type to the extent that the mechanical, electrical, electronic, etc. aircraft systems control functions, the normal environment of flight crewmembers, and the performance and flight characteristics of that type of aircraft are realistically simulated;

(*b*) a flight procedures trainer, which provides a realistic flight deck environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic, etc., aircraft systems, and the performance and flight characteristics of aircraft of a particular class;

(*c*) a basic instrument flight trainer, which is equipped with appropriate instruments and which simulates the flight deck environment of an aircraft in flight in instrument flight conditions;

"flight status" means an indication of whether a given aircraft requires special handling by air traffic services units or not;

"flight time" means the period of time that the aircraft moves under its own power for the purpose of flight and ends when the aircraft comes to rest after it is parked, with engine(s) shut down if applicable;

NOTE—Flight time as here efined is synonymous with the term "block-to-block" time or "chock-to-chock" time in general usage, which is measured from the time an aircraft moves from the loading point until it stops at the unloading point;

"flight time—aeroplane" means the total time from the moment an aeroplane first moves for the purpose of taking-off until the moment it finally comes to rest at the end of the flight;

"flight time—helicopter" means the total time from the moment a helicopter's rotor blades start turning until the moment the helicopter finally comes to rest at the end of the flight, and the rotor blades are stopped;

"flight time—glider" means the total time occupied in flight, whether being towed or not, from the moment the glider first moves for the purpose of taking-off until the moment it comes to rest at the end of the flight;

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

"flight visibility" means the visibility forward from the cockpit of an aircraft in flight;

"foreign air operator" means any operator, not being a Malawi air operator, 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 Malawi, whether on a scheduled or charter basis;

"Foreign Authority" means the civil aviation authority that issues and oversees the Air Operator Certificate of the foreign operator;

"freight container" means see unit load device;

"freight container in the case of radioactive material transport" means an article of transport equipment designed to facilitate the transport of packaged goods, by one or more modes of transport without intermediate reloading: it must be of a permanent enclosed character, rigid and strong enough for repeated use, and must be fitted with devices facilitating its handling, particularly in transfer between aircraft and from one mode of transport to another: a small freight container is that which has either an overall outer dimension less than 1.5 m, or an internal volume of not more than $3m^3$: any other freight container is considered to be a large freight container;

"general aviation operation" means an aircraft operation other than a commercial air transport operation or aerial work operation;

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

"ground handling" means services necessary for an aircraft's arrival at, and departure from, an airport, other than air traffic services;

"Ground Proximity Warning System (GPWS)" means a warning system that uses radar altimeters to alert the pilots of hazardous flight conditions;

"ground visibility" means the visibility at an aerodrome, as reported by an accredited observer;

"gyroplane" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes;

"handling agent" means an agency which performs on behalf of the operator some or all of the latter's functions including receiving, loading, unloading, transferring or other processing of passengers or cargo;

"hazard" means a condition or an object with the potential to cause injuries to personnel, damage to equipment or structures, loss of material, or reduction of ability to perform a prescribed function;

"heading" means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from North (true, magnetic, compass or grid;

"Head-Up Display (HUD)" means a display system that presents flight information into the pilot's forward external field of view;

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

"height" means the vertical distance of a level, a point or an object considered a point, measured from a specified datum;

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

(*a*) Class 1 helicopter—a helicopter with performance such that, in case of critical engine failure, it is able to land on the rejected take-off area or safely continue the flight to an appropriate landing area, depending on when the failure occurs;

(*b*) Class 2 helicopter—a helicopter with performance such that, in case of critical engine failure, it is able to safely continue the flight, except when the failure occurs prior to a defined point after take-off or after a defined point before landing, in which case a forced landing may be required; and

(*c*) Class 3 helicopter—a helicopter with performance such that, in case of engine failure at any point in the flight profile, a forced landing must be performed;

"helideck" means a heliport located on a floating or fixed off-shore structure;

"heliport" means an aerodrome or defined area on a structure intended to be used wholly or in part for the arrival, departure, and surface movement of helicopters;

"high speed aural warning" means a speed warning that is required for turbine-engined airplanes and airplanes with a Vmo/Mmo greater than 0.80 Vdf/Mdf or Vd/Md;

"holdover time" means the estimated time de-icing/anti-icing fluid will prevent the formation of frost or ice and the accumulation of snow on the protected surfaces of an aircraft: holdover time begins when the final application of de-icing or anti-icing fluid commences and expires when the de-icing or anti-icing fluid applied to the aircraft loses its effectiveness;

"housing" means as it relates to the Aviation (Approved Maintenance Organizations) Regulations, 2013—Buildings, hangers, and other structures to accommodate the necessary equipment and materials of a maintenance organisation that—

(*a*) provide working space for the performance of maintenance, preventive maintenance, or modifications for which the maintenance organization is approved and rated;

(*b*) provide structures for the proper protection of aircraft, airframes, aircraft engines, propellers, appliances, components, parts, and subassemblies thereof during disassembly, cleaning, inspection, repair, modification, assembly, and testing; and

(*c*) provide for the proper storage, segregation, and protection of materials, parts, and supplies;

"human factors principles" means principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;

"human performance" means human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations;

"ICAO" means where used in this Act, these regulations for the International Civil Aviation Organization;

"IFR" means the symbol used to designate the instrument flight rules;

"IFR flight" means a flight conducted in accordance with the instrument flight rules;

"IMC" means the symbol used to designate instrument meteorological conditions;

"incident" means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations;

"includes" means "includes but is not limited to;"

"incompatible" means describing dangerous goods, which if mixed, would be liable to cause a dangerous evolution of heat or gas or produce a corrosive substance;

"industry codes of practice" means guidance material developed by an industry body, for a particular sector of the aviation industry to comply with the requirements of the International Civil Aviation Organization's Standards and Recommended Practices, other aviation safety requirements and the best practices deemed appropriate;

NOTE—Some States accept and reference industry codes of practice in the development of regulation to meet the requirements of Annex 6, Part II, and make available, for the industry codes of practice, their sources and how they may be obtained;

"inspection" means the examination of an aircraft or aeronautical product to establish conformity with a standard approved by the Authority;

"instrument approach procedure" means a series of predetermined manoeuvres by reference to flight instruments with specified 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 time" means time during which a pilot is piloting an aircraft solely by reference to instruments and without external reference points;

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

"Instrument Meteorological Conditions (IMC)" means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;

"instrument time" means time in which cockpit instruments are used as the sole means for navigation and control, which may be instrument flight time or instrument ground time;

"instrument training" means training which is received from an authorized instructor under actual or simulated instrument meteorological conditions;

"interchange agreement" means a leasing agreement which permits an air carrier to dry lease and take or relinquish operational control of an aircraft at an airport;

"international commercial air transport" means the carriage by aircraft of persons or property for remuneration or hire or the carriage of mail between any two or more countries;

"international operating agency" means an agency of the kind contemplated in Article 77 of the Convention on International Civil Aviation;

"investigation" means as relates to an aircraft accident or incident, 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, when appropriate, the making of safety recommendations;

"investigator-in-charge" means as relates to an aircraft accident or incident, a person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation;

"journey log" means a form signed by the PIC of each flight that records the aeroplane's registration, crewmember names and duty assignments, the type of flight, and the date, place, and time of arrival and departure;

"knowledge test" means a test on the aeronautical knowledge areas required for an airman licence or rating that can be administered in written form or by a computer;

"landing area" means that part of a movement area intended for the landing or take-off of an aircraft;

"Land Distance Available (LDA)" means the length of runway which is declared available and suitable for the ground run of an aeroplane landing;

"landing decision point" means the point used in determining landing performance from which, an engine failure occurring at this point, the landing may be safely continued or a balked landing initiated;

"landing surface" means that part of the surface of an aerodrome which the aerodrome authority has declared available for the normal ground or water run of aircraft landing in a particular direction;

"large aeroplane" means an aeroplane having a maximum certified take-off mass of 5,700 kg. (12,500 lbs.), or more;

"level" means a generic term relating to the vertical position of an aircraft in flight and meaning variously, height, altitude or flight level;

"Licensing Authority" means the Authority designated by the Contracting State as responsible for the licensing of personnel;

"life-limited part" means any part for which a mandatory replacement limit is specified in the type design, the Instructions for Continued Airworthiness, or the maintenance manual;

"lighter-than-air aircraft" means any aircraft supported chiefly by its buoyancy in the air;

"likely"—in the context of the medical provisions for licensing in the (Personnel Licensing) Regulations means with a probability of occurring that is unacceptable to the medical assessor;

"limit loads" means the maximum loads assumed to occur in the anticipated operating conditions;

"line maintenance" means any unscheduled maintenance resulting from unforeseen events, or scheduled checks that contain servicing and/or inspections that do not require specialized training, equipment or facilities;

"line operating flight time" means flight time recorded by the PIC or Co-Pilot while in revenue service for an AOC holder;

"load factor" means the ratio of a specified load to the weight of the aircraft, the former being expressed in terms of aerodynamic forces, or ground reactions;

"long range overwater flights" means routes on which an aeroplane may be over water and at more than a distance corresponding to 120 minutes at cruising speed or 740 km (400 NM), whichever is the lesser, away from land suitable for making an emergency landing;

"low altitude wind shear warning and guidance system" means a system that will issue a warning of low altitude wind shear and in some cases provide the pilot with guidance information of the escape manoeuvre;

"mach number indicator" means an indicator that shows airspeed as a function of the Mach number;

"maintenance" means the performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair;

"maintenance control manual" means a document that describes the operator's procedures necessary to ensure that all scheduled and unscheduled maintenance is performed on the operator's aircraft on time and in a controlled and satisfactory manner;

"maintenance organisation's procedures manual" means a document endorsed by the head of the maintenance organization which details the maintenance organization's structure and management responsibilities, scope of work, description of facilities, maintenance procedures and quality assurance or inspection systems;

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

"maintenance release" means a document which contains a certification confirming that the maintenance work to which it relates has been completed in a satisfactory manner, either in accordance with the approved data and the procedures described in the maintenance organization's procedures manual or under an equivalent system;

"major alteration" means an alteration not listed in the aircraft, aircraft engine, or propeller specifications—

(*a*) that might appreciably affect weight, balance, structural strength, performance, powerplant, operations, flight characteristics, or other qualities affecting airworthiness; or

(*b*) that cannot be done by elementary operations;

"major repair" means a repair—

(*a*) that if improperly done might appreciably affect weight, balance, structural strength, performance, powerplant, operations, flight characteristics, or other qualities affecting airworthiness; or

(*b*) that is not done according to accepted practices or cannot be done by elementary operations;

"manoeuvring area" means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding aprons;

"Master Minimum Equipment List (MMEL)" means a list established for a particular aircraft type by the organization responsible for the type design with the approval of the State of Design containing items, , one or more of which is permitted to be unserviceable at the commencement of a flight—The MMEL may be associated with special operating conditions, limitations or procedures—The MMEL provides the basis for development, review, and approval by the Authority of an individual operator's MEL;

"maximum mass" means maximum certificated take-off-mass;

"may" means that discretion can be used when performing an act described in a regulation;

"medical assessor" means a physician, appointed by the Licensing Authority, qualified and experienced in the practice of aviation medicine and competent in evaluating and assessing medical conditions of flight safety significance;

"medical certificate" means the evidence issued by the Authority that the licence holder meets specific requirements of medical fitness. It is issued following an evaluation by the Licensing Authority of the report submitted by the medical examiner;

"medical examiner" means a physician with training in aviation medicine and practical knowledge and experience of the aviation environment, who is designated by the Licensing Authority to conduct medical examinations of fitness of applicants for licences or ratings for which medical requirements are prescribed—called Aviation Medical Examiners (AME) in these Regulations when non-CAA physicians are designated to perform medical examinations;

"meteorological information" means meteorological reports, analysis, forecast, and any other statement relating to existing or expected meteorological conditions;

"Minimum Descent Altitude (MDA) or Minimum Descent Height (MDH)" means a specified altitude or height in a non-precision approach or circling approach below which descent must not be made without the required visual reference;

NOTE 1—Minimum Descent Altitude (MDA) is referenced to mean sea level and Minimum Descent Height (MDH) is referenced to the aerodrome elevation or to the threshold elevation if that is more than 2 m (7 ft) below the aerodrome elevation—A minimum descent height for a circling approach is referenced to the aerodrome elevation;

NOTE 2—The required visual reference means that section of the visual aids or of the approach area which should have been in view for sufficient time for the pilot to have made an assessment of the aircraft position and rate of change of position, in relation to the desired flight path—In the case of a circling approach the required visual reference is the runway environment;

NOTE 3—For convenience when both expressions are used they may be written in the form "minimum descent altitude/height" and abbreviated "MDA/H";

"Minimum Equipment List (MEL)" means a list approved by the Authority 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 established for the aircraft type;

"Minister" means the Minister responsible for civil aviation;

"modification" means the alteration of an aircraft/aeronautical product in conformity with an approved standard;

"movement area" means that part of an aerodrome to be used for take-off, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron(s);

"navigable airspace" means the airspace above the minimum altitudes of flight prescribed in the Aviation (Operations) Regulations, 2013 and includes airspace needed to ensure safety in the take-off and landing of aircraft;

"navigation of aircraft" means a function which includes the piloting of aircraft;

"navigation specification" means a set of aircraft and flightcrew requirements needed to support performance-based navigation operations within a defined airspace: there are two kinds of navigation specifications—

(*a*) Required Navigation Performance (RNP) specification—a navigation specification based on area navigation that includes the requirement for performance monitoring and alerting, designated by the prefix RNP, e.g. RNP 4, RNP APCH; and

(*b*) Area Navigational (RNAV) specification—a navigation specification based on area navigation that does not include the requirement for performance monitoring and alerting, designated by the prefix RNAV, e.g. RNAV 5, RNAV 1;

"night" means the hours between the end of evening civil twilight and the beginning of morning civil twilight or such other period between sunset and sunrise: civil twilight ends in the evening when the centre of the sun's disc is 6 degrees below the horizon and begins in the morning when the centre of the sun's disc is 6 degrees below the horizon;

"no person may . . ." or "a person may not . . ." mean that no person is required, authorized, or permitted to do an act described in a regulation;

"Obstacle Clearance Altitude (OCA) or Obstacle Clearance Height (OCH)" means the lowest altitude or the lowest height above the elevation of the relevant runway threshold or the aerodrome elevation as applicable, using in establishing compliance with appropriate obstacle clearance criteria;

NOTE 1—Obstacle clearance altitude is referenced to mean sea level and obstacle clearance height is referenced to the threshold elevation or in the case of non-precision approaches to the aerodrome elevation or the threshold elevation if that is more than 2 m (7 ft) below the aerodrome elevation. An obstacle clearance height for a circling approach is referenced to the aerodrome elevation;

NOTE 2—For convenience when both expressions are used they may be written in the form "obstacle clearance altitude/height" and abbreviated "OCA/H;"

"obstruction clearance plane" means a plane sloping upward from the runway at a slope of 1:20 to the horizontal, and tangent to or clearing all obstructions within a specified area surrounding the runway as shown in a profile view of that area: in the plane view, the centreline of the specified area coincides with the centreline of the runway, beginning at the point where the obstruction clearance plane intersects the centreline of the runway and proceeding to a point at least 1,500 feet from the beginning point: thereafter, the centreline coincides with the takeoff path over the ground for the runway (in the case of take-offs) or with the instrument approach counterpart (for landings), or where the applicable one of these paths has not been established, it proceeds consistent with turns of at least 4,000 foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions: this area extends laterally 200 feet on each side of the centreline at the point where the obstruction clearance plane intersects the runway and continues at this width to the end of the runway; then it increases uniformly to 500 feet on each side of the centreline at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter, it extends laterally 500 feet on each side of the centreline;

"ornithopter" means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on planes to which a flapping motion is imparted;

"operating base" means the location from which operational control is exercised;

NOTE: An operating base is normally the location where personnel involved in the operation of the aeroplane work and the records associated with the operation are located. An operating base has a degree of permanency beyond that of a regular point of call;

"operational control" means the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight;

"operational flight plan" means the operator's plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations, and relevant expected conditions on the route to be followed and at the aerodromes or heliports concerned;

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

"operations specifications" means the authorizations, conditions and limitations associated with the air operator certificate and subject to the conditions in the operations manual;

NOTE 1: The operations specifications are part of an operator's certificate (air operator certificate, approved training organization certificate, approved maintenance organization certificate, etc.) that is used to administer safety standards and define the provisions and limitations within which the operator may conduct business operations: operations specifications are issued by the Authority and considered a legal, contractual agreement between the Authority and the operator;

"operator" means a person, organization or enterprise engaged in or offering to engage in an aircraft operation (ICAO). Any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft;

"operator's maintenance control manual" means a document which describes the operator's procedures necessary to ensure that all scheduled and unscheduled maintenance is performed on the operator's aircraft on time and in a controlled and satisfactory manner;

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

"overpack" means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;

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

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

"passenger aircraft" means an aircraft that carries any person other than a crewmember, an operator's employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment or other cargo;

"passenger exit seats" means those seats having direct access to an exit, and those seats in a row of seats through which passengers would have to pass to gain access to an exit, from the first seat inboard of the exit to the first aisle inboard of the exit; a passenger seat having "direct access" means a seat from which a passenger can proceed directly to the exit without entering an aisle or passing around an obstruction;

"Performance-Based Navigation (PBN)" means area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace;

NOTE 1—Performance requirements are expressed in navigation specifications (RNAV specification, RNP specification) in terms of accuracy, integrity, continuity, availability and functionality needed for the proposed operation in the context of a particular airspace concept;

"performance Class 1 helicopter" means a helicopter with performance such that, in case of engine failure it is able to land on the rejected take-off area or safely continue the flight to an appropriate landing area;

"performance Class 2 helicopter" means a helicopter with performance such that, in case of engine failure, it is able to safely continue the flight, except when the failure occurs prior to a defined point after take-off or after a defined point before landing, in which case a forced landing may be required;

"performance Class 3 helicopter" means a helicopter with performance such that, in case of engine failure at any point in the flight profile, a forced landing must be performed;

"performance criteria" means a simple, evaluative statement on the required outcome of the competency element and a description of the criteria used to judge if the required level of performance has been achieved;

"person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative of these entities;

"pilot in command" means the pilot responsible for the operation and safety of the aircraft during flight time: the pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of the flight;

"pilot time" means that time a person—

(*a*) serves as a required pilot;

(*b*) receives training from an authorized instructor in an aircraft, or an approved flight simulation training device; or

(*c*) gives training as an authorized instructor in an aircraft, or an approved flight simulation training device.

"pilot (to)" means to manipulate the flight controls of an aircraft during flight time;

"pressure altitude" means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the Standard Atmosphere (as defined in Annex 8);

"primary standard" means a standard defined and maintained by a State Authority and used to calibrate secondary standards;

"powered-lift" means a heavier-than-air aircraft capable of vertical takeoff, vertical landing, and low speed flight that depends principally on engine-driven lift devices or engine thrust for lift during these flight regimes and on non-rotating airfoil(s) for lift during horizontal flight;

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

"power-unit" means a system of one or more engines and ancillary parts which are together necessary to provide thrust, independently of the continued operation of any other powered-unit(s), but not including short period thrust-producing devices;

"practical test" means skill test;

"pre-flight inspection" means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

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

"pressure-altitude" means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the Standard Atmosphere;

"pressurised aircraft" for airman-licensing purposes, means an aircraft that has a service ceiling or maximum operating altitude, whichever is lower, above 25,000 feet MSL;

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

"problematic use of substances" means the use of one or more psychoactive substances by aviation personnel in a way that—

(*a*) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or

(*b*) causes or worsens an occupational, social, mental or physical problem or disorder;

"prohibited area" means an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is prohibited;

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

"proper shipping name" means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packaging;

"psychoactive substances" means alcohol, opiods, canabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded;

"public aircraft" means an aircraft used exclusively in the service of any government or of any political jurisdiction thereof, including the Government of Malawi, but not including any government owned aircraft engaged in operations which meet the definition of commercial air transport operations;

"quality" means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs;

"quality assurance" means quality assurance, as distinguished from quality control, involves activities in the business, systems, and technical audit areas: a set of predetermined, systematic actions which are required to provide adequate confidence that a product or service satisfies quality requirements;

"quality assurance as related to ATO" means all the planned and systematic actions necessary to provide adequate confidence that all training activities satisfy given standards and requirements, including the ones specified by the approved training organization in relevant manuals;

"quality audit" means a systematic and independent examination to determine whether quality activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives;

"quality control" means the regulatory inspection process through which actual performance is compared with standards, such as the maintenance of standards of manufactured aeronautical products, and any difference is acted upon;

"quality inspection" means that part of quality management involving quality control. In other words, inspections accomplished to observe events/actions/documents, etc., in order to verify whether established operational procedures and requirements are fulfilled during the accomplishment of the event or action, and whether the required standard is achieved: student stage checks and skill tests are quality inspections, and they are also quality control functions;

"quality management" means a management approach focused on the means to achieve product or service quality objectives through the use of its four key components: quality planning; quality control; quality assurance; and quality improvement;

"quality manager" means the manager responsible for the monitoring function and for requesting remedial action: in an ATO, the Quality Manager is responsible directly to the Head of Training;

"quality manual" means the document containing the relevant information pertaining to the approved training organization's quality assurance system;

"quality of training" means the outcome of the training that meets stated or implied needs within the framework of set standards;

"quality system" means documented organizational procedures and policies; internal audit of those policies procedures; management review and recommendation for quality improvements;

"radiotelephony" means a form of radiocommunication primarily intended for the exchange of information in the form of speech;

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

"rating" means an authorization entered on or associated with a licence or certificate and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence or certificate;

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

"rendering (a certificate of airworthiness) valid" means the action taken by a Contracting State, as an alternative to issuing its own Certificate of Airworthiness, in accepting a Certificate of Airworthiness issued by any other Contracting State as the equivalent of its own Certificate of Airworthiness;

"reference standard" means a standard that is used to maintain working standards;

"re-issue of a licence, rating, authorization or certificate" means the administrative action taken after a licence, rating, authorization or certificate has lapsed that re-issues the privileges of the licence, rating, authorization or certificate for a further specified period consequent upon the fulfilment of specified requirements;

"renewal of licence, rating, authorization or certificate" means the administrative action taken within the period of validity of a licence, rating, authorization or certificate that allows the holder to continue to exercise the privileges of a licence, rating, authorization or certificate for a further specified period consequent upon the fulfilment of specified requirements;

"repair" means—

(*a*) the restoration of an aeronautical product to an airworthy condition as defined by the appropriate airworthiness requirements; and

(*b*) the restoration of an aeronautical product to an airworthy condition to ensure that the aircraft continues to comply with the design aspects of the appropriate airworthiness requirements used for the issuance of the type certificate for the respective aircraft type, after it has been damaged or subjected to wear;

"Repetitive Flight Plan (RPL)" means a flight plan related to a series of frequently recurring, regularly operated individual flights with identical basic features, submitted by an operator for retention and repetitive use by ATC units;

"reporting point" means a specified geographical location in relation to which the position of the aircraft can be reported;

"Required Communication Performance (RCP)" means a statement of the performance requirements for operational communication in support of specific ATM functions;

"Required Communication Performance type (RCP type)" means a label (e.g. RCP 240) that represents the values assigned to RCP parameters for communication transaction time, continuity, availability and integrity;

"required inspection items" means as used in the (Airworthiness) Regulations, maintenance items and/or alterations that must be inspected by a person other than the one performing the work, and include at least those that could result in a failure, malfunction, or defect endangering the safe operation of the aircraft, if not properly performed or if improper parts or materials are used;

"Required Navigation Performance (RNP)" means a statement of the navigation performance necessary for operations with a defined airspace;

"rest period" means a continuous and defined period of time, subsequent to and/or prior to duty, during which flight or cabin crew members are free of all duties;

"restricted area" means an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is restricted in accordance with certain specified conditions;

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

"rotorcraft flight manual" means 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 crewmembers of the safe operation of the rotorcraft;

"rotorcraft load combinations" means configurations for external loads carried by rotorcraft—

(*a*) Class A—external load fixed to the rotorcraft, cannot be jettisoned, and does not extend below the landing gear, used to transport cargo;

(*b*) Class B—external load suspended from the rotorcraft, which can be jettisoned, and is transported free of land or water during rotorcraft operations;

(*c*) Class C—external load suspended from the rotorcraft, which can be jettisoned, but remains in contact with land or water during rotorcraft operation; and

(*d*) Class D—external load suspended from the rotorcraft for the carriage of persons;

"route sector" means a flight comprising take-off, departure, cruise of not less than 15 minutes, arrival, approach and landing phases;

"runway" means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft;

"runway-holding position" means a designated position intended to protect a runway, an obstacle limitation surface, or an ILS/MLS critical/sensitive area at which taxiing aircraft and vehicles shall stop and hold, unless otherwise authorized by the aerodrome control tower;

"Runway Visual Range (RVR)" means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

"safe forced landing" means unavoidable landing or ditching with a reasonable expectancy of no injuries to persons in the aircraft or on the surface;

"safety-sensitive personnel" means persons who might endanger aviation safety if they perform their duties and functions improperly including, but not limited to, crewmembers, aircraft maintenance personnel and air traffic controllers;

"Safety Management System (SMS)" means a systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures;

"safety programme" means an integrated set of regulations and activities aimed at improving safety;

"safety recommendation" means a proposal of the accident investigation authority of the State conducting the investigation, based on information derived from the investigation made with the intention of preventing accidents or incidents;

"satisfactory evidence" means a set of documents or activities that a Contracting State accepts as sufficient to show compliance with an airworthiness requirement;

"secondary standards" means a standard maintained by comparison with a primary standard;

"serious incident" means an incident involving circumstances indicating that an accident nearly occurred;

"serious injury" means an injury which is sustained by a person in an accident and which—

(*a*) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received;

(*b*) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or

(*c*) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or

(*d*) involves injury to any internal organ; or

(*e*) involves second or third degree burns, or any burns affecting more than 5% of the body surface; or

(*f*) involves verified exposure to infectious substances or injurious radiation;

"shall" means a mandatory requirement;

"signal area" means an area on an aerodrome used for the display of ground signals;

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

"signed maintenance release" means to certify that maintenance work has been completed satisfactorily in accordance with the applicable Standards of airworthiness, by issuing the maintenance release referred to in these Regulations;

"significant" in the context of the medical provisions in Part XI of the Aviation (Personnel Licensing) Regulations, 2013, means a degree or of a nature that is likely to jeopardise flight safety;

"skill test" means a competency test on the areas of operations for a licence, certificate, rating, or authorization that is conducted by having the applicant respond to questions and demonstrate manoeuvres in flight, or in an approved flight simulation training device, or in a combination of these;

"small aeroplane" means an aeroplane having a maximum certified take-off mass of less than 5,700 kg. (12,500 lbs.);

"solo flight" means flight time during which a student pilot is the sole occupant of the aircraft, or that flight time during which the student acts as a PIC of a gas balloon or an airship requiring more than one flight crewmember;

"spare parts" means any parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), of propellers, and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which at the time are not installed therein or attached thereto;

"special aircraft jurisdiction of Malawi" means—

(*a*) civil aircraft of Malawi; and

(*b*) any other aircraft within the jurisdiction of Malawi, while the aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or, in case of a forced landing, until the competent authorities take over the responsibility of the aircraft and the persons and property aboard;

"Special Curricula" means a closely supervized, systematic and continuous course of training, conforming to a planned syllabus or curriculum, and conducted in an approved training organization;

"special VFR flight" means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below VMC;

"specialized maintenance" means any maintenance not normally performed by an AMO (e.g., tire retreating, plating, etc.);

"specific operating provisions" means the Specific Operating Provisions describe the ratings (Class and/or Limited) in detail and will contain or reference material and process specifications used in performing repair work, along with any limitations applied to the maintenance organization: the accountable manager and the Authority sign this document;

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

"State of Design" means the State having jurisdiction over the organization responsible for the type design;

"State of Manufacture" means the State having jurisdiction over the organization responsible for the final assembly of the aircraft;

"State of Occurrence" means the State in the territory of which an accident or incident occurs;

"State of the Operator" means the State in which the operator's principal place of business is located, or, if there is no such place of business, the operator's permanent residence;

"State of Origin" means as relating to dangerous goods, the State in which dangerous goods were first loaded on an aircraft;

"State of Registry" means the State on whose register an 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, attached 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" means an integrated set of regulations and activities aimed at improving safety;

"substantial damage" means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component: engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this substantial damage relating to an aircraft accident;

"synthetic flight trainer" means Flight simulation training device;

"Target Level of Safety (TLS)" means a generic term representing the level of risk which is considered acceptable in particular circumstances;

"taxiing" means movement of an aircraft on the surface of an aerodrome under its own power, excluding take-off and landing;

"taxiway" means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including—

(*a*) aircraft stand taxilane—a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;

(*b*) apron taxiway—a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;

(*c*) rapid exit taxiway: a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimising runway occupancy times;

"technical log" means a document carried on an aircraft that contains information to meet ICAO requirements; a technical log contains two independent sections: a journey record section and an aircraft maintenance record section;

"take-off decision point" means the point used in determining take-off performance of a Class 1 helicopter from which, an engine failure occurring at this point, either a rejected take-off may be made or a take-off safely continued;

"take-off surface" means the part of the surface of an aerodrome which the aerodrome authority has declared available for the Norman ground or water run of aircraft taking off in a particular direction;

"technical instructions" means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc. 9284-AN/905), including the supplement and any addendum, approved and published by decision of the Council of the ICAO: the term "Technical Instructions" is used in these Regulations;

"terminal control area" means a control area normally established at the confluence of ATC routes in the vicinity of one or more major aerodromes;

"terrain awareness warning system" means a system that provides the flight crew with sufficient information and alerting to detect a potentially hazardous terrain situation and so the flightcrew may take effective action to prevent a controlled flight into terrain (CFIT) event;

"threat" means as relating to flight, events or errors that occur beyond the influence of the flightcrew, increase operational complexity and which must be managed to maintain the margin of safety;

"threat management" means the process of detecting and responding to the threats with counter-measures that reduce or eliminate the consequences of threats, and mitigate the probability of errors or undesired aircraft state;

"total estimated elapsed time" means for IFR flights, the estimated time required from take-off to arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the destination aerodrome, to arrive over the destination aerodrome. For VFR flights, the estimated time required from take-off to arrive over the destination aerodrome;

"Total Vertical Error (TVE)" means the vertical geometric difference between the actual pressure altitude flown by an aircraft and its assigned pressure altitude (flight level);

"traceability" means a characteristic of a calibration, analogous to a pedigree: a traceable calibration is achieved when each Measurement Device and Working Standard, in a hierarchy stretching back to the National Standard, was itself properly calibrated, and the results properly documented: the documentation provides the information needed to show that all calibrations in the chain of calibrations were properly performed;

"track" means the projection on the earth's surface of the path of an aircraft, the direction of which path at any point is usually expressed in degrees from North (true, magnetic or grid);

"traffic avoidance advice" means advice provided by an air traffic services unit specifying manoeuvres to assist a pilot to avoid a collision;

"traffic information" means information issued by an air traffic services 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;

"training manual" means a manual containing the training goals, objectives, standards syllabi, and curriculum for each phase of the approved training course;

"training procedures manual" means a manual containing procedures, instructions and guidance for use by personnel of an Approved Training Organization in the execution of their duties in meeting the requirements of the certificate;

"training specifications" means a document issued to an Aviation Training Organization certificate holder by the Authority that specifies training programme requirements and authorizes the conduct of training, checking, and testing with any limitations thereof;

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

"transfer standard" means any standard that is used to compare a measurement process, system, or device at one location or level with another measurement process, system or device at another location or level;

"transition altitude" means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;

"training time" means the time spent receiving from an authorized instructor flight training, ground training, or simulated flight training in an approved flight simulation training device;

"training to proficiency" means the process of the check airman administering each prescribed manoeuvre and procedure to a pilot as necessary until it is performed successfully during the training period;

"type certificate" means a document issued by a Contracting State to define the design of an aircraft type and to certify that this design meets the appropriate airworthiness requirements of that State;

"ultimate load" means the limit load multiplied by the appropriate factor of safety;

"undesired aircraft state" occurs when the flightcrew places the aircraft in a situation of unnecessary risk;

"UN number" means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances;

"unit load device" means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

"unmanned free balloon" means a non-power-driven, unmanned, lighter-than-air aircraft in free flight;

"validation" means the action taken by Malawi as an alternative to issuing its own licence, in accepting a licence issued by another Contracting State as the equivalent of its own licence for use on aircraft registered in Malawi;

"validation of a certificate of airworthiness" means the action taken by a Contracting State, as an alternative to issuing its own Certificate of Airworthiness, in accepting a Certificate of Airworthiness issued by any other Contracting State as the equivalent of its own Certificate of Airworthiness;

"VFR" means the symbol used to designate the visual flight rules;

"VFR flight" means a flight conducted in accordance with the visual flight rules;

"visibility" means visibility for aeronautical purposes is the greater of—

(*a*) the greatest distance at which a black object of suitable dimensions, situated near the ground, can be seen and recognized when observed against a bright background; and

(*b*) the greatest distance at which lights in the vicinity of 1,000 candelas can be seen and identified against an unlit background;

"visual meteorological conditions" means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, equal to or better than specified minima;

"VMC" means the symbol used to designate visual meteorological conditions;

"wet lease" means the lease of an aircraft with crew and other back-up; and

"will" means an action incumbent upon the Authority;

PART II—GENERAL ADMINISTRATIVE RULES GOVERNING TESTING, LICENCES, AND CERTIFICATES

Display and inspection of licences and certificates

3.—(1) Pilot licence—

(*a*) to act as a pilot of a civil aircraft of Malawi registry, a pilot shall have in his or her physical possession or readily accessible in the aircraft a valid pilot licence or special purpose authorization issued under these Regulations; and

(*b*) to act as a pilot of a civil aircraft of foreign registry within Malawi, a pilot shall be the holder of a valid pilot licence, and have the pilot licence in his or her physical possession or readily accessible in the aircraft.

(2) Flight instructor licence—A person who holds a flight instructor licence shall have that licence, or other documentation acceptable to the Authority, in that person's physical possession or readily accessible in the aircraft when exercising the privileges of that licence.

(3) Other airman licence—A person required by any part of these Regulations to have an airman's licence shall have it in his or her physical possession or readily accessible in the aircraft or at the work site when exercising the privileges of that licence.

(4) Medical certificate—A person required by any part of these regulations to have a current medical certificate shall have it in his or her physical possession or readily accessible in the aircraft or at the work site when exercising the privileges of that certificate.

(5) Approved Training Organization (ATO) certificate—Each holder of a certificate shall display that certificate in a place in the school that is normally accessible to the public and that is not obscured.

(6) Aircraft Certificate of Registration—Each owner or operator of an aircraft shall carry the aircraft certificate of registration on the aircraft and have it available for inspection.

(7) Aircraft Certificate of Airworthiness—Each owner or operator of an aircraft shall display that certificate in the cabin of the aircraft or at the entrance to the aircraft flight deck.

(8) Approved Maintenance Organization (AMO) Certificate—Each holder of an AMO certificate shall prominently display that certificate in a place accessible to the public in the principal business office of the AMO.

(9) Aerial work certificate—Each owner or operator of an aircraft engaged in aerial work shall carry that certificate or a certified true copy of that certificate on the aircraft and have it available for inspection.

(10) Air operator certificate—Each owner or operator of an aircraft engaged in commercial air transport shall carry the air operator certificate or a certified true copy of that certificate on the aircraft and have it available for inspection.

(11) Inspection of licence: Each person who holds an airman or crewmember licence, medical certificate, or authorization required by these regulations shall present it for inspection upon a request from—

(*a*) the Authority; or

(*b*) any local law enforcement officer.

Change of name

4.—(1) A holder of a licence or certificate issued under these regulations may apply to change the name on a licence or certificate. The holder shall include with any such request—

(*a*) the current licence or certificate; and

(*b*) a copy of the marriage licence, court order, or other document verifying the name change.

(2) The Authority will return to the airman the documents specified in subregulation (1) of this Regulation.

Change of address

5.—(1) The holder of an airman licence or certificate, or approved training organization certificate who has made a change in permanent mailing address may not, after 30 days from that date, exercise the privileges of the licence or certificate unless the holder has notified the Authority in writing of the new permanent mailing address, or current residential address if the permanent mailing address includes a post office box number.

Replacement of a lost or destroyed airman licence or medical certificate or knowledge test report

6.—(1) An applicant who has lost or destroyed one of the following documents issued under these Regulations shall request a replacement in writing from the office designated by the Authority—

(*a*) an airman licence;

(*b*) a medical certificate; or

(*c*) a knowledge test report.

(2) The airman or applicant shall state in the request letter—

(*a*) the name of the airman or applicant;

(*b*) the permanent mailing address, or if the permanent mailing address includes a post office box number, the person's current residential address;

(*c*) the social security number or equivalent national identification number;

(*d*) the date and place of birth of the airman or applicant; and

(*e*) any available information regarding the—

(i) grade, number, and date of issuance of the licence, and the ratings, if applicable;

(ii) date of the medical examination, if applicable; and

(iii date the knowledge test was taken, if applicable;

(*f*) after receiving a facsimile from the Authority confirming that the lost or destroyed document was issued, an airman may carry the facsimile in lieu of the lost or destroyed document for up to 60 days pending the airman's receipt of a duplicate document.

Falsification, reproduction, or alteration of applications, licences, certificates, logbooks, reports, or records

7.—(1) No person may make or cause to be made concerning any licence, certificate, rating, qualification, or authorization, application for or duplicate thereof, issued under these Regulations—

(*a*) any fraudulent or intentionally false statement;

(*b*) any fraudulent or intentionally false entry in any logbook, record, or report that these Regulations require, or used to show compliance with any requirement of these Regulations;

(*c*) any reproduction for fraudulent purpose; or

(*d*) any alteration.

(2) Any person who commits any act prohibited under regulation 9 (1) of these Regulations may have his or her airman licence, rating, certificate, qualification, or authorization revoked or suspended.

Voluntary surrender or exchange of licence

8.—(1) The holder of a licence or certificate issued under these Regulations may voluntarily surrender it for—

(*a*) cancellation;

(*b*) issuance of a lower grade licence; or

(*c*) another licence with specific ratings deleted.

(2) An applicant requesting voluntary surrender of a licence shall include the following signed statement or its equivalent: "This request is made for my own reasons, with full knowledge that my (insert name of licence or rating, as appropriate) may not be re-issued to me unless I again pass the tests prescribed for its issuance."

Prohibition on performance during medical deficiency

9.—(1) A person who holds a current medical certificate issued under these Regulations shall not act in a capacity for which that medical certificate is required while that person—

(*a*) knows or has reason to know of any medical condition that would make the person unable to meet the requirements for the required medical certificate; or

(*b*) is taking medication or receiving other treatment for a medical condition that results in the person being unable to meet the requirements for the required medical certificate.

Psychoactive substance testing and report

10.—(1) Any person who performs any function requiring a licence, rating, qualification, or authorization prescribed by these Regulations directly or by contract for a certificate holder under the provisions of these Regulations may be tested for usage of psychoactive substances.

(2) Chemicals considered psychoactive substances are listed in IS 1:12 contained in the Schedule hereto.

(3) Any person subject to these Regulations who refuses to submit to a test to indicate the percentage by weight of alcohol in the blood, when requested by a law enforcement officer or the Authority, or refuses to furnish or to authorize the release of the test results requested by the Authority may—

(*a*) be denied any licence, certificate, rating, qualification, or authorization issued under these Regulations for a period of up to 1 year after the date of that refusal; or

(*b*) have his or her licence, certificate, rating, qualification, or authorization issued under these Regulations suspended or revoked.

(4) Any person subject to these Regulations who refuses to submit to a test to indicate the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, when requested by a law enforcement officer or the Authority, or refuses to furnish or to authorize the release of the test results requested by the Authority may—

(*a*) be denied any licence, certificate, rating, qualification, or authorization issued under these Regulations for a period of up to 1 year after the date of that refusal; or

(*b*) have his or her licence, certificate, rating, qualification, or authorization issued under these regulations suspended or revoked.

(5) Any person subject to these Regulations who is convicted for the violation of any local or national statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, may—

(*a*) be denied any licence, certificate, rating, qualification, or authorization issued under these Regulations for a period of up to 1 year after the date of final conviction; or

(*b*) have his or her licence, certificate, rating, qualification, or authorization issued under these Regulations suspended or revoked.

Part III—Investigative and Enforcement Procedures

Investigative procedures reports of violations

11.—(1) Any person who knows of a violation of the Act or these Regulations or orders thereunder should report it to the Authority.

(2) Each report made under this regulation together with any other information the Authority may have that is relevant to the matter reported will be reviewed by the Authority to determine the nature and type of any additional investigation or enforcement action the Authority will take.

Investigations—general

12. The Director of Civil Aviation may conduct investigations, hold hearings, issue subpoenas, require the production of relevant document, records, and property, and take evidence and depositions.

Formal complaints

13. Complaints submitted to the Authority under this Regulation shall be in a form and manner prescribed by the Authority.

Administrative action

14.—(1) If it is determined that a violation or an alleged violation of the Act, or an Order or Regulation issued under it, is appropriate for administrative action, the Authority may take administrative action by one of the following—

(*a*) a "Warning Notice" that shall recite available facts and information about the incident or condition and indicate that it may have been a violation; or

(*b*) a "Letter of Correction" which confirms the Authority's decision in the matter and states the necessary corrective action the alleged violator has taken or agreed to take: if the agreed corrective action is not fully completed, formal certificate action may be taken in accordance with regulation 20 of these Regulations.

(2) An administrative action under this section does not constitute a formal adjudication of the matter.

Legal enforcement actions

15. IS 1:17 in the Schedule hereto contains a sample of sanctions that will be imposed by the Authority to enforce other aviation regulations and the Act.

Civil penalties

16.—(1) Any person, other than a person conducting an operation in commercial air transport or international commercial air transport, who violates any provision of the Act, these other aviation safety regulations, or any order issued thereunder, is subject to a civil penalty imposed by the Authority in accordance with the Act.

(2) Any person conducting an operation in commercial air transport or international commercial air transport, who violates any provision of the Act, these other aviation safety regulations, or any order issued thereunder, is subject to a civil penalty imposed by the Authority in accordance with section 19 (3) of the Act.

(3) Civil penalties may be assessed instead of or in addition to any licence or certificate action described in regulation 20 of these Regulations.

(4) Guidelines for civil penalties and certificate actions are listed in IS 1:17 contained in the Schedule hereto.

Criminal penalties

17.—(1) The Act establishes criminal penalties for any person who knowingly and willfully violates specified provisions of the Act, or any regulation or order issued thereunder.

(2) If the Authority becomes aware of a possible violation of any criminal provision of the Act that is under the jurisdiction of another Malawi government agency, the Authority shall immediately report it to the appropriate Malawi government agency in a manner prescribed by both government agencies.

(3) Guidelines for criminal penalties and certificate actions are listed in IS 1:17 contained in the Schedule hereto.

Certificate action

18.— (1) Suspension or revocation of a licence or certificate for violation of the regulations—

(*a*) the holder of any licence or certificate issued under these regulations who violates any provision of the Act, as amended, or any regulation or order issued thereunder, is subject to suspension or revocation of the licence or certificate, in accordance with the provisions of the Act;

(*b*) any licence or certificate issued under these regulations ceases to be effective, if it is surrendered, suspended, or revoked; and

(*c*) the holder of any licence or certificate issued under these regulations that has been suspended or revoked shall return that licence to the Authority when requested to do so by the Authority.

(2) Re-examination or re-inspection of a certificate or licence for lack of qualification—

(*a*) under the Act, the Authority may re-inspect any civil aircraft, aircraft engine, propeller, appliance, air operator, school, or approved maintenance organization, or any civil airman holding a certificate or licence issued under the Act;

(*b*) If, as a result of that re-inspection or re-examination, or any other investigation made by the Authority, the Authority determines that a lack of qualification exists, and that safety in air transport and the public interest requires it, the Authority may issue an order to amend, modify, suspend, or revoke the licence or certificate in whole or in part;

(*c*) procedures for the re-examination of personnel licences, ratings, authorizations, or certificates are set forth in the Aviation (Personnel Licensing) Regulations, 2013.

(3) Notice and opportunity to be heard—Unless safety in air transport requires immediate action, prior to a final determination under regulation 17, the Authority shall provide the person with an opportunity to be heard as to why such certificate or licence should not be amended, modified, suspended, or revoked.

(4) Reapplication after revocation—Unless otherwise authorized by the Authority, a person whose licence, certificate, rating, or authorization has been revoked may not apply for any licence, certificate, rating, or authorization for 1 year after the date of revocation.

(5) Reapplication after suspension—Unless otherwise authorized by the Authority, a person whose licence has been suspended may not apply for any licence, rating, or authorization during the period of suspension.

Seizure of aircraft and prevention of flight

19.—(1) As provided by the Act, an aircraft that is involved in a violation for which a civil penalty has been imposed or may be imposed on its owner or operator may be subject to seizure by the Authority in accordance with enforcement procedures set forth by the Authority.

Power to flight

20.—(1) The Authority is authorized to direct the operator or prevent airman of a civil aircraft that the aircraft is not to be operated in situations where—

(*a*) the aircraft shall not be airworthy;

(*b*) the airman may not be qualified or physically or mentally capable for the flight; or

(*c*) the operation would cause imminent danger to persons or property on the ground.

(2) The Authority may take such steps as are necessary to detain such aircraft or airmen.

Obstruction

21. No person shall willfully obstruct or impede any person acting in of persons the exercise of his powers or performance of his duties under these Regulations.

Enforcement

22. Any person who fails to comply with any direction given either of directions generally or specially by the Authority or by any authorized person under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

Exemptions from liability

23. The Government and the servants or agents of the Government shall not be liable for loss or damage by any cause to aircraft, or for loss or damage from whatever cause arising to goods, mail or other articles, or for loss or injury from whatever cause arising to passengers or other persons (including pilots, engineers or other personnel of aircraft) landing at, departing from, accommodated in or at any Government aerodrome or flying in Malawi airspace even if such loss or damage or injury is caused by or arises from negligence on the part of any servants or agents of Government.

Part IV—Exemptions

Application

24. This Part prescribes procedures for the request, review, and denial or issuance of exemptions from all other aviation regulations.

General

25.—(1) Any interested person may apply to the Authority for an exemption from these Regulations.

(2) Only the Authority may issue exemptions, and no person may take or cause to be taken any action not in compliance with these Regulations unless the Authority has issued an applicable exemption to the person.

(3) Exemptions will only be granted in extraordinary circumstances.

Requirements for application for exemption

26.—(1) Applications for an exemption should be submitted at least 60 days in advance of the proposed effective date, to obtain timely review.

(2) The request must contain the applicant's—

(*a*) name;

(*b*) street address and mailing address, if different;

(*c*) telephone number;

(*d*) fax number if available;

(*e*) email address if available; and

(*f*) agent for all purposes related to the application.

(3) If the applicant is not a citizen or legal resident of Malawi, the application must specify a Malawi agent for service.

Substance of the request for exemption

27.—(1) Applications must contain the following—

(*a*) a citation of the specific requirement from which the applicant seeks relief;

(*b*) description of the type of operations to be conducted under the proposed exemption;

(*c*) the proposed duration of the exemption;

(*d*) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;

(*e*) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the Regulation in question;

(*f*) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and

(*g*) if the applicant seeks to operate under the proposed exemption outside of Malawi airspace, the application must also indicate whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organization (ICAO).

(2) If the applicant seeks emergency processing, the application must contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency. The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply in a timely fashion.

Review, publication, and issue or denial of the exemption—initial review by the authority

28.—(1) The Authority will review the application for accuracy and compliance with the requirements of this regulation and regulation 29 hereunder.

(2) If the application appears on its face to satisfy the provisions of this regulation and regulation 29, the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application for comment and specify the date by which comments shall be received by the Authority for consideration.

(3) If the filing requirements of this regulation and regulation 29 hereunder have not been met, the Authority will notify the applicant and take no further action until the applicant complies with the requirements of this regulation and regulation 29 hereunder.

Evaluation of the request

29.—(1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to include—

(*a*) a determination of whether an exemption would be in the public interest;

(*b*) a determination, after a technical evaluation, of whether the applicant's proposal would provide a level of safety equivalent to that established by this Regulation—if it appears to the Authority that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;

(*c*) a determination, if the applicant seeks to operate under the exemption outside of Malawi airspace, of whether a grant of the exemption would contravene the applicable ICAO Standards and Recommended Practices;

(*d*) an evaluation of comments received from interested parties concerning the proposed exemption; and

(*e*) a recommendation, based on the preceding elements, of whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

Notification of determination

30.—(1) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request. The summary shall specify the duration of the exemption and any conditions or limitations to the exemption.

(2) If the request is for emergency relief, the Authority will publish the application and/or the Authority's decision as soon as possible after processing the application.

(3) If the exemption affects a significant population of the aviation community of Malawi the Authority shall also publish the summary in its aeronautical information publications.

Extension of the exemption to other interested parties

31.—(1) If the Authority determines that an exemption should be granted, other persons or organizations may apply to the Authority to be included in the relief granted.

(2) Such applications shall be in accordance with the requirements of regulations 28 and 29 of these Regulations.

(3) If the Authority determines that the request merits extension of the exemption to the applicant, it shall notify the applicant by letter, specifying the duration of the exemption, and listing any additional conditions that may pertain to the applicant that are not addressed in the underlying exemption.

Part V—Safety Management

Safety management

32.—(1) The AOC, ATO, and AMO shall implement a safety management system acceptable to the Authority that as a minimum—

(*a*) identifies safety hazards;

(*b*) ensures the implementation of remedial action necessary to maintain agreed safety performance;

(*c*) provides for continuous monitoring and regular assessment of the safety performance; and

(*d*) aims at a continuous improvement of the overall performance of the safety management system.

(2) The safety management system shall clearly define lines of safety accountability throughout the approved training organization, including a direct accountability for safety on the part of senior management.

(3) An AOC holder that operates aircraft with a maximum certificated take-off mass more than 27,000 kg shall include a flight data analysis programme as part of its safety management system.

(4) The AOC's holder flight data analysis (FDA) programme shall be non-punitive and contain adequate safeguards to protect the source(s) of the data.

(5) The AOC holder's safety management system shall include a flight safety documents system for the use and guidance of its operational personnel.

(6) The AOC holder's fatigue risk management programme shall be incorporated within the framework of its safety management system.

(7) The safety management system shall contain the components and elements listed in IS 1:34 contained in the Schedule hereto.

Part VI—Control of Air Trafic

Prohibition of flying

33.—(1) The Authority may, where it deems necessary in the public interest to restrict or prohibit flying temporarily over any area of Malawi or along any route therein by reason of—

(*a*) the intended gathering or movement of a large number of persons;

(*b*) the intended holding of an aircraft race or contest or of an exhibition of flying; or

(*c*) national defence or any other reason affecting the public interest.

(2) The Authority may give directions prohibiting, restricting or imposing conditions on flight, either generally or in relation to any class or type of aircraft, over any such area or along any such route, and an aircraft shall not fly in contravention of such directions.

Designation of airways

34.—(1) The Director shall develop, plan for, and formulate air routes and policy with respect to the use of the navigable airspace of Malawi. The Director shall assign the use of the navigable airspace under such terms, conditions, and limitations as the Director shall find necessary to ensure the safety of aircraft and the efficient utilization of such airspace.

(2) The authority of the Director under subregulation (1) shall be exercised only in that airspace for which air traffic control responsibility has not been assigned to a foreign country by international agreement or other arrangement.

(3) The Authority may designate as an air route a defined airspace identified to the extent necessary for the application of flight rules and forming a route between two points.

(4) The Authority may designate as an airway a defined air space which consists of or is within a control area, forms a path identified by an area of specified width on the surface of the earth and is equipped with radio navigation aids.

(5) The Authority may determine the conditions of use of any air route or air way designated by the Director.

(6) The Authority shall cause to be notified any such designation or determination as is mentioned in this regulation.

(7) The Director may, within the limits of available appropriations—

(*a*) acquire, establish, and improve air navigation facilities wherever necessary; and

(*b*) operate and maintain such air navigation facilities.

Balloons, kites

35.—(1) Except with a written permission of the Authority and in accordance with any conditions subject to which the permission may be granted within Malawi—

(*a*) a captive balloon or kite shall not be flown at a height of more than 200 feet above the ground level or within the 60 meters of any vessel, vehicle or structure;

(*b*) captive balloon shall not be thrown within 3 miles of an aerodrome;

(*c*) balloon exceeding 2 meters in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon, shall not be flown in controlled airspace;

(*d*) a kite shall not be flown within 3 miles of any aerodrome; and

(*e*) an airship shall not be moored.

(2) A captive balloon when in flight shall be securely moored, and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

Part VII—Delegation of Powers and Stastistical Returns

Delegation of powers

36.—(1) The Minister may, by writing under his hand, delegate any of his powers and functions under these Regulations (except this power of delegation), in relation to any matter or class or matters, to the Director of Civil Aviation so that the delegated powers and functions shall be exercised by the Director with respect to the matter specified in the instrument of delegation as fully and effectually as by the Minister.

(2) The Director may, by writing under his hand delegate any of his powers and functions under these Regulations (except this power of delegation), in relation to any matter or class or matters or in relation to any part of Malawi so that the delegated powers or functions shall be exercised by the delegate with respect to the matter or class of matters, or the part of Malawi specified in the instrument of delegation as fully and effectually as by the Director.

(3) The Director is authorized to delegate any assigned powers and duties to any properly qualified private person, subject to such regulation, supervision, and review as may be prescribed. However, the Director shall ensure that such functions are not delegated in such a way that air operators, aerial work or general aviation operators and maintenance facilities, in effect, regulate themselves.

Statistical returns

37. All operators shall render monthly returns or such other returns or information as and when required for statistical purposes to the Authority.

PART VIII—CERTIFICATION, LICENSING AND REGISTRATION OF AERODROMES

Certification of aerodromes

38. The Authority may certify any aerodrome in Malawi serving international scheduled flights subject to the operator of the aerodrome taking the necessary safety and security measures at the aerodrome.

Licensing of aerodromes

39. The Authority may license any aerodrome in Malawi subject to such conditions as he thinks fit, for the take-off and landing of aircraft engaged in flights for the public transport of passengers, or for the purpose of instruction in flying, or any other purposes by any classes of such aircraft.

SCHEDULE

IMPLEMENTING STANDARDS

(GENERAL POLICIES, PROCEDURES AND DEFINITIONS)

IMPLEMENTING STANDARDS

IS 1:12 LIST OF PSYCHOACTIVE SUBSTANCES

The following are deemed to be psychoactive substances—

(1) Alcohol
(2) Apioids
(3) Cannabinoids
(4) Sedatives and hypnotics
(5) Cocaine and other stimulants (except caffeine)
(6) Hallucinogens
(7) Volatile solvents

IS 1:17 LEGAL ENFORCEMENT ACTIONS

(1) These sanction guidance tables provide a recommended approach to assessment of sanctions by the authority for violations of the Aviation Regulations.

(2) These tables describe civil penalties as minimum, moderate, or maximum for a single violation of a particular regulation.

TABLE 1—RANGE OF CIVIL PENALTIES

Party committing violation		*Amount of Penalty in US$*	
Air Carriers	Maximum . .		50,000
	Moderate . .		20,000
	Minimum . .		5,000
Airport Operators.	Maximum . .		25,000
	Moderate . .		10,000
	Minimum . .		2,500

Party committing violation		*Amount of Penalty in US$*
Air Carrier Personnel	Maximum . .	5,000
	Moderate . .	2,000
	Minimum . .	500
General Aviation Owners, Operators, Mechanics, and non-licensed persons	Maximum . .	3,000
	Moderate . .	2,000
	Minimum . .	400
Approved Maintenance Organizations . .	Maximum . .	20,000
	Moderate . .	10,000
	Minimum . .	2,500
Approved Training Organizations	Maximum . .	20,000
	Moderate . .	10,000
	Minimum . .	2,500

1. Air Operators and Airport Operators

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(1) Maintenance manual—		
(*a*) failure to maintain current manual	Minimum civil penalty	Up to 7 day suspension
(*b*) failure to provide adequate instructions and procedures in manual	Moderate to maximum civil penalty	
(*c*) failure to distribute manual to appropriate personnel . .	Minimum to moderate civil penalty	
(*d*) release of aircraft without required equipment . .	Moderate to maximum civil penalty	Up to 7 day suspension
(2) Failure to comply with airworthiness directives . .	Moderate to maximum civil penalty	
(3) Operations specifications—		
(*a*) failure to comply with inspection and overhaul time limitations	Moderate civil penalty	Up to 7 day suspension
(*b*) operations contrary to operations specifications— technical non-compliance . .	Minimum civil penalty	

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(c) operations contrary to operations specifications—likely potential or actual adverse effect on safe operations	Moderate to maximum civil penalty	
(4) Failure to provide adequately for proper servicing, maintenance, repair, and inspection of facilities and equipment	Maximum civil penalty	Indefinite suspension until proper servicing, maintenance, repair, and inspection of facilities and equipment is provided to revocation.
(5) Failure to provide or maintain a maintenance and inspection organization	Maximum civil penalty	Indefinite suspension until appropriate maintenance and inspection organization is provided to revocation.
(6) Training programme—		
(*a*) failure to have or maintain an effective training programme	Maximum civil penalty	Indefinite suspension until compliance is demonstrated to revocation
(*b*) failure to maintain training programme	Moderate to maximum civil penalty	
(*c*) failure to train personnel adequately	Moderate to maximum civil penalty	
(7) Maintenance or Aircraft Paperwork	Moderate to maximum civil penalty	
(*a*) incomplete or unsigned release	Minimum to maximum civil penalty	

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*b*) failure to revise aircraft data after repair	Moderate to maximum civil penalty	
(8) Performance of maintenance—		
(*a*) by unauthorized person . .	Maximum civil penalty	
(*b*) failure to perform or improper maintenance . .	Moderate to maximum civil penalty	
(9) Failure to revise aircraft data after repair	Moderate to maximum civil penalty	
(10) Records and reports—		
(*a*) failure to make accurate mechanical interruption summary report	Moderate to maximum civil penalty	
(*b*) failure to make available reports of major alterations or repairs	Moderate to maximum civil penalty	Indefinite suspension to revocation
(*c*) failure to make accurate mechanical reliability reports	Moderate to maximum civil penalty	
(*d*) failure to keep maintenance records	Maximum civil penalty to 7-day suspension and thereafter until aircraft is in airworthy conditions	
(*e*) failure to make required entry in aircraft log . .	Moderate to maximum civil penalty	
(*f*) failure to make available pilot records	Moderate to maximum civil penalty	Indefinite suspension to revocation
(*g*) failure to make available load manifests	Moderate to maximum civil penalty	Indefinite suspension to revocation

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*h*) failure to monitor and record enroute radio communications	Moderate to maximum civil penalty	
(*i*) deliberate violation—intentional false or fraudulent entry; reproduction, or alteration in record or report . .	. . . . .	Revocation
(*i*) deliberate violation—other	. . . . .	180 day suspension to revocation
(11) Operation of an unairworthy aircraft—		
(*a*) technical non-conformity to type certificate, but no likely effect (potential or actual) on safe operation . .	Minimum civil penalty	
(*b*) non-conformity which may have, or has, an adverse effect on safety of operation	Moderate to maximum civil penalty	
(*c*) release of aircraft without required equipment . .	Moderate to maximum civil penalty	Up to 7 day suspension
(12) Provisions specific to passenger-carrying—		
(*a*) boarding or serving alcoholic beverages to a person who appears to be intoxicated	Maximum civil penalty	
(*b*) failure to brief passengers . .	Moderate to maximum civil penalty	
(*c*) failure to ensure seat and belt for each passenger . .	Maximum civil penalty	
(*d*) operation without operable public address system . .	Maximum civil penalty	
(*e*) failure to store baggage properly	Moderate civil penalty	
(13) Failure to make available a seat on the flight deck for Authority inspectors conducting an en route inspection	Maximum civil penalty	

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(14) Provisions specific to flight deck crew—		
(*a*) using an unqualified crewmember	Maximum civil penalty	
(*b*) using a crewmember with an expired medical certificate	Minimum to moderate civil penalty	
(*c*) flight and duty time violations	Moderate civil penalty	
15. Violation of flight dispatch and release	Moderate to maximum civil penalty	
(16) Other provisions—		
(*a*) improperly returning an aircraft to service . .	Maximum civil penalty	
(*b*) illegal carriage of controlled substance with knowledge of carrier, i.e., knowledge of management personnel	. . . . .	Revocation
(*c*) use of unqualified personnel other than flight deck crewmember	Maximum civil penalty	
(17) Security violations—		
(*a*) failure to properly screen baggage or each passenger	Maximum civil penalty	
(*b*) unauthorized access to airport operations area` . .	Maximum civil penalty	
(*c*) failure to comply with air carrier security programme, including failure to detect weapons, incendiary and other dangerous devices . .	Maximum civil penalty	
(*d*) management personnel coerce, condone, or encourage falsification of records/reports	Revocation	
(*e*) deliberate failure to maintain employee records	Maximum civil penalty	

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*f*) failure to challenge . .	Moderate civil penalty	
(*g*) failure to test screeners or test equipment	Moderate civil penalty	
(*h*) failure to properly train	Moderate civil penalty	
(*i*) unintentional failure to maintain screener test records	Minimum to moderate civil penalty	
(*j*) improper use of dosimeters	Minimum civil penalty	
(*k*) failure to display identification	Minimum to moderate civil penalty	
(*l*) failure to manage/control identification system . .	Maximum civil penalty	
(*m*) failure to conduct background check . .	Minimum to moderate civil penalty	
(*n*) failure to detect test objects	Maximum civil penalty	
(*o*) failure to comply with approved or current security programme	Maximum civil penalty	
(*p*) failure of the law enforcement officer to respond in a timely manner	Maximum civil penalty	
2. PERSONNEL OF AIR CARRIERS		
(1) Maintenance, including inspections—		
(*a*) performing maintenance without a licence, rating or authorization	Maximum civil penalty	
(*b*) performing maintenance that exceeds limitations . .	. . . . .	30 to 45 day suspension
(*c*) pailure to perform maintenance properly . .	. . . . .	30 to 120 day suspension
(2) Inspection personnel—		
(*a*) failure to make required inspection	. . . . .	30 to 60 day suspension
(*b*) making improper inspection	. . . . .	30 to 120 day suspension

	Violation	*Recommended Sanction per Violation*	*Certificate Action*
	(*c*) improperly releasing an aircraft to service . .	. . . . .	30 to 60 day suspension
	(*d*) releasing aircraft for service without required equipment	. . . . .	30 to 60 day suspension
(3)	Records and reports—		
	(*a*) failure to make entries in aircraft log	. . . . .	15 to 60 day suspension
	(*b*) failure to make entries in worksheets	. . . . .	15 to 30 day suspension
	(*c*) failure to make entries in other maintenance record . .	. . . . .	15 to 30 day suspension
	(*d*) failure to sign off work or inspection performed . .	. . . . .	15 to 30 day suspension
	(*e*) failure to complete and sign maintenance release . .	. . . . .	15 to 30 day suspension
	(*f*) intentional falsification of records or reports . .	. . . . .	Revocation
(4)	Pre-flight—		
	(*a*) failure to use pre-flight cockpit checklist	. . . . .	30 to 60 day suspension
	(*b*) failure to check aircraft logs, flight manifests, weather, etc.	. . . . .	30 to 90 day suspension
	(*c*) failure to make the required inspection	. . . . .	30 to 60 day suspension
	(*d*) failure to inspect, or improper inspection of, aircraft	. . . . .	15 to 30 day suspension
	(*e*) Failure to ensure seat and belt available for each passenger	. . . . .	30 to 60 day suspension
(5)	Taxiing—		
	(*a*) failure to adhere to taxi clearance or instruction . .	. . . . .	30 to 60 day suspension
	(*b*) collision while taxiing . .	. . . . .	30 to 180 day suspension
	(*c*) jet blast	. . . . .	30 to 120 day suspension
	(*d*) taxiing with passenger standing	. . . . .	30 to 60 day suspension

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*e*) taxiing off runway, taxiway or ramp	. . . . .	30 to 90 day suspension
(6) Take-off—		
(*a*) take-off against instruction or clearance	. . . . .	60 to 120 day suspension
(*b*) take-off below weather minima	. . . . .	60 to 120 day suspension
(*c*) take-off in overloaded aircraft (in excess of maximum gross weight) . .	. . . . .	60 to 120 day suspension
(7) Enroute—		
(*a*) deviation from clearance or instruction	. . . . .	30 to 90 day suspension
(*b*) operating VFR within clouds	. . . . .	90 day suspension to revocation
(*c*) Operation of unairworthy aircraft	. . . . .	30 to 180 day suspension
(*d*) unauthorized departure from flight desk	. . . . .	15 to 30 day suspension
(*e*) operating within restricted or prohibited area, or within positive control area with clearance	. . . . .	30 to 90 day suspension
(*f*) operating without required equipment	. . . . .	15 to 120 day suspension
(*g*) fuel mismanagement/ exhaustion	. . . . .	30 to 150 day suspension
(*h*) operating contrary to NOTAM	. . . . .	30 to 90 day suspension
(*i*) unauthorized manipulation of controls	. . . . .	30 to 90 day suspension
(8) Approach to landing—		
(*a*) deviation from clearance or instruction in terminal area	. . . . .	30 to 90 day suspension

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*b*) Approach below weather minima	. . . . .	60 to 120 day suspension
(*c*) Exceeding speed limitation in airport traffic areas . .	. . . . .	30 to 60 day suspension
(9) Landing—		
(*a*) landing at wrong airport . .	. . . . .	90 to 180 day suspension
(*b*) deviation from instrument approach procedure . .	. . . . .	30 to 90 day suspension
(*c*) overweight landing . .	. . . . .	30 to 90 day suspension
(*d*) hard landing	. . . . .	15 to 60 day suspension
(*e*) short or long landing . .	. . . . .	30 to 180 day suspension
(*f*) wheels up landing . .	. . . . .	15 to 90 day suspension
(*g*) failure to comply with preferential runway system	. . . . .	15 day suspension
(*h*) deviating from clearance or instruction	. . . . .	30 to 90 day suspension
(10) Unauthorized admission to flight deck	. . . . .	30 to 90 day suspension
(11) Failure to close and lock cockpit door	Maximum civil penalty	to 30 day suspension
(12) Acting as flight crewmember while under the influence of liquor or other psychoactive substances, or alcoholic beverage consumption within 8 hours	. . . . .	Emergency revocation
(13) Denial of authorized entry to flight deck	. . . . .	30 to 60 day suspension
(14) Flight and duty time limitations	. . . . .	15 to 90 day suspension
(15) Operation without required licence, certificate or rating—		
(*a*) medical certificate . .	. . . . .	15 to 60 day suspension
(*b*) lack of type rating . .	. . . . .	180 day suspension to revocation

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*c*) missed proficiency check . .	. . . . .	30 to 90 day suspension
(*d*) lack of current experience. .	. . . . .	30 to 90 day suspension
(*e*) failure to have current certificate or licence in possession	Moderate civil penalty	to 7-day suspension
(*f*) operation with known disqualifying physical disability	. . . . .	Revocation
(*g*) operating without valid medical certificate when not medically qualified or application for medical certificate deferred . .	. . . . .	Revocation
(16) Failure to keep manual current	Minimum civil penalty	30 to 90 day suspension

3. Individuals and General Aviation—Owners, Pilots, Maintenance Personnel, Approved Maintenance Organizations, Approved Training Organizations

(1) Owners and operators other than required crewmembers—		
(*a*) failure to comply with airworthiness directives . .	Moderate to maximum civil penalty	
(*b*) failure to perform or improper performance of . .	Moderate to maximum civil penalty	
(*c*) failure to make proper entries in aircraft logs . .	Minimum to moderate civil penalty	
(*d*) operation of aircraft beyond annual, 100-hour, or progressive inspection . .	Minimum to moderate civil penalty	
(*e*) operation of unairworthy aircraft	Moderate to maximum civil penalty	
(*f*) Intentional falsification of any entry, reproduction, or alternation in any record or report	Maximum civil penalty	Revocation

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(2) Aviation maintenance organizations—		
(*a*) failure to provide adequately for proper servicing, maintenance repairs, and inspection	Moderate to maximum civil penalty	Indefinite suspension until compliance to revocation
(*b*) failure to provide adequate personnel who can perform, supervise, and inspect work for which the station is rated	Maximum civil penalty to 7-day suspension and thereafter until adequate personnel are provided	Indefinite suspension until compliance to revocation
(*c*) failure to have enough qualified personnel to keep up with the volume of work	Maximum civil penalty to 7-day suspension and thereafter until certificate holder has enough qualified personnel	to 7-day suspension and thereafter until certificate holder has enough qualified personnel
(*d*) failure to maintain records of supervisory and inspection personnel . .	Moderate to maximum civil penalty	
(*e*) failure to maintain performance records and reports	Moderate to maximum civil penalty	
(*f*) failure to ensure correct calibration of all inspection and test equipment is accomplished at prescribed intervals	Minimum to maximum civil penalty	

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*g*) failure to set forth adequate description of work performed	Minimum to maximum civil penalty	
(*h*) failure of mechanic to make log entries, records, or reports	Moderate to maximum civil penalty	
(*i*) failure to sign or complete maintenance release . .	Minimum to moderate civil penalty	
(*j*) inspection of work performed and approval for return to service by other than a qualified inspector . .	Maximum civil penalty to 30-day suspension . .	Up to 30-day suspension
(*k*) failure to have an adequate inspection system that produces satisfactory quality control	Moderate civil penalty to 30 day suspension and thereafter until an adequate inspection system is attained. . .	Up to 30-day suspension and thereafter until an adequate inspection system is attained
(*l*) maintaining or altering an article for which it is rated, without using required technical data, equipment, or facilities	Maximum civil penalty to 30-day suspension . .	Up to 30-day suspension
(m) failure to perform or properly perform maintenance, repairs, alterations, and required inspections	Moderate to maximum civil penalty	Up to 30-day suspension

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*n*) maintaining or altering an airframe, powerplant, propeller, instrument, radio, or accessory for which it is not rated.	Maximum civil penalty to revocation.	Suspension or revocation
(*o*) failure to report defects or unairworthy conditions to the Authority in a timely manner.	Moderate to maximum civil penalty	
(*p*) failure to satisfy housing and facility requirements . .	Moderate civil penalty to suspension until housing and facility requirements are satisfied	
(*q*) change of location, housing, or facilities without advance written approval	Moderate civil penalty to suspension until approval is given	
(*r*) operating as a certificated repair station without a repair station certificate . .	Maximum civil penalty	
(*s*) failure to permit Authority to inspect	Maximum civil penalty to suspension until Authority is permitted to inspect.	Indefinite suspension until Authority is permitted to inspect
(3) General aviation maintenance personnel—		
(*a*) failure to revise aircraft data after major repairs or alterations	. . . . .	30 to 60-day suspension
(*b*) failure to perform or improper performance of maintenance	. . . . .	30 to 120-day suspension

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*c*) failure of mechanic to properly accomplish inspection	. . . . .	30 to 60-day suspension
(*d*) failure of mechanic to record inspection . .	. . . . .	15 to 30-day suspension
(*e*) failure of inspection authorization holder to properly accomplish inspection	. . . . .	60 suspension to revocation
(*f*) failure of inspection authorization holder to record inspection . .	. . . . .	15 to 30-day suspension
(*g*) maintenance performed by person without a certificate	Moderate to maximum civil penalty	
(*h*) maintenance performed by person who exceeded certificate limitations . .	. . . . .	15 to 60-day suspension
(*i*) improper approval for return to service	. . . . .	30 to 120-day suspension
(*j*) failure to make maintenance record entries	. . . . .	30 to 60-day suspension
(*k*) failure to set forth adequate description of work performed	. . . . .	15 to 30 day suspension
(*l*) falsification of maintenance records	. . . . .	Revocation
(4) Student operations—		
(*a*) carrying passengers . .	. . . . .	Revocation
(*b*) solo flight without endorsement	. . . . .	45 to 90-day suspension
(*c*) operation on international flight	. . . . .	60 to 90-day suspension
(*d*) use of aircraft in business . .	. . . . .	30 to 120-day suspension
(*e*) operation for compensation or hire	. . . . .	Revocation

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(5) Instructors for licences, ratings, authorizations and endorsement—		
(*a*) false endorsement of a student licence, rating, authorization, or record . .	. . . . .	Revocation
(*b*) exceeding flight time limitations or other training time limitations	. . . . .	30 to 90-day suspension
(*c*) instruction in aircraft, and/or course for which he/she is not rated . .	. . . . .	30 to 180-day suspension
(6) Operational violations—		
(*a*) operation without valid airworthiness or registration certificate	30 to 90 day suspension	
(*b*) failure to close flight plan or file arrival notice . .	Administrative action to minimum civil penalty	
(*c*) operation without valid pilot certificate (no certificate)	Maximum civil penalty	
(*d*) operation while pilot certificate is suspended . .	. . . . .	Emergency revocation
(*e*) operation without pilot or medical certificate in personal possession . .	Minimum civil penalty	
(*f*) operation without valid medical certificate (no medical certificate issued)		Revocation
(*g*) operation for compensation or hire without commercial pilot certificate	. . . . .	90 day suspension to revocation
(*h*) operation without type or class rating	. . . . .	60 to 120-day suspension
(*i*) failure to comply with special conditions of medical certificate . .	. . . . .	90-day suspension to revocation

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*j*) operation with known physical deficiency . .	. . . . .	90-day suspension to revocation
(*k*) failure to obtain preflight information	. . . . .	30 to 90-day suspension
(*l*) deviation from ATC instruction or clearance . .	. . . . .	30 to 90-day suspension
(*m*) taxiing, take-off, or landing without a clearance where ATC tower is in open . .	. . . . .	30 to 90-day suspension
(*n*) failure to maintain radio communications in airport traffic area	30 to 60 day suspension	
(*o*) failure to comply with airport traffic pattern . .	. . . . .	30 to 60-day suspension
(*p*) operation in terminal control area without or contrary to a clearance . .	. . . . .	60 to 90-day suspension
(*q*) failure to maintain altitude in airport traffic area . .	. . . . .	30 to 60-day suspension
(*r*) exceeding speed limitations in traffic area	. . . . .	30 to 60-day suspension
(*s*) operation of unairworthy aircraft	. . . . .	30 to 180-day suspension
(*t*) failure to comply with airworthiness directives . .	. . . . .	30 to 180-day suspension
(*u*) operation without required instruments and/or equipment	. . . . .	30 to 90-day suspension
(*v*) exceeding operating limitations		30 to 90-day suspension
(*w*) operation within prohibited or restricted area, or within positive control area . .	. . . . .	30 to 90-day suspension
(*x*) failure to adhere to right of way rules	. . . . .	30 to 90-day suspension
(*y*) failure to comply with VFR cruising altitudes. . . .	. . . . .	30 to 90-day suspension

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*z*) failure to maintain required minimum altitudes over structures, persons, or vehicles over—		
(i) congested area . .	. . . . .	60 to 180-day suspension
(ii) sparsely populated area	. . . . .	30 to 120-day suspension
(*aa*) failure to maintain radio watch while under IFR . .	. . . . .	30 to 60-day suspension
(*bb*) failure to report compulsory reporting points	. . . . .	30 to 60-day suspension
(*cc*) failure to display position lights	. . . . .	30 to 60-day suspension
(*dd*) failure to maintain proper altimeter settings . .	. . . . .	30 to 60-day suspension
(*ee*) weather operations—		
(i) failure to comply with visibility minima in controlled airspace	. . . . .	60 to 180-day suspension
(ii) failure to comply with visibility minima outside controlled airspace	. . . . .	30 to 120-day suspension
(iii) failure to comply with distance from clouds requirements in controlled airspace	. . . . .	60 to 180-day suspension
(iv) failure to comply with distance from clouds requirements outside of controlled airspace	. . . . .	30 to 120-day suspension
(*ff*) failure to comply with IFR landing minima . .	. . . . .	45 to 180-day suspension

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*gg*) failure to comply with instrument approach procedures	. . . . .	45 to 180-day suspension
(*hh*) careless or reckless operations—		
(i) fuel mismanagement/ exhaustion . .	. . . . .	30 to 150-day suspension
(ii) wheels up landing	. . . . .	30 to 60-day suspension
(iii) short or long landing	. . . . .	30 to 90-day suspension
(iv) landing on or taking-off from closed runway . .	. . . . .	30 to 60-day suspension
(v) landing or taking-off from ramps or other improper areas	. . . . .	30 to 120-day suspension
(vi) taxiing collision		
(vii) leaving aircraft unattended with motor running . .	. . . . .	30 to 90-day suspension
(viii) propping aircraft without a qualified person at controls. .	. . . . .	30 to 90-day suspension
(*ii*) passenger operations—		
(i) operation without approved seat belts	. . . . .	30 to 60-day suspension
(ii) carrying passengers who are under the influence of drugs or alcohol . .	. . . . .	60 to 120-day suspension
(iii) performing acrobatics when all passengers are not equipped with approved parachutes	. . . . .	60 to 90-day suspension

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(7) ID plate violations—		
(*a*) Aircraft Registration Marking—Improper removal, changing or placing of identification information on a product—		
(i) inadvertent	Minimum civil penalty	
(ii) intentional misrepresenting identity of product	Maximum civil penalty	
(*b*) Aircraft Registration Marking—Improper removal or installation of identification place—		
(i) inadvertent	Minimum civil penalty	
(ii) intentional misrepresenting identity of product	Maximum civil penalty	
(8) Approved training organizations—		
(*a*) knowingly permitting school aircraft to be used for unlawful carriage of controlled substances or other illegal activities . .	. . . . .	Revocation
(*b*) refusal to permit inspection of facilities, equipment, personnel, records, or certificate	Maximum civil penalty	
(*c*) false advertising	Maximum civil penalty	
(*d*) improper crediting to or graduation of student—		
(i) inadvertent	Moderate to maximum civil penalty	
(ii) intentional	. . . . .	Revocation
(*e*) refusal to permit CAA test, check or examination of student	Maximum civil penalty	Indefinite suspension until compliance to revocation
(*f*) unqualified or unauthorized instruction	Moderate to maximum civil penalty	

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*g*) failure to establish or maintain training record . .	Moderate to maximum civil penalty	
4. Security and Safety Violations by Individuals		
(1) Checked baggage—		
(*a*) failure to declare unloaded firearm	Minimum civil penalty	
(*b*) loaded firearm	Moderate to maximum civil penalty	
(*c*) incendiary/explosive . .	Up to maximum civil penalty and/or criminal referral	
(2) Non-passengers—No intent to board—		
(*a*) possession of firearm (unloaded, unloaded with ammunition accessible, or loaded) or other dangerous or deadly weapon (including stun guns)—		
(i) at screening point with no aggravating circumstances . .	Minimum civil penalty	
(ii) at screening point with aggravating circumstances. . . .	Moderate to maximum civil penalty	
(iii) in sterile area with no aggravating circumstances . .	Minimum to moderate civil penalty	
(iv) in sterile area with aggravating circumstance . .	Moderate to maximum civil penalty	
(*b*) possession of incendiary/ explosive at screening point or in sterile area with no intent to board a flight. . .	Moderate to maximum civil penalty and/or criminal referral	

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*c*) artful concealment of firearm (loaded or unloaded) other dangerous or deadly weapon (including stun guns), or incendiary/ explosive at screening point or in sterile area.	Maximum civil penalty and/or criminal referral	
(3) Passengers: Intent to board—		
(*a*) possession of dangerous or deadly weapon (including stun guns, mace, etc., but excluding firearms and incendiary/explosives) that would be accessible in flight in air transportation—		
(i) at screening point with no aggravating circumstances . .	Minimum civil penalty	
(ii) at screening point with aggravating circumstances . .	Moderate to maximum civil penalty	
(iii) in sterile area or aboard aircraft with no aggravating circumstances . .	Minimum to moderate civil penalty	
(iv) in sterile area or aboard aircraft with aggravating circumstances . .	Moderate to maximum civil penalty	
(*b*) possession of firearm that would be accessible in flight in air transportation with firearm unloaded, without accessible ammunition—		
(i) at screening point with no aggravating circumstances . .	Minimum to moderate civil penalty	

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(ii) at screening point with aggravating circumstances . .	Maximum civil penalty	
(iii) in sterile area or aboard aircraft with no aggravating circumstances . .	Moderate civil penalty	
(iv) in sterile area or aboard aircraft with aggravating circumstances . .	Maximum civil penalty	
(*c*) possession of firearm that would be accessible in flight in air transportation with firearm loaded, or with accessible ammunition—		
(i) at screening point with no aggravating circumstances . .	Moderate to maximum civil penalty	
(ii) at screening point with aggravating circumstances . .	Maximum civil penalty	
(iii) in sterile area or aboard aircraft with no aggravating circumstances . .	Moderate to maximum civil penalty	
(iv) in sterile area or aboard aircraft with aggravating circumstances . .	Maximum civil penalty	
(*d*) artful concealment of dangerous or deadly weapon (including stun guns, but excluding firearms and incendiary/ explosives) at screen point, in sterile area, or aboard aircraft	Maximum civil penalty and/or criminal referral	

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*e*) possession of incendiary/ explosive at screening point, in sterile area, or aboard aircraft that would be accessible in flight in air transportation.	Maximum civil penalty and/or criminal referral	
(*f*) artful concealment of firearm or incendiary/ explosive at screening point, in sterile area, or aboard aircraft.	Maximum civil penalty and/or criminal referral	
(4) Other acts—		
(*a*) entering sterile area after failing to submit to screening—non-aggravated	Minimum civil penalty	
(*b*) entering sterile area after failing to submit to screening—aggravated . .	Moderate to maximum civil penalty	
(*c*) imparting or conveying alse information concerning an attempt to do an act that would be a crime prohibited by the Act	Maximum civil penalty	
(*d*) threatening overt act or other intent to use or dangerously display firearm, incendiary/explosive, or other deadly or dangerous weapon (including stun guns)	Maximum civil penalty and/or criminal referral	
(*e*) violation of the Act	Criminal referral	
(5) Unruly passengers—		
(*a*) interference with crewmember	Maximum civil penalty	
(*b*) physical assault or threat to physically assault a flight or cabin crewmember . .	$1,100–$8,000 USD	

Violation	*Recommended Sanction per Violation*	*Certificate Action*
(*c*) physical assault or threat to physically assault an individual other than a crewmember	$500–$5,000 USD	
(*d*) acts in a manner that poses imminent threat to safety of aircraft or other individuals on aircraft	$5,000–$27,500 USD	
(*e*) smoking while "No Smoking" sign is lighted . .	Maximum civil penalty	
(*f*) smoking in aircraft lavatory	Maximum civil penalty	
(*g*) Tampering with smoke detector.	$1,800–$2,200 USD	
(*h*) failure to fasten seat belt while seat belt sign is lighted	Minimum to moderate civil penalty	
(*i*) failure to occupy an approved seat or berth with a safety belt, and, if installed, shoulder harness properly secured during movement on the surface take-off, or landing . .	Minimum to moderate civil penalty	
(*j*) operating a portable electronic device	Maximum civil penalty	
(*k*) drinking alcoholic beverages not served by operator	Maximum civil penalty	

IS 1:34 SAFETY MANAGEMENT SYSTEM

The following specifies the framework for the implementation and maintenance of a Safety Management System (SMS) by an AOC, ATO or AMO.

(1) Safety policy and objectives—

(*a*) management commitment and responsibility—

(i) the AOC, ATO or AMO shall define the organization's safety policy which shall be—

(A) in accordance with international and national requirements; and

(B) signed by the accountable executive of the organization;

(ii) the safety policy shall—

(A) reflect organizational commitments regarding safety;

(B) include a clear statement about the provision of the necessary resources for the implementation of the safety policy;

(C) be communicated with visible endorsement throughout the organization;

(D) include the safety reporting procedures;

(E) clearly indicate which types of operational behaviours are unacceptable;

(F) include the conditions under which disciplinary action would not apply; and

(G) be periodically reviewed to ensure it remains relevant and appropriate to the organization;

(*b*) safety accountabilities—

(i) the AOC, ATO or AMO shall identify, with respect to the safety performance of the SMS—

(A) the accountable executive who, irrespective of other functions, shall have ultimate responsibility and accountability, on behalf of the AOC, ATO or AMO, for the implementation and maintenance of the SMS;

(B) the accountabilities of all members of the management, irrespective of other functions; and

(C) the employees;

(ii) the AOC, ATO or AMO shall—

(A) document safety responsibilities, accountabilities and authorities;

(B) communicate these throughout the organization, and

(C) include a definition of the levels of management authority to make decisions regarding safety risk tolerability;

(*c*) appointment of key safety personnel—the AOC, ATO or AMO shall identify a safety manager to be the responsible individual and focal point of the implementation and maintenance of an effective SMS;

(*d*) coordination of emergency response planning—the AOC, ATO or AMO shall ensure that an emergency response plan that provides for the orderly and efficient transition from normal to emergency operations and the return to normal operations is properly coordinated with the emergency response plans of those organizations it must interface with during the provision of its services;

(*e*) SMS documentation—

(i) the AOC, ATO or AMO shall develop and maintain—

(A) an SMS implementation plan—

(*a*) endorsed by senior management of the organization; and

(*b*) that defines the organization's approach to the management of safety in a manner that meets the organization's safety objectives.

(B) SMS documentation describing—

(*a*) the safety policy and objectives;

(*b*) the SMS requirements;

(*c*) the SMS processes and procedures;

(*d*) the accountabilities, responsibilities and authorities for processes and procedures and the SMS outputs;

(C) a safety management systems manual (SMSM) to communicate its approach to the management of safety throughout the organization.

(2) Safety risk management—

(*a*) hazard identification—

(i) the AOC, ATO or AMO shall develop and maintain a formal process that ensures that hazards in operations are identified; and

(ii) the AOC, ATO or AMO shall base its hazard identification on a combination of reactive, proactive and predictive methods of safety data collection;

(*b*) safety risk assessment and mitigation—the AOC, ATO or AMO shall develop and maintain a formal process that ensures analysis, assessment and control of the safety risks in training operations.

(3) Safety assurance—

(*a*) safety performance monitoring and measurement—

(i) the AOC, ATO or AMO shall develop and maintain the means to—

(A) verify the safety performance of the organization; and

(B) validate the effectiveness of safety risk controls;

(ii) the AOC, ATO or AMO shall verify the safety performance of the organization in reference to the safety performance indicators and safety performance targets of the SMS;

(*b*) the management of change—the AOC, ATO or AMO shall develop and maintain a formal process to—

(i) identify changes within the organization which may affect established processes and services;

(ii) describe the arrangements to ensure safety performance before implementing changes; and

(iii) eliminate or modify safety risk controls that are no longer needed or effective due to changes in the operational environment;

(*c*) continuous improvement of the SMS—the AOC, ATO or AMO shall develop and maintain a formal process to—

(i) identify the causes of substandard performance of the SMS;

(ii) determine the implications of substandard performance of the SMS in operations; and

(iii) eliminate or mitigate such causes.