

SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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

CIVIL AVIATION AUTHORITY (APPROVED TRAINING ORGANIZATIONS)
REGULATIONS, 2011
(Under section 104)

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PART I
PRELIMINARY

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

Citation and commencement

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

Interpretation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART II CERTIFICATION AND LOCATION REQUIREMENTS

Requirements for an ATO certificate

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

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

- (a) an air operator certificate holder or approved maintenance organization certificate holder conducting training of its own personnel under the Civil Aviation (Air Operator Certification and Administration) Regulations and the Civil Aviation (Approved Maintenance Organization) Regulations respectively; and
- (b) an operator with an approved training programme in its operations manual under the Civil Aviation (Operation of Aircraft) Regulations.

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

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

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

Evaluation and checking

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

Application for issuance or amendment of an ATO certificate

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

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

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

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

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

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

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

(vii) any other items the Authority may require or allow.

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

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

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

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

Validity of the certificate

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

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

Inspection.

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

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

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

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

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

- (a) adequacy of and qualifications of staff;
- (b) validity of licences of instructors, ratings and logbooks;
- (c) training aircraft- registration, associated documents, and maintenance records;

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

Renewal of the certificate

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

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

Suspension or revocation

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

Certificate holder responsibilities

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

- (a) ensure that the facilities and working environment of the ATO are appropriate for the tasks to be performed;
- (b) ensure that it has the necessary technical data, equipment, training devices and material to conduct the courses for which it is approved;
- (c) not make a substantial change in facilities, equipment or material that have been approved for a particular training programme, unless that change is approved by the Authority in advance; and

- (d) maintain the records required by these Regulations in facilities adequate for that purpose.

Quality system for ATO

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

- (a) an independent audit procedure to monitor training standards;
 - (b) the integrity of knowledge examinations and practical assessments; and
 - (c) compliance with and adequacy of procedures.
- (2) The management of the quality system shall include feedback of the independent audit findings to the ATO senior management personnel and ultimately to the accountable manager to ensure, as necessary, corrective action.
- (3) The quality system shall meet the requirements prescribed in First Schedule.

Location of Principal Business Office

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

Satellite ATOs.

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

- (a) the facilities, equipment, personnel and course content of the satellite ATO meets the applicable requirements;
 - (b) the instructors at the satellite ATO are under the direct supervision of management personnel of the principal ATO; and
 - (c) the training specifications of the ATO certificate holder reflect the name and address of the satellite ATO and the approved training courses offered at the satellite ATO.
- (2) The Authority shall issue training specifications which prescribe the operations required and authorized at each satellite ATO.
- (3) An ATO may sub-contract certain activities to any other organization subject to the approval of the Authority.

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

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

Changes requiring notice to the Authority

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

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

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

Training Manual and Procedures Manual

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

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

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

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

**PART III
TRAINING FOR FLIGHT CREW LICENCES AND RATINGS**

Flight crew training courses

16. The Authority may approve, as provided in the training specifications, the following courses of instruction to an applicant for or a holder of an approved training

organization certificate if the applicant meets the requirements of the Civil Aviation Authority (Personnel Licensing) Regulations and these Regulations-

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

Personnel

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

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

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

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

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

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

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

Training programme and approval

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

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

- (a) a breakdown of flying and theoretical knowledge instruction in either a week-by-week or phase presentation, a list of standard exercises and a curriculum summary; in particular, synthetic flight training and theoretical knowledge instruction shall be phased in a manner that

ensures that students are able to apply to flying exercises the knowledge gained on the ground;

- (b) minimum aircraft and flight training equipment requirements for each proposed programme;
- (c) minimum instructor qualifications for each proposed programme; and
- (d) a programme for initial training and continuing training of each instructor employed to instruct in a proposed programme.

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

Training aircraft

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

- (2) The fleet provided under sub-regulation (1) shall include-
 - (a) as appropriate to the courses of training, aeroplanes suitable for demonstrating stalling and spin avoidance;
 - (b) helicopters shall include, as appropriate to the courses of training, a helicopter suitable for auto-rotation demonstration; and
 - (c) aircraft suitably equipped to simulate instrument meteorological conditions and suitably equipped for instrument flight training and testing.

Synthetic flight trainers

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

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

- (ii) each training programme or training course in which the synthetic flight trainer is used, if that programme or course is used to satisfy any requirement of these Regulations.

Aerodrome and sites

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

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

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

- (ii) simulated engine off autorotation;
- (iii) sloping ground operation.

Training facilities

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

(2) The minimum facilities shall be-

(a) for flight operations-

- (i) an operation room;
- (ii) a flight planning room;
- (iii) adequate briefing rooms;
- (iv) an office for the instructors;

(b) for knowledge instructions-

- (i) classroom accommodation;
- (ii) suitable demonstration equipment;
- (iii) a radio telephony training and testing facility;
- (iv) a library; and
- (v) an office for instructors.

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

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

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

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

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

Personnel of an ATO

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

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

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

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

Training programme and approval

25. (1) An applicant for or a holder of an approved training organization certificate shall-
- (a) ensure that each training programme submitted to the Authority for approval meets the applicable requirements;
 - (b) indicate in the application-
 - (i) courses which are part of the programme; and
 - (ii) requirements of the Civil Aviation Authority (Personnel Licensing) Regulations which may be satisfied.
- (2) Where the Authority finds that the approved training programme does not meet the applicable requirements, it shall require the holder to revise the training programme.

Training facilities, equipment and material for licensed maintenance engineer courses

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

- (a) an enclosed adequately equipped classroom;
 - (b) a well equipped library;
 - (c) workshops, equipment, tools, adequate supply of materials, special tools and similar articles for the rating sought;
 - (d) adequate office facilities; and
 - (e) secure storage facilities for examination papers and training records.
- (2) An applicant for or a holder of an ATO certificate with approved licensed maintenance engineer courses shall have and maintain adequate instructional equipment that is appropriate to the rating sought.
- (3) A holder of an ATO certificate shall not make any change in facilities, equipment or material that have been approved for a particular training programme, unless that change is approved by the Authority in advance.

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

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

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

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

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

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

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

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

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

- (a) adequate enclosed classroom;
- (b) flight operations facilities, including-

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

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

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

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

Advertising limitations

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

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

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

PART V GENERAL

Possession of the licence

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

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

Drug and alcohol testing and reporting

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

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

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorize the release of the test results,

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

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

- (a) whether the ATO had knowledge of the drug or alcohol use;
- (b) whether the ATO encouraged the person to refuse the drug or alcohol test;

- (c) whether the ATO dismissed the person who failed or refused the drug tests;
or
- (d) the position that person held in the ATO.

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

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

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

Inspection of licences and certificates

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

Change of name

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

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

- (a) the current licence or certificate; and
- (b) a court order or other legal document verifying the name change.

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

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

Change of address

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

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

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

Replacement of documents

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

Certificate suspension and revocation

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

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

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

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

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

Use and retention of Certificates and records

37. (1) No person shall-

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended or to which the person is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or

- (d) make any false representation for the purpose of procuring for themselves or any other person the grant, issue, renewal or variation of the certificate, approval, permission or exemption or other document.

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

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

(4) No person shall purport to issue any certificate or exemption for the purpose of these Regulations unless that person is competent, qualified and authorized to do so.

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

Record keeping

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

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

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

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

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

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

Reports of violation

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

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

Enforcement of directions

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

Aeronautical user fees

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

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

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

Extraterritorial application of Regulation

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

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

PART VI
OFFENCES AND PENALTIES

Contravention of regulations

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

Penalties

44. (1) If any provision of these Regulations, orders, notices or proclamations is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command shall without prejudice to the liability of any other person under these Regulations for that contravention, be deemed to have contravened that provision unless they prove that the contravention occurred without their consent or connivance and that they exercised all due diligence to prevent the contravention.

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

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

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

PART VII
EXEMPTIONS

Requirements for application

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

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

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

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

Substance of the request for exemption

46. (1) An application for an exemption shall contain the following-
- (a) a citation of the specific requirement from which the applicant seeks exemption;
 - (b) an explanation of why the exemption is needed;
 - (c) a description of the type of operations to be conducted under the proposed exemption;
 - (d) the proposed duration of the exemption;
 - (e) an explanation of how the exemption would be in the public interest, that is, benefits the public as a whole;
 - (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question; and
 - (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware.
- (2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons that the application was not timely filed, and the reason why it is an emergency.
- (3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption on time.

Initial review by the Authority

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

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

(3) Where the filing requirements of Regulations 45 and 46 have not been met, the Authority will notify the applicant and take no further action until the applicant corrects the application and re-files it in accordance with these Regulations.

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

Evaluation of the request

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

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

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

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

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

**PART VIII
TRANSITION AND SAVINGS**

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

FIRST SCHEDULE
QUALITY SYSTEM

(Regulation 11(3))

Approved Training Organization: Quality System

1. Interpretation
In this Schedule:

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

“quality assurance” means all those planned and systematic actions necessary to provide adequate confidence that all training activities satisfy given requirements, including the ones specified by the approved training organization in relevant manuals;

“quality manual” means the document containing the relevant information pertaining to the ATO’s quality system and quality assurance programme;

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

“small ATO” means an ATO with capacity to train a maximum of 50 students.

2. The quality system of an approved training organization for training for licences and ratings shall address the following five elements—

- (a) Determination of the organization’s training policy and training and flight safety standards;
- (b) Determination and establishment of assignment of responsibility, resources, organization and operational processes, which will make allowance for policy and training and flight safety standards;
- (c) Follow-up system to ensure that policy, training and flight safety standards are complied with;
- (d) Registration and documentation of deviations from policy, training and flight safety standards together with necessary analysis, evaluations and correction of such deviations; and

- (e) Evaluation of experiences and trends concerning policy, training and flight safety standards.

3. REQUIREMENTS FOR A QUALITY SYSTEM

(1) Purpose of a Quality System

The implementation and employment of a Quality System will enable the approved training organization to monitor compliance with the relevant parts of the Procedures Manual and the Training Manual and any other standards as established by the ATO or the Authority, to ensure safe and efficient training.

(2) Quality Policy and Strategy

(a) The approved training organization shall describe how it formulates, deploys and reviews its policies and strategies and turns them into plans and actions. A formal written Quality Policy Statement shall be established as a commitment by the Accountable Manager as to what the Quality System is intended to achieve. The Quality Policy shall reflect the achievement and continued compliance with relevant parts of the Procedures Manual and the Training Manual together with any additional standards specified by the ATO or the Authority.

(b) The Accountable Manager will have overall responsibility for the Quality System including the frequency, format and structure of the internal management evaluation activities.

(3) Quality System

(a) The Quality System of the approved training organization shall ensure compliance with and the adequacy of training activities conducted;

(b) The ATO will specify the basic structure of the Quality System applicable to all training activities conducted;

(c) The Quality System will be structured according to the size of the ATO and the complexity of the training to be monitored.

(4) Scope

A quality System will address the following:

(a) Leadership;

(b) Policy and Strategy;

(c) Processes;

- (d) The relevant provisions of Civil Aviation (Personnel Licensing) Regulations and these Regulations;
- (e) Additional standards and training procedures as stated by the approved training organization (ATO);
- (f) The organizational structure of the ATO;
- (g) Responsibility for the development, establishment and management of the Quality System;
- (h) Documentation, including manuals, reports and records
- (i) Quality Assurance Programme;
- (j) The required financial, material and human resources;
- (k) Training requirements;
- (l) Customer satisfaction;

(5) Feedback System.

The quality system will include a feedback system to ensure that corrective actions are both identified and promptly addressed. The feedback system also specifies who is required to rectify discrepancies and noncompliance in each particular case and the procedure to be followed if corrective action is not completed within an appropriate timescale.

(6) Documentation:

- (a) Relevant documentation includes the relevant part(s) of the Training and Procedures Manual, which may be included in a separate Quality Manual;
- (b) In addition, the relevant document also includes the following-
 - (i) Quality Policy;
 - (ii) Terminology;
 - (iii) Specified training standards;
 - (iv) A description of the organization;
 - (v) The allocation of duties and responsibilities;
 - (vi) Training procedures to ensure regulatory compliance;

(vii) Quality Assurance Programme.

(7) Quality Assurance Programme

- (a) The Quality Assurance Programme includes all planned and systematic actions necessary to provide confidence that all training are conducted in accordance with all applicable requirements, standards and procedures;
- (b) The Quality Assurance Programme describes—
- (i) Schedule of the monitoring process;
 - (ii) Audit procedures;
 - (iii) Reporting procedures;
 - (iv) Follow-up and corrective action procedures; (v) Recording System;
 - (vi) The training syllabus;
 - (vii) Document control;
- (c) The Quality Assurance Programme of the approved training organization (ATO) shall identify the persons within the ATO who have the experience, responsibility and authority to—
- (i) Perform quality inspections and audits as part of ongoing Quality Assurance;
 - (ii) Identify and record any concerns or findings, and the evidence necessary to substantiate such concerns or findings;
 - (iii) Initiate or recommend solutions to concerns or findings through designated reporting channels;
 - (iv) Verify the implementation of solutions within specific timescales;
 - (v) Report directly to the Quality Manager;

(8) Quality Inspections

- (a) The primary purpose of a quality inspection is to observe a particular event, action or document etc, in order to verify whether established training procedures and requirements are followed during the accomplishment of that event and whether the required standard is achieved.
- (b) Typical subject areas for quality inspections are—
- (i) All training courses covered under these regulations
 - (ii) Maintenance

(iii) Technical Standards

(iv) Training Standards

(9) Audits

(a) An audit is a systematic and independent comparison of the way in which training is being conducted against the way in which the published training procedures say it should be conducted.

(b) Audits include at least the following quality procedures and processes—

(i) An explanation of the scope of the audit

(ii) Planning and preparation

(iii) Gathering and recording evidence

(iv) Analysis of the evidence

(c) The various techniques that make up an effective audit are—

(i) Interviews or discussions with personnel \

(ii) A review of published documents

(iii) The examination of an adequate sample of records

(iv) The witnessing of the activities which make up the training

(v) The preservation of documents and the recording of observations

(10) Auditors

(a) The approved training organization shall decide, depending on the complexity of the training, whether to make use of a dedicated audit team or a single auditor. In any event, the auditor or audit team shall have relevant training and/or operational experience.

(b) The responsibilities of the auditors will be clearly defined in the relevant documentation.

(11) Auditor's independence

(a) Auditors shall not have any day-to-day involvement in the area of the operation or maintenance activity which is to be audited. An approved training organization (ATO) may, in addition to

using the services of full-time dedicated personnel belonging to a separate quality department, undertake the monitoring of specific areas or activities by the use of part-time auditors.

(b) An ATO whose structure and size does not justify the establishment of full-time auditors may undertake the audit function by the use of part-time personnel from within its own organization or from an external source under the terms of an agreement acceptable to the Authority.

(c) In all cases the ATO will develop suitable procedures to ensure that persons directly responsible for the activities to be audited are not selected as part of the auditing team. Where external auditors are used, it is essential that any external specialist is familiar with the type of training conducted by the ATO.

(12) Audit Scope

Approved training organizations are required to monitor compliance with the Training and Procedures Manuals they have designed to ensure safe and efficient training. In doing so they should as a minimum, and where appropriate, monitor—

- (a) Organization
- (b) Plans and objectives
- (c) Training Procedures
- (d) Flight Safety
- (e) Manuals, Logs and Records
- (f) Flight and Duty Time limitations
- (g) Rest requirements and scheduling
- (h) Aircraft Maintenance and operations interface
- (i) Maintenance programmes and continued airworthiness
- (j) Maintenance accomplishment

(13) Audit Scheduling

A Quality Assurance Programme will include-

- (a) A defined audit schedule and a periodic review cycle. The schedule may be flexible, and allow unscheduled audits when trends are identified. Follow-up audits will be scheduled when necessary to verify that corrective action was carried out and that it was effective.
- (b) An approved training organization (ATO) will establish a schedule of audits to be completed

during a specific calendar period. All aspects of the training are to be reviewed within a period of 12 months in accordance with the programme unless an extension to the audit period is accepted as explained below.

(c) An ATO may increase the frequency of their audits at their discretion but should not decrease the frequency without the acceptance of the Authority. It is considered unlikely that a period of greater than 24 months would be acceptable for any audit topic.

(d) When an ATO defines the audit schedule, significant changes to the management, organization, training, or technologies must be considered, as well as changes to the regulatory requirements.

(14) Monitoring and corrective action

(a) The primary aim of monitoring within the Quality System is to investigate and judge its effectiveness, thereby ensuring that defined policies and training standards are complied with continuously. Monitoring activity is based upon quality inspections, audits, corrective action and follow-up. The approved training organization (ATO) shall establish and publish a quality procedure to monitor regulatory compliance on a continuing basis. The objective of this monitoring activity is eliminating the causes of unsatisfactory performance.

(b) Any non-compliance identified shall be communicated to the manager responsible for taking corrective action or, if appropriate, the Accountable Manager. Such non-compliance shall be documented to support further investigation, to determine the cause, and to enable the development of recommendations of appropriate corrective actions.

(c) The Quality Assurance Programme shall include procedures to ensure that corrective actions are developed in response to findings. These quality procedures will allow for the monitoring of corrective actions to verify their effectiveness and that they have been completed. Organizational responsibility and accountability for the implementation of corrective action resides with the department cited in the report identifying the finding. The Accountable Manager will have the ultimate responsibility for ensuring, through the Quality Manager(s), that corrective action has re-established compliance with the standard required by the Authority and any additional requirements established by the ATO.

(15) Corrective action

(a) Subsequent to the quality inspection or audit, the approved training organization will determine—

- (i) The seriousness of any findings and any need for immediate corrective action
- (ii) The origin of the finding
- (iii) What corrective actions are required to ensure that the non-compliance does not recur.

(iv) A schedule for corrective action

(v) The identification of individuals or departments responsible for implementing corrective action

(vi) Allocation of resources by the Accountable Manager, where appropriate

(b) The Quality Manager will—

(i) Verify that corrective action is taken by the manager responsible in response to any finding of non-compliance

(ii) Verify that corrective action includes the elements outlined in paragraph (16) above

(iii) Monitor the implementation and completion of corrective action

(iv) Provide management with an independent assessment of corrective action, implementation and completion.

(v) Evaluate the effectiveness of corrective action through the follow-up process

(16) Management Evaluation

(a) A management evaluation is a comprehensive, systematic documented review by the management of the quality system, training policies, and procedures.

(b) A management evaluation considers the results of quality inspections, audits and any other relevant indicators, as well as the overall effectiveness of the management organisation in achieving stated objectives. A management evaluation also identifies and corrects trends, and prevents, where possible, future non-conformities. Conclusions and recommendations made as a result of an evaluation should be submitted in writing to the responsible manager for action.

(c) The responsible manager is an individual who has the authority to resolve issues and take action. The Accountable Manager will decide upon the frequency, format, and structure of internal management evaluation activities.

(17) Recording

(a) Accurate, complete and readily accessible records documenting the result of the Quality Assurance Programme are to be maintained by the approved training organization (ATO). Records are essential to enabling an ATO to analyze and determine the root causes of non-conformity, so that areas of non-compliance can be identified and subsequently addressed.

(b) The following records are to be retained for a period of 5 years—

- (i) Audit schedules
- (ii) Quality inspection and audit reports (iii) Responses to findings
- (iv) Corrective action reports
- (v) Follow-up and closure reports
- (vi) Management evaluation reports

(18) Quality Assurance Responsibility for Satellite ATOs

The approved training organization (ATO) will ensure that the satellite ATO has the necessary authorizations or approvals, and commands the necessary resources and competence to undertake the tasks. If the ATO requires the satellite ATO to conduct activity which exceeds the satellite ATO's authorization or approval, the ATO is responsible for ensuring that the satellite ATO's quality assurance takes account of such additional requirements.

(19) Quality System Training

(a) Correct and thorough training is essential to optimize quality in every organization. In order to achieve significant outcomes of such training the ATO will ensure that its staff understands the objectives as laid down in the Quality Manual.

(b) Those responsible for managing the Quality System are to receive training covering—

- (i) An introduction to the concept of Quality System
- (ii) Quality management
- (iii) Concept of Quality Assurance (iv) Quality manuals
- (v) Audit techniques
- (vi) Reporting and recording
- (vii) The way in which the Quality System will function in the ATO

(c) Time shall be provided to train every individual involved in quality management and for briefing the remainder of the employees. The allocation of time and resources is to be governed by the size and complexity of the operation concerned.

(d) Sources of Training Quality management courses are available from the various national or international institutions, and an ATO may consider whether to rely on such institutions in training those personnel likely to be involved in the management of Quality Systems. Organizations with sufficient, appropriately-qualified staff may consider whether to carry out in-house training.

(20) Quality Systems for small ATO.

(a) The requirement to establish and document a Quality System and to employ a Quality Manager applies to all approved training organizations (ATOs).

(b) Complex quality systems may be inappropriate for small ATOs and the clerical effort required drawing up manuals and quality procedures for a complex system may stretch their resources. An ATO will tailor its quality system to suit the size and complexity of its training and allocate resources accordingly.

(c) Small ATOs may develop a Quality Assurance programme that employs a checklist. The checklist shall have a supporting schedule that requires completion of all checklist items within a specified timescale, together with a statement acknowledging completion of a periodic review by top management. An occasional independent overview of the checklist contents and achievement of the Quality Assurance should be undertaken.

(d) The small ATO may decide to use internal or external auditors or a combination of the two. In these circumstances, external specialists and or qualified organisations may perform the quality audits on behalf of the Quality Manager.

(e) If the independent quality audit function is conducted by external auditors, the audit schedule will be described in the relevant documentation.

(f) Whatever arrangements are made, the main ATO retains the ultimate responsibility for the quality system and especially the completion and follow-up of corrective actions.

SECOND SCHEDULE (Regulation 15(1))

APPROVED TRAINING ORGANISATION TRAINING MANUAL AND PROCEDURES MANUAL CONTENTS TRAINING MANUAL

1. General

The Training Manual for approved training courses shall include the following—

- (i) A list and description of all volumes in the training manual.
- (ii) A list of effective pages and revision pages
- (iii) Corporate Commitment statement
- (iv) A list of Management Staff.
- (v) Responsibilities and qualifications of Management staff.
- (vi) Organization Chart
- (vii) Description of facilities, equipment and data
- (viii) Type of approved training courses and the capability lists
- (ix) Amendment of Training Manual

(x) Number of instructors

(xi) Notification Procedure to Authority

2. Pilot Training

The Training Manual for use at an approved training organisation conducting approved training courses for pilots shall include the following—

(a) The Training Plan—

- (i) Aim of the course-A statement of what the student is expected to do as a result of the training, the level of performance, and the training constraints to be observed;
- (ii) Pre-entry requirements-Minimum age, educational requirements including language, and medical requirements;
- (iii) Credits for previous experience- are to be obtained from the Authority before training begins;
- (iv) Training Curricula-The single engine flying curriculum, the multiengine flying curriculum, the synthetic flight training curriculum and the theoretical knowledge training curriculum;
- (v) The time scale and scale in weeks-For each curriculum: arrangements of the course and the integration of curricula time;
- (vi) Training programme-The general arrangements of daily and weekly programmes for flying, ground and synthetic flight training; bad weather constraints; programme constraints in terms of maximum student training times (flying, theoretical knowledge, synthetic) e.g. per day or week or month; restrictions in respect of duty periods for students; duration of dual and solo flights at various stages; maximum flying hours in any day or night; maximum number of training flights in any day or night and minimum rest period between duty period for students;
- (vii) Training records-Rules for security of records and documents; attendance records; the form of training records to be kept; persons responsible for checking records and students' log books; the nature and frequency of records checks; standardisation of entries in training records and rules concerning log book entries;
- (viii) Safety training-Individual responsibilities; essential exercises; frequency of emergency drills; frequency of dual checks at various stages and requirement before first solo day or night or navigation;
- (ix) Checks and tests-Flying: Progress checks and skill tests. Knowledge: Progress tests and knowledge tests. Authorization for test. Rules concerning refresher training before retest. Test reports and records. Procedures for test paper preparation, type of question and assessment, standard required for 'Pass'. Procedure for question

analysis and review and for raising replacement papers. Test re-sits procedures.

- (x) Training effectiveness-Individual responsibilities; General Assessment; liaison between departments; Identification of unsatisfactory progress individual students; actions to correct unsatisfactory progress; procedure for changing instructors; maximum number of instructor changes per student; internal feedback system for detecting training deficiencies; procedure for suspending a student from training; discipline and reporting and documentation;
- (xi) Standards and level of performance at various stages: Individual responsibilities. Standardization. Standardization requirements and procedures. Application of test criteria.

(b) Briefing and air exercises-

- (i) Air exercise-A detailed statement of the content specification of all the air exercises to be taught, arranged in the sequence to be flown with main and sub-titles;
- (ii) Air exercise reference list-An abbreviated list of the exercises referred to paragraph (i) giving only main and sub-titles for quick reference, and preferably in flip-card form to facilitate daily use by instructors;
- (iii) Course structure - Phase of training-A statement of how the course will be divided into phases, indication of how the air exercises referred to in paragraph (i) will be divided between the phases and how they will be arranged to ensure that they are completed in the most suitable learning sequence and that essential emergency exercises are repeated at the correct frequency. Also, the curriculum hours for each phase and for groups of exercises within each phase shall be stated and when progress tests are to be conducted, etc.
- (iv) Course structure integration of curricula-The manner in which theoretical knowledge, synthetic flight training and flying training will be integrated so that as the flying training exercises are carried out students will be able to apply the knowledge gained from the associated theoretical knowledge instruction and synthetic flight training;
- (v) Student progress-The requirement for student progress including a brief but specific statement of what a student is expected to be able to do and the standard of proficiency the student must achieve before progressing from one phase of air exercise training to the next. Include minimum experience requirements in terms of hours, satisfactory exercise completion, as necessary before significant exercises, such as night flying;
- (vi) Instructional methods-The requirements, particularly in respect of pre and post-flying briefing, adherence to curricula and training specifications and authorization of solo flights;

(vii) Progress tests-The instructions given to examining staff in respect of the conduct and document of all progress tests;

(viii) Glossary of terms-Definition of significant terms as necessary;

(ix) Appendices-Samples of: Progress report forms, progress test report forms, skill test report forms, certificates of experience, competence, etc. as required, issued by an ATO.

(c) Synthetic flight training- Structure generally as in (b).

(d) Knowledge instruction- Structure generally as in (b) with a training specification and objectives for each subject. Individual lesson plans to include mention of the specific training aids available for use.

3. Training Other than for Pilots

The Training Manual for use by an approved training organisation (ATO) conducting approved training courses other than pilots training shall include the following—

(a) The Course Plan—

- (i) The objectives and learning outcomes;
- (ii) Pre-entry requirements: Minimum age, educational requirements including language and medical requirements as applicable for training sought.
- (iii) A list showing each subject and the topics covered in the subject;
- (iv) A description of the examination or assessment methods and the examination or assessment criteria;
- (v) A description of—
 - (a) methods in which training is conducted (for example: lecture, computer-based training, simulators or practical training); and
 - (b) available equipment and data necessary for training.
- (vi) A description of the facilities including classroom, laboratory and workshop necessary to deliver the training;
- (vii) A list showing the prerequisites, if any, for each subject;

- (viii) Credits for previous experience: to be obtained from the Authority before training begins;
- (ix) A statement showing the numbers of hours of training that are necessary for each topic and for the whole course;
- (x) The minimum and maximum student attendance requirements for each subject and description of the way in which students' attendance is checked and recorded;
- (xi) For each subject, a copy of—
 - (a) the course notes that are to be given to student; and
 - (b) any examination paper or examinations question bank that is to be used.
- (xii) A list showing the units of competency that must be completed for each course;

(b) Training

- (i) Organisation of courses and course schedules
- (ii) Preparation of courses material
- (iii) Preparation of classroom equipment
- (iv) Preparation of workshops, simulation media and equipment
- (v) Method of conducting knowledge and practical training
- (vi) Retention of Records of Training conducted
- (vii) Rules for security of records and documents; attendance records; the form of training records to be kept; persons responsible for checking records and students' log books; the nature and frequency of records checks; and standardisation of entries in training records;
- (viii) Use of locations other than location for which the ATO is approved
- (ix) Conduct of basic practical training

(c) Examinations

- (i) Organisation and conduct of Examinations
- (ii) Security of Examination Materials

- (iii) Preparation of Examination Rooms
- (iv) Marking and record of Examinations
- (v) Storage and retention of Examination records
- (vi) Examination or assessment at satellite locations.
- (vii) Preparation, Control and Issue of training course records.
- (viii) Storage of course material and equipment
- (ix) Prevention, Investigation and reporting of examination or assessment misconduct.

(d) Certification

- (i) course transcript;
- (ii) certificates.

PROCEDURES MANUAL

The Procedures Manual for approved training courses shall include the following:

1. General

- (i) A list and description of all volumes in the procedure manual.
- (ii) A list of effective pages and revision pages (iii) Corporate Commitment statement
- (iv) A list of Management Staff.
- (v) Responsibilities and qualifications of Management staff. (vi) Organisation Chart
- (vii) Description of facilities, equipment and data
- (viii) Type of approved training courses and the capability lists
- (ix) Amendment of Procedures Manual and Training Manual (x) Number of instructors
- (xi) Notification Procedure to Authority

2. Pilot Training

- (i) a list and description of all volumes in the Procedures Manual;
- (ii) administration (function and management);
- (iii) schedules of responsibilities for all management and administrative staff;
- (iv) student discipline and disciplinary action. (v) approval/authorization of flights;
- (vi) preparation of flying programme (restriction of numbers of aircraft in poor weather);
- (vii) control of training aircraft;
- (viii) responsibilities of pilot-in-command; (ix) carriage of passengers;
- (x) aircraft documentation;
- (xi) retention of documents;
- (xiii) flight crew qualification records,;
- (xiv) renewal of licences and medical certificates;
- (xv) flying duty period and flight time limitations for flying instructors;
- (xvi) flying duty period and flight time limitations for students;
- (xvii) rest periods for flying instructors; (xviii) rest periods for students;
- (xix) pilots' log books;
- (xx) flight planning ; and
- (xxi) safety covering general: equipment, radio listening watch, hazards, accidents and incidents (including reports) and safety pilots.

(b) Technical

- (i) aircraft descriptive notes;
- (ii) aircraft handling (including checklists, limitations, aircraft maintenance and technical logs, in accordance with relevant requirements, etc.);
- (iii) emergency procedures;

- (iv) radio and radio navigation aids;
- (v) Minimum equipment list (MEL); and
- (vi) Configuration deviation list (CDL).

(c) Route

- (i) performance (legislation, take-off, route, landing, etc.);
- (ii) flight planning (fuel, oil, minimum safe altitude, navigation equipment, etc.);
- (iii) loading (load sheets, mass, balance, limitations); (iv) weather minima (flying instructors);
- (v) weather minima (students: at various stages of training); and
- (vi) training routes/areas.

(d) Staff training

- (i) appointments of persons responsible for standards or competence of flying staff;
- (ii) initial training;
- (iii) refresher training;
- (iv) standardization training;
- (v) proficiency checks;
- (vi) upgrading training; and
- (vii) Staff standards evaluation.

(e) Quality Management System

- (i) The procedure for quality control of training
- (ii) The procedures used to audit examination and competency assessment system.
- (iii) The procedures used to analyse the results of any examination or assessment.
- (iv) The procedures used to rectify deficiencies identified by analysis in (iii)

- (v) The procedure used for conducting periodic reviews including information on review timetable.
- (vi) The procedure for maintenance of instructors' skills and qualifications.
- (vii) The procedure used for recording instructors' qualification.
- (viii) The procedures to assess compliance and adequacy of the procedures.

3. Training other than for Pilots

Training and Examination Procedures

- (i) Courses organisation procedures
- (ii) The procedures used to develop or acquire documents for Training and Examinations.
- (iii) The procedures used to prepare and use of equipment for theory and basic practical training.
- (iv) The procedures for conducting knowledge and practical training.
- (v) Training record storage and retention procedures
- (vi) Procedures for conducting examinations and practical skill assessments
- (vii) Procedures for marking of examinations and recording the results.
- (viii) Procedures for storage of examination records.
- (ix) The procedures for storage of course material and equipment used for instruction.
- (x) Procedures to prevent, investigate and report to Authority any examination or assessment misconduct.

(b) Quality Management System

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- (vii) The procedure used for recording instructors' qualification.
- (viii) The procedures to assess compliance and adequacy of the procedures

(c) Appendices

- (i) Samples of documents and forms used (ii) Syllabus of each training course

(d) Staff training

- (i) appointments of persons responsible for standards or competence of training staff;
- (ii) initial training;
- (iii) refresher training;
- (iv) standardization training;
- (v) proficiency checks;
- (vi) upgrading training; and
- (vii) Staff standards evaluation.

THIRD SCHEDULE

Regulation 17(4) and 24(2)

APPROVED TRAINING ORGANISATION MANAGEMENT PERSONNEL
RESPONSIBILITIES AND QUALIFICATIONS

PART A: GENERAL—FOR ALL APPROVED TRAINING ORGANISATIONS

1. Accountable Manager

- (1) The Accountable Manager—
 - (a) Is the Chief Executive and corporate authority for ensuring that all training commitments are financed and carried out to the standard required by the Authority and any additional requirements defined by the aviation training organisation; and

(b) May delegate in writing to another person within the organisation, the day-to-day management but not the overall approval management responsibility.

(2) The Accountable Manager shall possess the following qualifications—

(a) A background in the management of training organisations;

(b) Knowledge of the Civil Aviation (Approved Training Organisation) Regulations and the regulations and other materials published by the Authority that are applicable to the courses taught by the approved training organisation (ATO); and

(a) A thorough understanding of the organisation and training programme of the ATO.

2. Quality Manager

(a) The Quality Manager shall—

(i) have the primary role to verify, by monitoring activities in the field of training, that the standards required by the Authority, and any additional requirements as established by the approved training organisation (ATO) are being carried out properly;

(ii) be responsible for ensuring that the Quality Assurance Programme is properly implemented, maintained and continuously reviewed and improved;

(iii) have direct access to all parts of the ATO's organisation; and

(iv) in the case of small ATO's, the posts of the Head of Training and the Quality manager may be combined.

(b) in the case that the posts of the Head of Training and the Quality manager are combined the quality audits shall be conducted by an independent personnel.

(c) The minimum qualifications for Quality Manager are—

(i) A technically qualified person in at one field of training to be conducted;

(ii) At least three years experience in the training to be conducted;

(iii) Must have successfully completed a training in quality management recognized by the Authority

PART B - FLIGHT CREW TRAINING

1. Head of Training

The Head of Training shall have—

- (a) overall responsibility for ensuring satisfactory integration of flying training, synthetic flight training and theoretical knowledge instruction and for supervising the progress of individual students; and
- (b) had extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Chief Flight Instructor

The Chief Flight Instructor shall—

- (a) be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction;
- (b) hold the highest professional pilot licence related to the flying training courses conducted;
- (c) hold the rating(s) related to the flying training courses conducted;
- (d) hold a flight instructor rating for at least one of the types of aircraft used on the course; and
- (e) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

3. Flight and Synthetic Flight Instructors

(a) A Flight instructor shall hold—

- (i) a professional pilot licence and ratings related to the flying training courses conducted;
- (ii) a flight instructor rating on the types of aircraft used on the course; and
- (iii) an instrument rating instructor endorsement if he is to conduct instrument rating training.

(b) A Synthetic flight instructor shall—

- (i) be a holder or have held a professional pilot licence;
and
- (ii) possess an authorisation from the Authority.

4. Chief Ground Instructor

The Chief Ground Instructor shall—

- (a) be responsible for the supervision of ground instructors and for the standardisation of all ground instruction;
- (b) hold a Ground Instructor's licence in the field he is to give instructions;
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (d) have received training in the teaching and instructional techniques.

5. Ground instructors

A Ground Instructor shall—

- (a) hold a Ground Instructor's licence in the field he is to give instructions;
- (b) have good interpersonal and communication skills;
- (c) be technically competent and a person of integrity; and
- (d) have received training in the teaching and instructional techniques.

6. Flight engineer Instructors

A Flight Engineer Instructor shall—

- (a) hold a flight engineer licence and ratings related to the training courses to be conducted;
- (b) hold an authorisation from the Authority on the course to be conducted; and
- (c) hold an authorization in accordance with the Civil Aviation (Personnel Licensing) Regulations if he is to conduct training in synthetic flight trainer.

PART C - AIRCRAFT MAINTENANCE ENGINEERING TRAINING

1. Head of Training

The Head of Training shall have—

- (a) overall responsibility for ensuring satisfactory integration of engineering training, that includes practical and theoretical knowledge instruction and for supervising the progress of individual students;
- (b) or had a AME licence and extensive experience in training aircraft maintenance engineers and possess a sound managerial capability; and
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and posses the ability to get along with other people;

2. Chief Aircraft Maintenance Engineering Instructor

The Chief Aircraft Maintenance Engineering Instructor shall—

- (a) be responsible for the supervision of flight and synthetic flight instructors and for the standardisation of all flight instruction and synthetic flight instruction;
- (b) hold the highest professional pilot licence related to the flying training courses conducted;
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and posses the ability to get along with other people; and
- (d) have received training in the teaching and instructional techniques.

3. Aircraft Maintenance Engineering Instructor

An Aircraft Maintenance Engineering Instructor shall—

- (a) hold an air traffic maintenance engineer (AMI) licence with ratings related to the courses to be conducted; and
- (b) have received training in the teaching and instructional techniques

PART D - AIR TRAFFIC CONTROL TRAINING

1. Head of Training

The Head of Training shall have—

- (a) overall responsibility for ensuring satisfactory integration of Air Traffic Services in both, theoretical and simulator training and for supervising the progress of individual students;
- (b) had extensive experience in training techniques and managerial capability;
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Air Traffic Control Chief Instructor

The Air Traffic Control Chief Instructor shall—

- (a) have had extensive experience in training techniques in the field of air traffic control;
- (b) be responsible for the supervision of the instructors and for the standardisation of all theoretical and simulator instructions;
- (c) hold all the air traffic control ratings related to the air traffic controllers courses conducted;
- (d) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (e) have received training in the teaching and instructional techniques.

3. Air Traffic Control Instructor

An Air Traffic Control Instructor shall—

- (a) hold an air traffic control licence with ratings related to the air traffic services courses to be conducted; and
- (b) have received training in the teaching and instructional techniques

PART E - FLIGHT OPERATIONS OFFICER (FOO) TRAINING

1. Head of Training

The Head of Training shall have—

- (a) overall responsibility for ensuring satisfactory integration of Flight Operations training in both, theoretical and practical training and for supervising the progress of individual students; and
- (b) had extensive experience in training techniques and managerial capability; and
- (b) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Flight Operations Chief Instructor

The Chief Instructor shall—

- (a) hold or held a Flight Operations Officer's Licence; or
- (b) possess experience and training requirements for Flight Operations Officer licence as prescribed in the Civil Aviation (Personnel Licensing) Regulations;
- (c) be responsible for the supervision of all instructors and for the standardisation of all the instruction;
- (d) have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (e) have received training in the teaching and instructional techniques.

3. Flight Operations Instructor

The Flight operations Instructor shall—

- (a) hold a Flight Operations Officer's Licence; or
- (b) possess experience and training requirements for Flight Operations Officer licence as prescribed in the Civil Aviation (Personnel Licensing) Regulations; and
- (c) have received training in the teaching and instructional techniques.

FOURTH SCHEDULE
PENALTIES

Regulation 49

Regulation No	Regulation Title	Penalties
3 (1), (2)	Requirements for an ATO certificate	A
10	Certificate holder responsibilities	A
11	Quality systems for an ATO	A
22(3)	Training facilities	A
26(3)	Training facilities equipment and material for aircraft maintenance engineer course	A
27(3)	Training facilities, equipment and material for air traffic controllers or flight radiotelephony operator	A
28(3)	Training facilities, equipment and material for flight operations officers or cabin crew members	A
29	Advertising limitations	A
31(2), (3)	Drug, alcohol testing and reporting	B
32	Inspection of licences and certificates	A
37 (1), (2), (4), (5)	Use and retention certificates and records	B
37(3)	Use and retention certificates and records	A
40	Enforcement of directions	A

N. Dlamini
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