



ESWATINI CIVIL AVIATION AUTHORITY

Advisory Circular

CAA-AC-GEN001A

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INTRODUCTION TO THE CIVIL AVIATION REGULATIONS (CARs)

1.0 PURPOSE

This Advisory Circular (AC) is issued to presents an overview and a brief explanation of the Civil Aviation Regulations, (CARs).

2.0 REFERENCE

2.1 Obligation under the Chicago Convention: The Civil Aviation Acts and the Regulations give effect to the States of Eswatini obligations under the Convention on International Civil Aviation (the Chicago Convention) entered into at Chicago on 7 December 1944. The Chicago Convention sets up the International Civil Aviation Organisation (ICAO) as the organisation responsible for developing the principles and techniques of international air navigation and fostering the planning and development of international air transport. The Council of ICAO adopts Annexes (18 so far) to the Chicago Convention setting out international "standards and recommended practices" (SARPs). The Annexes provide the basis for aviation safety regulation throughout the world.

2.2 Primary/Principle Aviation Legislation: For the purpose of carrying out and giving effect to the Chicago Convention and other related protocols, the Civil Aviation Acts of Eswatini enacted by the appropriate Parliaments of the States of Eswatini, empowers appropriate Ministers responsible for civil aviation to make the regulations.

The Civil Aviation Regulations issued by the East African Community Partner States under the above Acts, have been harmonised. Under Article 92 of the Treaty for the Establishment of the East African Treaty requires Partner States among others to harmonise policies, regulations and rules in civil aviation.

3.0 INFORMATION AND EXPLANATION

3.1 Transition to the New Regulations: Under the new harmonised Regulations, Operators, Organisations, Aircrafts and Persons shall have to be re-certified, approved and licensed within but not later than the end of the transition period.

The transition provisions are meant to allow for the already certificated, approved, licensed organisations/personnel to put in place structures, facilities, documentations required by the Regulations and as guided by the Authority Advisory Circulars for the recertification and approval.

New applicants after the issuance of the new Regulations shall be processed under the requirements new Regulations.

3.2 The Regulations: The Civil Aviation Regulations (CARs) are issued in sets with each set dealing with specific kind of aviation activity or speciality. The current harmonised Regulations cover the following:

- Aerial Work
- Aircraft Registration and Marking
- Airworthiness
- Approved Maintenance Organisation
- Air Operator Certification and Administration
- Aviation Training Organisation
- Commercial Air Transport Operations By Foreign Air Operator In And Out Of Eac
- Instruments and Equipment
- Operation of Aircraft
- Personnel Licensing
- Parachute operations
- Rules of the Air and Air Traffic Control

Brief details of the above Regulations are detailed in the Appendix to this Circular.

3.3 Structure of the Regulations:

a) Each set of Regulations is a stand alone and is divided into Parts and numbered paragraphs. Together these sets represent the regulatory requirements. Some regulations also provide additional regulatory requirements in one or more Schedules. A Schedule is a convenient device for dealing with matters of detail which would otherwise unnecessarily encumber the main body of the document. A Schedule therefore, carries the force and effect of the law. The Schedule is referred to in the text and is also shown in the marginal notes adjacent to the regulation to which it relates.

b) The hierarchal conventional numbering format for sub regulations, paragraphs and subparagraphs is as follows:

- (i) regulation: numeral; e.g. 17.
- (ii) sub regulations: numerals in brackets; eg., (1)
- (iii) paragraphs: lower-case letters in brackets; eg., (a)
- (iv) sub paragraphs: lower-case roman numerals in brackets; eg., (ii)
- (v) This particular regulation will be represented as 17(1) (a) (ii).

c) A regulation not divided into sub regulations is given only a regulation number and not a sub regulation number as well.

3.4 Cross References: The Regulations contain many cross-references. Cross-references are always by regulation number (or sub regulation number, etc) and not by page number references. .

3.5 How do the Regulations Relate to Each Other: Each set of Regulations deals with particular kinds of aviation activity - for example, Civil Aviation (Personnel Licensing) Regulations provide personnel licensing information; a person would not be granted an Air Operator Certificate under Civil Aviation (Air Operator Certification and Administration) Regulations without crews to fly his aircraft or aircraft maintenance engineers to maintain them in an airworthy condition. The standards and requirements for obtaining flight crew and maintenance engineer licences are contained in Civil Aviation (Personnel Licensing) Regulations. The requirements for maintaining the aircraft in an airworthy condition are in Civil Aviation (Airworthiness) Regulations and Civil Aviation (Approved Maintenance Organisation) Regulations, whereas the required instruments and equipment are prescribed in Civil Aviation (Instruments and Equipment) Regulations, Civil Aviation (Operation of Aircraft) Regulations covers the requirements for operating an aircraft and applies to private as well as commercial operations. Appendix to this Advisory Circular provides a summary of the contents of all 12 sets of Regulations.

3.6 Definitions and Meanings:

a. Ordinary dictionary words are not normally defined - they are assumed to take their ordinary dictionary meanings. Legal terms also are not normally defined; again, they are assumed to have their ordinary legal meanings.

b. The Regulations use many technical terms. Where the meaning of a term is well known within aviation and generally accepted, it is not usually defined. If an unfamiliar word or term occurs in the Regulations and is not included in the "definition" section of the document, it may be defined in a general dictionary. For example, *chord*, *undercarriage*, *fuselage*, and *longeron* are all defined in the *Recognized Aeronautical Dictionary*.

c. Occasionally a term that is in general use may be defined because the general meaning of the term is not sufficiently precise. For example, although everyone knows what "take-off" means, it may be necessary, in a particular case, to treat taxiing as part of a take-off. It is not certain whether the ordinary meaning of "take-off" includes taxiing or not. In cases like this there will be a definition in the Regulations.

d. The normal place of residence for definitions is at the beginning of each set of Regulations. Where a term is used only in one isolated area of the Regulation, you may find it defined in the text.

e. The standard definitions of aviation terms are those laid down by ICAO and published by it in *International Civil Aviation Vocabulary* (ICAO Document 9713) are used in the Regulations.

3.7 Interpretation of Certain Expressions

Throughout the Regulations the following word usage applies:

(a) "*shall*" indicates a mandatory requirement;

(b) "*A person shall not*" means that no person is required, authorised, or permitted to do an act described in a regulation;

(c) "*may*" indicates that discretion can be used when performing an act described in a regulation;

- (d) *"includes"* means "includes but is not limited to."
- (e) *"approved"* means the Authority has reviewed the method, procedure, or policy in question against a standard and issued a formal written approval.
- (f) *"acceptable"* means the Authority has reviewed the method, procedure, or policy and has neither objected to nor approved its proposed use or implementation. Where the method, procedure or policy has been approved by another contracting state, it may be acceptable to the Authority.
- (g) *"prescribed"* means the Authority has issued written policy or methodology which imposes either a mandatory requirement, if the written policy or methodology states "shall" or "must", or a discretionary requirement if the written policy or methodology states "may."

4.0 OFFENCES AND PENALTIES

Offences and penalties are covered in each set of Regulations. Maximum penalties for offences as listed in each set of Regulations are expressed in local currency.

5.0 GUIDANCE MATERIAL DOCUMENTS

Guidance Material documents like this Advisory Circular (AC) are made available to operators from time to time to convey general and technical information of interest. They are advisory in nature and when referring to a technical procedure or process may be considered as one means, but not the only means of application of the procedure or process. ACs may also be used to amplify or clarify certain Regulations.

When an AC is revised, it retains its original numerical identifier but a letter suffix is added. For example AC 001 when first revised becomes AC 001A. A revised AC supersedes and cancels the document it is replacing which should be destroyed.

When changes are incorporated a Change Bar will be located next to the revised item.

6.0 AVAILABILITY OF THE CIVIL AVIATION REGULATIONS

Copies of the Civil Aviation Regulations are available at the Civil Aviation Authority Headquarters and at the Governments Printers Bookshops. The Authorities may make available the Regulations on their official web-sites.

**Approved by Director General
Civil Aviation Authority**

APPENDIX

CIVIL AVIATION (PERSONNEL LICENSING) REGULATIONS

1. (1) The Regulations have been designed to meet the requirements of Annex 1 of the Chicago Convention. These regulations fulfil the requirement of the Act on the certification of personnel in the specialities specified in the Regulations.

(2) These Regulations describe the requirements and standards for licences, ratings and authorisations of flight crew, maintenance personnel, flight operations officers and air traffic controllers.

(3) New features include: Ground Instructor Licence, Flight Examiner Authorisation, Aviation Repair Specialist, Flight Engineer Instructor and Flight Operations Officers Licence. A transitional period has been allowed for transitioning from what currently obtains to these new requirements. Expand and revise as needed

CIVIL AVIATION (OPERATION OF AIRCRAFT) REGULATIONS

2. (1) The Regulations have been designed to meet the requirements of Annex 6 of the Chicago Convention. It complements the Civil Aviation (Air Operator Certification and Administration) Regulations in fulfilling the requirements of the Civil Aviation Act.

(2) The regulations apply to all operations conducted by an aircraft operator in or on an aircraft registered in Eswatini and operated by airmen certified under the Civil Aviation (Personnel Licensing) Regulations. They also provide for the operations of foreign registered aircraft by a national air operator where required.

(3) The Regulations include regulations specifying the requirements for flight supervision, duties and responsibilities of crew members, the carriage of passengers and goods, prohibition on the carriage of dangerous goods, crew and flight operations officer training requirements, aircraft performance and operating standards, maintenance operations, aircraft routing and flight rules.

(4) The regulations relating to flight time and flight duty period limitations have been revised.

CIVIL AVIATION (AIR OPERATOR CERTIFICATION AND ADMINISTRATION) REGULATIONS

3. The Regulations respond to the requirements of Annex 6 to the Chicago Convention which prohibits an operator from engaging in commercial air transport operations unless in possession of an Air Operator Certificate. Such certificate is dependent upon the operator demonstrating an adequate organisation, method of control and supervision of flight operations and training and maintenance arrangements consistent with the nature and extent of the operations specified. The Regulations are designed to meet the requirements for the issue of an Air Operator Certificate in respect of the relevant sections of the Civil Aviation Act.

CIVIL AVIATION (AIRCRAFT REGISTRATION AND MARKING) REGULATIONS

4. The Regulations have been structured to meet the requirements of Annex 7 to the Chicago Convention. The Regulations also respond to the relevant section of the Civil Aviation Act, which calls for the Civil Aviation Authority to establish and maintain a system for the national aircraft register.

CIVIL AVIATION (AIRWORTHINESS) REGULATIONS

5. (1) The Regulations respond to the requirements of Annex 8 to the Chicago Convention which defines the airworthiness requirements for aircraft and prohibits the use of an aircraft in civil air transport operations unless the aircraft is certified by the State of Registry to be airworthy. These are the regulations required by the relevant section of the Civil Aviation Act.

(2) These Regulations deal with requirements for the issue of a Certificate of airworthiness and requirements for continued airworthiness. They also define the requirements for a maintenance programme and define persons who are authorized to perform inspections and maintenance of aircraft and issue a Certificate of Release to Service.

CIVIL AVIATION (APPROVED MAINTENANCE ORGANISATION) REGULATIONS

6. (1) The Regulations allow a person who wishes to develop an organisation to conduct maintenance of aircraft, to apply to the Authority for approval to do so.

(2) These Regulations are based on the requirements of Annex 6 to the Chicago Convention and describe the requirements to obtain an approval. They include the minimum requirements under these Regulations for the facilities, personnel, procedures manual, the keeping of records and a quality assurance system. An applicant needs to demonstrate compliance with the requirements before being granted an approval.

(3) An approval under these Regulations will be in the form of an "Approved Maintenance Organisation Certificate" issued by the Authority and will also include the limitations of such approval.

CIVIL AVIATION (INSTRUMENTS AND EQUIPMENT) REGULATIONS

7. (1) The Regulations describe the additional instruments, equipment and flight documents which need to be installed or carried, as appropriate, in an aircraft in addition to the minimum equipment necessary for the issue of a certificate of airworthiness.

(2) In this Regulation, the instrument and equipment requirements for commercial operators may be different from those for non-commercial operators. Where the term "operator" is used in these Regulations it refers to all aircraft operators – commercial and non-commercial.

(3) An operator is required to ensure that a flight is not commenced unless all required instruments and equipment required on board an aircraft for flight are installed in accordance with the instructions of such State of Design to meet the airworthiness requirements. In addition the aircraft must meet the minimum performance standards and the operational and airworthiness requirements prescribed by the Authority.

CIVIL AVIATION (APPROVED TRAINING ORGANISATION) REGULATIONS

8. (1) The Regulations allow a person who wishes to develop an organisation to conduct aviation training, to apply to the Authority for approval to do so.

(2) The training programmes developed in these Regulations include the requirements for licenced flight crew, maintenance engineers, instructors and general requirements for training courses for aviation support staff. They also include the training requirements for the licences, ratings and authorizations covered in Annex 1 of the Chicago Convention, and the minimum requirements for the facilities, personnel, training procedures manual, and the keeping of records. An applicant needs to demonstrate compliance with the requirements before being granted an approval.

(3) An approval under these Regulations will be in the form of an “Approved Training Organisation Certificate” issued by the Authority and will also include the limitations of such approval.

CIVIL AVIATION (COMMERCIAL AIR TRANSPORT OPERATIONS BY FOREIGN AIR OPERATOR IN AND OUT OF EAC) REGULATIONS

9. The Regulations describe the requirements for foreign operators operating or planning to operate in and out of Eswatini. A foreign air operator operating with the air operator certificate issued by the foreign State will be required to meet the requirements under these Regulations before the issued Operations specifications by the foreign State is accepted and the operators authorised to conduct operations in Eswatini . These Regulations include, among other things, the requirement for a foreign operator to submit a Security Programme for approval by the Authority.

CIVIL AVIATION (AERIAL WORK) REGULATIONS

10.(1) The Regulations describe the requirements for persons wishing to conduct operations such as agricultural spraying, helicopter operations with external loads, airborne filming, banner towing and vehicular traffic monitoring and reporting.

(2) Before conducting such operations, applicants will have to be approved by the Authority. The approval will be in the form of a certificate issued by the Authority for the specific operations.

CIVIL AVIATION (RULES OF THE AIR AND AIR TRAFFIC CONTROL) REGULATIONS

11.(1) The Regulations have been designed to meet the requirements of ICAO Annex 2 and applies to all operators of all aircraft. The Regulations is required to be complied with by all aircraft operations operating in the airspace of Eswatini without any exemption.

CIVIL AVIATION (PARACHUTE OPERATIONS) REGULATIONS

12. This is a new Regulations introduced in the Region to guide parachute operations including parachute jumpers and operators. The Regulations provides the basic requirements for a person or organisation (drop zones) to be issued with an authorisation from the Eswatini Civil Aviation Authorities prior to commencement of operations. Commercial parachute jumping including tandem jumping is also covered in this guidance.