GN. No. 62 (contd.)

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THE CIVIL AVIATION ACT
(CAP.80)

THE CIVIL AVIATION (CONSTRUCTION OF VISUAL AND INSTRUMENT FLIGHT PROCEDURES) REGULATIONS, 2017

ARRANGEMENT OF REGULATIONS

Regulation *Title*

GN. No. 62 (contd.)

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THE CIVIL AVIATION ACT
(CAP. 80)

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REGULATIONS

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(Made under section 4)

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THE CIVIL AVIATION (CONSTRUCTION OF VISUAL AND INSTRUMENT FLIGHT PROCEDURES) REGULATIONS, 2017

PART I
PRELIMINARY

Citation

1. These Regulations may be cited as the Civil Aviation (Construction of Visual and Instrument Flight Procedures) Regulations, 2017.

Interpretation
Cap.80

2. In these Regulations unless the context otherwise requires-

"Act" means the Civil Aviation Act;

"aerodrome operating minima*"* means the limits of usability of an aerodrome for:

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

(b) landing in precision approach and landing operations, expressed in terms of visibility or runway visual range and decision altitude/height (DA/H) as appropriate to the category of the operation;

(c) landing in approach and landing operations with vertical guidance, expressed in terms of visibility and/or runway visual range and decision altitude/height (DA/H); and

(d) landing in non-precision approach and landing operations, expressed in terms of visibility and/or runway visual range, minimum descent altitude/height (MDA/H) and, where necessary, cloud conditions;

"aerodrome reference point" means the designated geographical location of an aerodrome;

"aeronautical chart" means a representation of a portion of the Earth, its culture and relief, specifically designated to meet the requirements of air navigation;

"aeronautical data" means a representation of aeronautical facts, concepts or instructions in a formalized manner suitable for communication, interpretation or processing;

"aeronautical information" means information resulting from the assembly, analysis and formatting of aeronautical data;

"aeronautical information circular (AIC)" means a notice containing information that does not qualify for the origination of a NOTAM or for inclusion in the AIP, but which relates to flight safety, air navigation, technical, administrative or legislative matters;

"aeronautical Information Publication (AIP)" means a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation;

"aeronautical Information Service (AIS)" means a service established within the defined area of coverage responsible for the provision of aeronautical data and aeronautical information necessary for the safety, regularity and efficiency of air navigation;

"AIP Amendment" means permanent change to information contained in the AIP;

"AIP Supplement" means temporary changes to the

information contained in the AIP which are published by means of special pages;

"air navigation services" means one or more of the following services provided for air navigation:

(i) air traffic services or air traffic management;

(ii) instrument flight procedure design services,

(iii) aeronautical information services/aeronautical information management;

(iv) aeronautical cartographic services;

(v) aeronautical telecommunication services;

(vi) aeronautical meteorological services;

(vii) aeronautical search and rescue;

"air navigation services facility" means any facility used, available for use, or designed for use in aid of navigation of aircraft, including airports, landing fields, any structures, mechanisms, lights, beacons, marks, communicating systems, or other instruments or devices used or useful as an aid to the safe taking off, navigation, and landing of aircraft and any combination of such facilities;

"air navigation services provider" means an independent entity established for the purpose of providing one or more of the air navigation services as defined in these regulations;

"area navigation (RNAV)" means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground-or space-based navigation aids or within the limits of the capability of self-contained aids, or a combination of these;

"arrival routes" means routes identified in an instrument approach procedure by which aircraft may proceed from the en-route phase of flight to an initial approach fix;

"ATS route" means a specified route designed for channelling the flow of traffic as necessary for the provision of air traffic services;

"Authority" means Tanzania Civil Aviation Authority;

"certificate" means the certificate for the provision of Air Navigation Services issued by the Authority under Part II of these Regulations;

"final approach fix or point" means that fix or point of an instrument approach procedure where the final approach segment commences;

"final approach segment" means that segment of an instrument approach procedure in which alignment and descent for landing are accomplished;

"foot (ft)" means the length equal to 0.304 8 metre exactly;

"initial approach segment" means that segment of an instrument approach procedure between the initial approach fix and the intermediate approach fix or, where applicable, the final approach fix or point;

"instrument approach procedure" means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply;

"instrument flight procedure design service" means a service established for the design, documentation, validation, maintenance and periodic review of instrument flight procedures necessary for the safety, regularity and efficiency of air navigation;

"integrated aeronautical information package"

means a package which consists of the following elements-

(a) AIP, including amendment service;
(b) Supplements to the AIP;
(c) NOTAM and PIB;
(d) AIC; and
(e) checklists and lists of valid NOTAM;

"integrity aeronautical data" means a degree of assurance that an aeronautical data and its value has not been lost nor altered since the data origination or authorized amendment;

"integrity classification (aeronautical data)" means classification based upon the potential risk resulting from the use of corrupted data. Aeronautical data is classified as:

(a) routine data: there is a very low probability when using corrupted routine data that the continued safe flight and landing of an aircraft would be severely at risk with the potential for catastrophe;
(b) essential data: there is a low probability when using corrupted essential data that the continued safe flight and landing of an aircraft would be severely at risk with the potential for catastrophe; and
(c) critical data: there is a high probability when using corrupted critical data that the continued safe flight and landing of an aircraft would be severely at risk with the potential for catastrophe;

"intermediate approach segment" means that segment of an instrument approach procedure between either the intermediate approach fix and the final approach fix or point, or between the end of a reversal, racetrack or dead reckoning track procedure and the final approach fix or point, as appropriate;

"intermediate holding position" means a designated position intended for traffic control at which taxiing aircraft and vehicles shall stop and hold until further cleared to proceed, when so instructed by the aerodrome control tower;

"magnetic variation means the angular difference between True North and Magnetic North;

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

"minimum en-route altitude (MEA)" means the altitude for an en-route segment that provides adequate reception of relevant navigation facilities and ATS communications, complies with the airspace structure and provides the required obstacle clearance;

"minimum obstacle clearance altitude" means the minimum altitude for a defined segment of flight that provides the required obstacle clearance;

"minimum sector altitude" means the lowest altitude which may be used which will provide a minimum clearance of 300 m (1 000 ft) above all objects located in an area contained within a sector of a circle of 46 km (25 NM) radius centred on a significant point, the aerodrome reference point or the heliport reference point;

"missed approach point" means that point in an instrument approach procedure at or before which the prescribed missed approach procedure must be initiated in order to ensure that the minimum obstacle clearance is not infringed;

"missed approach procedure" means that procedure to be followed if the approach cannot be continued;

"nautical mile" means the length equal to 1 852 metres exactly.

"navigation specification" means a set of aircraft and flight crew requirements needed to support

performance-based navigation operations within a defined airspace. There are two kinds of navigation specifications:

(a) RNAV specification. A navigation specification based on area navigation that does not include the requirement for on-board performance monitoring and alerting, designated by the prefix RNAV;

(b) RNP specification. A navigation specification based on area navigation that includes the requirement for on-board performance monitoring and alerting, designated by the prefix RNP;

"obstacle" means all fixed (whether temporary or permanent) and mobile objects, or parts thereof, that-

(a) are located on an area intended for the surface movement of aircraft; or

(b) extend above a defined surface intended to protect aircraft in flight; or

(c) stand outside those defined surfaces and that have been assessed as being a hazard to air navigation;

"obstacle clearance altitude or obstacle clearance height" means the lowest altitude or the lowest height above the elevation of the relevant runway threshold or the aerodrome elevation as applicable, used in establishing compliance with appropriate obstacle clearance criteria;

"obstacle free zone" means the airspace above the inner approach surface, inner transitional surfaces, and balked landing surface and that portion of the strip bounded by these surfaces, which is not penetrated by any fixed obstacle other than a low-mass and frangibly mounted one required for air navigation purposes;

"obstacle/terrain data collection surface" means a

defined surface intended for the purpose of collecting obstacle or terrain data;

"operator" means a person, organization or enterprise engaged in or offering to engage in an aircraft operation;

"operations manual" means a manual prepared by a service provider or a person applying for approval;

"performance based navigation" means area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace;

"precision approach procedure" means an instrument approach procedure utilizing azimuth and glide path information provided by ILS or PAR;

"prescribed" means prescribed by the authority in the manual of ANS standards, circulars, notices, orders, aeronautical publications and any other documents;

"procedure altitude/height" means a specified altitude or height flown operationally at or above the minimum altitude or height and established to accommodate a stabilized des cent at a prescribed descent gradient/angle in the intermediate/final approach segment;

"procedure turn" means a manoeuvre in which a turn is made away from a designated track followed by a turn in the opposite direction to permit the aircraft to intercept and proceed along the reciprocal of the designated track;

"quality" means a degree to which a set of inherent characteristics fulfils requirements;

"quality assurance" means part of quality management focused on providing confidence that quality requirements will be fulfilled;

"quality control" means part of quality management focused on fulfilling quality requirements;

"quality management" means coordinated activities to direct and control an organization with regard to quality;

"quality system" means the organisational structure, procedures, processes and resources needed to implement quality management;

"reliability" means the probability that the service will perform its function or functions without failure for a specified period;

"resolution" means a number of units or digits to which a measured or calculated value is expressed and used;

"safety management system" means a systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures;

"significant point" means a specified geographical location used in defining an ATS route or the flight path of an aircraft and for other navigation and ATS purposes;

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

"terminal arrival altitude" means the lowest altitude that will provide a minimum clearance of 300 m (1 000 ft) above all objects located in an arc of a circle defined by a 46 km (25 NM) radius centred on the initial approach fix, or where there is no IAF on the intermediate approach fix, delimited by straight lines joining the extremity of the arc to the IF, where combined TAAs associated with an approach procedure shall account for an area of 360 degrees around the IF;

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

"terrain" means the surface of the Earth containing

naturally occurring features such as mountains, hills, ridges, valleys, bodies of water, permanent ice and snow, and excluding obstacles;

"touchdown and lift-off area" means a load bearing area on which a helicopter may touch down or lift off;

"touchdown zone" means the portion of a runway, beyond the threshold, where it is intended landing aeroplanes first contact the runway;

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

"visual approach procedure" means a series of predetermined manoeuvres by visual reference, from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, a go-around procedure can be carried out; and

"waypoint" means a specified geographical location used to define an area navigation route or the flight path of an aircraft employing area navigation. Waypoints are identified as either;

"fly-by waypoint" meaning a waypoint which requires turn anticipation to allow tangential interception of the next segment of a route or procedure, and

"flyover waypoint" meaning a waypoint at which a turn is initiated in order to join the next segment of a route or procedure.

Application

3. These Regulations shall apply to a person providing an instrument flight procedure design service within designated airspaces and at aerodromes for civil aviation purposes.

GN. No. 62 (contd.)

PART II
REQUIREMENTS

Requirements for the provision of an Instrument Flight Procedure Design Service

4. A person shall not provide an instrument flight procedure design service within the United Republic of Tanzania unless-

(a) he holds a certificate issued under the Civil Aviation (Certification of Air Navigation Services) Regulations; and

(b) the services are provided in accordance with-

(i) the requirements prescribed in these regulations or any other publications issued by the Authority; and

(ii) the procedures specified in the service providers' Manual of Air Navigation Service Operations.

General provisions

5.-(1) This subpart prescribes the requirements for the design, continuous maintenance and periodic review of instrument flight procedures.

(2) An organisation shall not design, maintain, review, amend, adapt or publish flight procedures for use in the United Republic of Tanzania without the Authority's approval and in accordance with these regulations.

(3) An air navigation service provider shall be designated by the Authority to provide such services.

(4) The designated air navigation service provider shall follow an instrument flight procedure process that encompasses acquisition of data, design and promulgation of procedures.

(5) The designated air navigation service provider shall ensure that the quality and safety of the procedure design product are assured through review, verification, coordination and validation of the procedure at appropriate points in the process.

(6) The designated air navigation service provider shall ensure that the units of measurement, as specified in these regulations are used in the design of instrument flight procedure.

Instrument flight procedure design organization

6.-(1) The air navigation service provider designated as the instrument flight procedures design organization shall maintain an appropriate instrument design office to enable the IFP designer to carry on design work in IFP in accordance with these regulations.

(2) The designated air navigation service provider shall ensure that the designs of instrument flight procedure are in accordance with:

(a) applicable criteria and procedures contained in the International Civil Aviation Organization Document number 8168; and

(b) standards as set out in this regulation or those published by the Authority.

(3) The designated air navigation service provider shall:

(a) make provisions for persons trained in instrument flight procedure design to check and verify independently the plans of each instrument flight procedure designed;

(b) where it is designated as the instrument flight procedure design organization shall develop and maintain an operations manual which shall serve to demonstrate how the service provider will comply with the requirements set out in this regulation;

(c) submit a copy of the most current operations manual to the Authority for approval; and

(d) provide and maintain facilities for the design work on instrument flight procedure as follows:

(i) having available equipment appropriate for the design, design

verification, flight validation, and maintenance of the types of instrument flight procedure;

(ii) access to relevant and current data including, but not limited to, aeronautical data, land contour data, and obstacle data for the design, design verification, flight verification, and maintenance of the instrument flight procedure;

(e) establish a procedure for ensuring that:

(i) personnel have access to the data referred to in sub regulation 8(b) for all the types of instrument flight procedures; and

(ii) the data referred to in sub regulation 8(b) is current, traceable, and meets the required level of accuracy for the design, design verification, flight validation, and maintenance of instrument flight procedures as per the guidelines provided by the Authority;

(iii) ready access to copies of relevant documentation comprising technical standards, practices, and instructions, and any other documentation that may be necessary for the design, design verification, flight validation, and maintenance of the types of instrument flight procedure.

(iv) establish a procedure for controlling all documentation required by paragraph to ensure that:

(aa) the documentation is reviewed and authorized by

an appropriate person before issue and use;

(bb) current issues of relevant documentation are available to personnel;

(cc) every obsolete document is promptly removed from every point of issue and use; and

(dd) the current version of every item of documentation can be identified to prevent the use of superseded material.

(4) Notwithstanding regulation 19, the contents of the operations manual shall include the following:

(a) the information required of the designated air navigation service provider as mentioned in this regulation; and

(b) a description of the instrument flight procedure design organization office that shows the role, responsibilities and job functions of the IFP design office personnel who are responsible for ensuring the compliance of the organization with the requirements in sub-paragraph a.

(5) The designated air navigation service provider shall:

(a) keep the operations manual in a readily accessible form;

(b) ensure that the instrument flight procedure designer has ready access to the operations manual; and

(c) amend the operations manual whenever necessary to keep its content up to date.

(6) Where an aeronautical database and aeronautical data is required for designing an instrument flight procedure, the instrument flight procedure design

organization shall ensure the integrity of the database and the data used is current, traceable, and meets the required level of verifiable accuracy for the design.

(7) The designated air navigation service provider shall establish and put into effect, a system for controlling documents and records relating to the instrument flight procedure on which the designer carries on design work, including the policies and procedures for making, amending, preserving and disposing of those documents and records.

(8) The designated air navigation service provider shall, at Authority's request, make the documents and records, or copies of them or extracts from them, available for inspection.

(9) The designated instrument flight procedure design organization shall-

(a) employ, contract, or engage sufficient personnel to plan, design, verify, and maintain the instrument flight procedures; and

(b) develop job descriptions for its Procedure design technical staff;

(c) establish and implement a quality assurance process for all instrument flight procedure design function.

Instrument Flight Procedure designer training experience and approval

7.-(1) The designated air navigation service provider shall ensure that a person designing or amending a flight instrument procedure demonstrates required competency level for flight procedure design.

(2) The personnel to be recruited as instrument flight procedure designers shall have a high level of aviation experience gained from different domains, air Traffic Management, AIS/AIM, Engineers, Aeronautical technicians and pilots or any other equivalent profession.

(3) Instrument flight procedure designers shall acquire and maintain this competency level through training and supervised on-the-job training (OJT).

(4) The training for instrument flight procedure designers shall include an initial training and recurrent training at periodic intervals.

(5) The designated air navigation service provider shall ensure that the instrument flight procedure designer is able to demonstrate a basic level of competency through initial training that includes at least the following elements:

(a) knowledge of information contained in International Civil Aviation Organization (ICAO) Document number 8168;, Volumes I and II and other related ICAO provisions relevant to the State;

(b) skills in the design of procedures; and

(c) demonstration of competency as outlined in the competency framework for flight procedures designers as prescribed by the Authority.

(d)

(6) The designated air navigation service provider shall ensure that the IFP designer is able to demonstrate a basic level of competency through recurrent training that includes at least the following elements:

(a) knowledge about updates in ICAO provisions and other provisions pertaining to procedure design; and

(b) maintenance and enhancement of knowledge and skills in the design of procedures.

(7) The designated air navigation service provider shall maintain training records for their instrument flight procedure designers.

(8) Only designers approved by the Authority shall undertake the design, review, validation of IFPs for operational use in the United Republic of Tanzania.

(9) A person seeking approval as required in sub regulation (7) above shall:

(a) provide proof of successful completion of the PANS-OPS training course applicable to the approval being requested based on the ICAO PANS-OPS criteria.

(b) demonstrate practical application of theoretical knowledge through the design of two instrument flight procedures under supervision of a qualified designer;

(c) demonstrated ability to maintain a documented quality assurance process for procedure design;

(d) an approved procedure designer shall only design instrument flight designers within the scope of their approval;

Procedure design data and information acquisition

8.-(1) The designated air navigation service provider shall ensure that the quality characteristics of data acquired for the FPD process are known and adequate, or that, in the case where the data's quality characteristics are unknown or inadequate ,invalid, that appropriate data verification occurs prior to use.

(2) In the obstacle survey for procedure design, the instrument flight procedure designer shall consider that:

(a) all obstacles be accounted for. Items, such as trees and heights of tall buildings shall be accounted for either by physical examination of the site or by addition of a suitable margin above terrain contours; and

(b) the accuracy of the vertical and horizontal data obtained may be adjusted by adding an amount equal to the specified survey error to

the height of all measured obstructions and by making a corresponding adjustment for specified horizontal error.

(3) The procedure design data and information acquisition obstacle, terrain, and aeronautical data, shall be coordinated with all relevant stakeholders and integrated into the United Republic of Tanzania's airspace design process, taking into account air traffic flows, separation issues, airspace user requirements, infrastructure, legal environmental considerations;

Procedure design facility requirements

9.-(1) A certified or designated air navigation service provider shall provide and maintain adequate facilities for carrying on design work on instrument flight procedures under the procedure design certificate, including:

(a) providing premises and equipment appropriate for the ANSP's employees to carry on the design work; and

(b) ensuring that those employees have access to all necessary data for designing the procedures including:

(i) accurate and current databases or charts detailing terrain and obstacle information; and

(ii) accurate and current navigation aid coordinate data; and

(iii) accurate and current aerodrome reference point and threshold data.

(2) The ANSP shall ensure that, if an aeronautical database and aeronautical data is required for designing instrument flight procedure under its certificate, have, and put into effect, procedures to ensure the integrity of the database and the data.

Instrument flight procedure design (IFPD)

10.-(1) Instrument flight procedures shall be designed according to the Procedures for Air Navigation

Services - Aircraft Operations criteria (ICAO Doc 8168 Vol. II).

(2) Coordination with all concerned parties shall continue throughout the procedure design and validation process to ensure that the procedure the needs of the user and the community.

(3) Each new or revised procedure shall be verified by a qualified procedure designer other than the one who designed the procedure.

(4) Published procedures shall be subject to periodic review to ensure that they continue to comply with changing criteria, and meet user requirements.

(5) The designated service provider shall:

(a) establish an interval for periodic review of IFPs with the e maximum interval for such review being five years;

(b) ensure that designers develop and maintain IFP design documentation that includes:

(i) documentation required for publication in the AIP;

(ii) details and assumptions used by the instrument flight procedure designer, such as:

(a) controlling obstacle for each segment of the procedure;

(b) effect of environmental considerations on the design of the procedure;

(c) infrastructure assessment;

(d) airspace constraints;

(e) for modifications or amendments to existing procedures, the reasons for any changes;

(f) for any deviation from existing standards, the reasons for such a deviation and details of the mitigations applied to assure continued safe operations; and

(g) the results of the final verification for accuracy and completeness, quality

assurance checks, prior to validation and then prior to publication.

(6) The retention period of design records shall not be less than the operational lifetime of the procedure;

(7) All calculations and results of calculations shall be presented in a manner that enables the reader to follow and trace the logic and resultant output.

(8) A record of all calculations shall be kept in order to prove compliance to or variation from the standard criteria.

(9) All documentation shall undergo a final verification for accuracy and completeness prior to validation and publication.

(10) All documentation shall be retained to assist in recreating the procedure in the future in the case of incidents and for periodic review and maintenance for a period of not less than the operational lifetime of the procedure.

(11) The designated service provider shall ensure that:

(a) ground validation is undertaken by a qualified flight procedure designer with appropriate knowledge of flight validation issues;

(b) flight validation is conducted whenever the following conditions exist:

(i) the fly ability of a procedure cannot be determined by other means;

(ii) the procedure requires mitigation for deviations from design criteria;

(iii) the accuracy or integrity of obstacle and terrain data cannot be determined by other means;

(iv) new procedures differ significantly from existing procedures; and

(v) for helicopter Pin S procedures.

Competency of flight validation pilots

11.-(1) The instrument flight procedures design organization shall ensure that flight validation including simulator evaluation is accomplished by a qualified and experienced flight validation pilot.

(2) The qualifications for Flight Validation Pilot shall include:

(a) at least a commercial pilot licence with instrument rating;

(b) the licence held by the Flight Validation Pilot shall be for the aircraft category, aeroplane or helicopter, appropriate for the procedure to be validated; and

(c) Flight Validation Pilots shall meet all the experience requirements for the airline transport pilot licence in the relevant category of aircraft, aeroplane or helicopter, as described in personnel licensing regulations except that the flight validation pilot does not have to be the pilot-in-command of the validation flight nor is he required to have the type rating on the aircraft used for the validation flight.

(3) The instrument flight procedures designer shall provide all data required to conduct a flight validation, flight inspection, and flight simulator evaluation to the entity conducting the exercise;

Approval of instrument flight procedures

12.-(1) An instrument flight procedure for use by civil aircraft within (State) shall not be published unless the instrument flight procedure is approved by the Authority.

(2) The Authority shall only accept instrument flight procedures for approval submitted by approved procedure designers.

(3) For IFPs designed by approved procedure designers independently outside the designated

organization the submission of approval shall be in line with these regulations.

IFP Design publication

13.-(1) The designated air navigation service provider shall ensure that instrument flight procedures designs or charts, are provided to the aeronautical information service provider for publication in the aeronautical information publication.

(2) The IFP shall be accompanied by a narrative, which describes the procedure in textual format.

Use of automation in procedure design and flight validation

14.-(1) The designated air navigation service provider using an automated flight procedure design tool shall ensure that such tool is validated.

(2) Validation of the software shall be in accordance with the requirements prescribed by the Authority.

(3) The scope of validation shall include compliance with ICAO PANS-OPS criteria.

(4) The flight validation tools required under this section shall include the use of equipment that-

(i) has the precision, and accuracy traceable to appropriate standards, that are necessary for the validation being performed;

(ii) has known measurement uncertainties including, but not limited to, the software, firmware and crosswind uncertainties;

(iii) records the actual flight path of the validation aircraft;

(iv) is checked before being released for use, and at intervals not exceeding the calibration intervals recommended by the manufacturer, to establish that the system is capable of verifying the integrity of the instrument flight procedure; and

(v) is operated in accordance with flight validation system procedures and criteria by persons who are competent and current on the system used.

Errors in published instrument flight procedures

15.-(1) The instrument flight procedures design organisation providing an instrument flight procedure service shall establish procedures for recording, investigating, correcting, and reporting, any identified error, and any identified non-conformance or suspected non-conformance with these regulations.

(2) The procedure required by sub regulation (1) shall require that-

(a) an instrument flight procedure is immediately withdrawn from operational use if the error or non-conformance affects, or may affect, the safety of an aircraft operation; and

(b) the error or non-conformance is corrected, and certified by a senior person who is appropriately authorized by the organization.

(c) the correction required by paragraph (b) is clearly identified and promulgated by the most appropriate means relative to the operational significance of the error or non-conformance;

(d) the source of the error or non-conformance is identified, and-

(i) if possible, eliminated to prevent a recurrence; and

(ii) preventive action is taken to ensure that the source of the error or non-conformance has not affected the integrity of any other instrument flight procedure; and

(iii) the Authority is immediately notified, of a promulgated information

incident relating to an error or non-conformance referred to in sub regulation (1) above.

Aerodrome operating minima

16.-(1) The requirements for aerodrome operating minima are as specified in the Civil aviation (Operation of Aircraft) Regulations.

(2) The procedures for the establishment of the aerodrome operating minima shall be prescribed by the Authority.

PART X
EXEMPTIONS

Requirements for application for exemption

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

(2) Unless in case of emergency, a person requiring exemption from any provision of these Regulations shall make an application to the Authority at least sixty days prior to the proposed effective date, giving the following information-

(a) name and contact address including electronic mail and fax if any;
(b) telephone number;
(c) a citation of the specific requirement from which the applicant seeks exemption;
(d) justification for the exemption;
(e) a description of the type of operations to be conducted under the proposed exemption;
(f) the proposed duration of the exemption;
(g) an explanation of how the exemption would be in the public interest;
(h) 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;
(i) a safety risk assessment carried out in respect

of the exemption applied for;

(j) if the applicant handles international operations and seeks to operate under the proposed exemption, an indication whether the exemption would contravene any provision of the Standards and Recommended Practices of ICAO; and

(k) any other information that the Authority may require.

(3) Where the applicant seeks emergency processing of an application for exemption, the application shall contain supporting facts and reasons for not filing the application within the time specified in sub regulation (2) and satisfactory reason for deeming the application an emergency.

(4) The Authority may in writing, refuse an application made under sub regulation (3), where in the opinion of the Authority, the reasons given for emergency processing are not satisfactory.

(5) The application for exemption shall be accompanied by fee prescribed by the Authority.

Review and publication

18.-(1) The Authority shall review the application for exemption made under regulation 52 for accuracy and compliance and if the application is satisfactory, the Authority shall publish a detailed summary of the application for comments, within a prescribed time, in either-

(a) aeronautical information circular; or

(b) a daily newspaper with national circulation.

(2) Where application requirements have not been fully complied with, the Authority shall request the applicant in writing, to comply prior to publication or making a decision under sub regulation (3).

(3) Where the request is for emergency relief, the Authority shall publish the decision as soon as possible after processing the application.

Evaluation of the request

19.-(1) Where the application requirements have been satisfied, the Authority shall conduct an evaluation of the request to include-

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

(b) a determination, after a technical evaluation of whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;

(c) a determination of whether a grant of the exemption would contravene these Regulations; and

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

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

(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 the United Republic of Tanzania the Authority shall publish the summary in aeronautical information circular.

PART XI
GENERAL PROVISIONS

Drug and alcohol testing and reporting

20.-(1) Any person who performs any function prescribed by these Regulations directly or by contract may be tested for drug or alcohol usage.

(2) A person who-

(a) refuses to be tested for the percentage of alcohol present in the blood; or

(b) refuses to be tested to indicate the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, when so requested by a law enforcement officer or the Authority, or refuses to furnish or to authorise the release of the test results requested by the Authority,

shall-

(i) be denied any licence, certificate, rating, qualification, or authorisation issued under these Regulations for a period of up to one year from the date of that refusal; or

(ii) have their licence, certificate, rating, qualification, or authorisation issued under these Regulations suspended or revoked.

(3) Any person who is convicted for the violation of any local or national statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall-

(a) be denied any license, certificate, rating, qualification, or authorisation issued under these Regulations for a period of up to one year after the date of conviction; or

(b) have their licence, certificate, rating, qualification, or authorisation issued under these Regulations suspended or revoked.

Change of Name

21.-(1) A holder of a certificate issued under these Regulations may apply to the Authority for-

(a) a replacement of the certificate if lost or destroyed;

(b) a change of name on the certificate; or

(c) an endorsement on the certificate.

(2) For the purposes of sub regulation (1), the holder of a certificate shall submit to the Authority-

(a) the original certificate or a copy thereof in case of loss; and

(b) a court order, or other legal document verifying the name change.

(3) The Authority shall, upon been satisfied with the documents submitted in subregulation (2), return the originals to the applicant but may retain copies thereof.

Change of address

22.-(1) A holder of a certificate issued under these Regulations shall notify the Authority of the change in the physical and mailing address within fourteen days of such change.

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

Replacement of documents.

23. A person may apply to the Authority, in the prescribed form for a replacement of the documents issued under these Regulations where the documents are lost or destroyed.

Use and retention of documents and records

24.-(1) A person shall not-

(a) use any certificate or exemption issued or required by or under these Regulations which has been forged, altered, cancelled, or suspended, or to which he is not entitled; or

(b) forge or alter any certificate or exemption issued or required by or under these Regulations; or

(c) lend any certificate or exemption issued or required by or under these Regulations to any other person; or

(d) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate or exemption.

(e) mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

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

(3) A person shall not issue any certificate:

(a) or exemption under these Regulations unless he is authorised to do so by the Authority; or

(b) referred to in sub-regulation (3) unless he has satisfied himself that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

Reports of violation Cap.80

25.-(1) Any person who knows of a violation of the Act, or any Regulations, rules, or orders issued there under, shall report it to the Authority.

(2) The Authority may determine the nature and type of investigation or enforcement action that need to be taken.

Failure to comply with direction

26. Any person who fails to comply with any direction given to him by the Authority or by any authorised person under any provision of these Regulations commits an offence.

Aeronautical fees

27.-(1) The Authority shall by written notification prescribed the fees to be charged in connection with the issue, renewal or variation of any certificate, test, inspection or investigation required by, or for the purpose of these Regulations any orders, notices or proclamations made there under.

(2) An applicant for anything under these Regulations shall, before the application is accepted, be required to pay the fee so chargeable for the respective application.

(3) Where a payment has been made in terms of sub regulation (2) and the applicant decides to withdraw the application the Authority shall not refund the payment made.

PART XII
OFFENCES AND PENALTIES

Penalties

28.-(1) A person who contravenes any provision of these Regulations, orders, notices or proclamations made there under shall, upon conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not more than six months or both, and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence.

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(2) If it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of these Regulations, orders, notices or proclamations made there under was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where any person is aggrieved by any order made under these Regulations the person may, within twenty one days of such order being made, appeal against the order to a court of law with competent jurisdiction.

General penalty

29. A person who contravenes any provision of these Regulations for which no penalty has been provided, commits an offence and -

(a) shall, on conviction be liable to a fine of the sum equivalent in Tanzanian shillings of five hundred United States dollars; and

(b) may, on conviction have his certificate, approval, authorisation, exemption or such other document revoked or suspended.

Dar es Salaam,
20th February, 2017

MAKAME M. MBARAWA
Minister for Works, Transport and Communication