

THE CIVIL AVIATION ACT, 1977
THE TANZANIA AIR NAVIGATION REGULATIONS, 2002
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CIVIL AVIATION ACT, 1977
(NO. 13 OF 1977)

REGULATIONS

(Made under section 10)

THE TANZANIA AIR NAVIGATION REGULATIONS, 2002

PART I

PRELIMINARY

Citations

1. These Regulations may be cited as the Tanzania Air Navigation Regulations, 2002.

Interpretation

2. (1) In these Regulations unless the context requires otherwise:

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

“the Act” means the Civil Aviation Act, 1977;

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

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

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

“aerial work undertaking” means an undertaking whose business includes the performance of aerial work;

“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;

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

“aerodrome operating minima” means the limits of usability of an aerodrome for:

- (a) take-off, expressed in terms of runway visual range and/or visibility and, if necessary, cloud conditions;
- (b) landing in precision approach and landing operations, expressed in terms of visibility and/or runway visual range and decision altitude/height (DA/H) as appropriate to the category of the operation; and
- (c) landing in non-precision approach and landing operations, expressed in terms of visibility and/or runway visual range, minimum decision altitude/height (MDA/H) and, if necessary, cloud conditions;

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

“aeronautical ground light” means any light specially provided as an aid to air navigation, other than a light displayed on an aircraft;

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

“aircraft operating manual” means a manual, acceptable to the State of the operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft;

“air operator certificate” means a certificate authorising an operator to carry out specified commercial air transport operations;

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

“air traffic control unit” is a generic term meaning variously, area control centre, approach control office or aerodrome control tower;

“air transport undertaking” means an undertaking whose business includes the undertaking of flights for the purpose of commercial air transport operations;

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

- (a) Take-off alternate: An alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure.
- (b) En-route alternate: An aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route.
- (c) ETOPS en-route alternate: A suitable and appropriate alternate aerodrome at which an aeroplane would be able to land after experiencing an engine shut-down or other abnormal emergency condition while en-route in an ETOPS operation.
- (d) Destination alternate: An alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing;

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

“appropriate aeronautical radio station” means in relation to an aircraft, an aeronautical radio station serving the area in which the aircraft is for the time being;

“appropriate air traffic control unit” means in relation to an aircraft, the air traffic control unit serving the area in which the aircraft is for the time being;

“appropriate authority” means:

- (a) in relation to flight over the high seas, the authority responsible under the law of the state of registry for promoting the safety of civil aviation,
- (b) in relation to flight other than over the high seas, the authority responsible under the law of the state for promoting the safety of civil aviation over the territory being over-flown,
- (c) in relation to Tanzania, the Director General;

“approved” means accepted by Director General as suitable for a particular purpose;

“approved maintenance organisation” means an organization approved by the Director General to perform maintenance of aircraft or parts thereof

and operating under supervision approved by the Director General.

“approved training” means training carried out under special curricula and supervision approved by the Director General;

“ATS” means air traffic services;

“authorised person” means any person authorised by the Director General either generally or in relation to a particular case or class of cases, and references to an authorised person includes references to the holder for the time being of any office designated by the Director General;

“beneficial interest” includes interests arising under contract and other equitable interests;

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

“commercial air transport operation” has the meaning assigned to it by paragraph (6);

“competent authority” means in relation to Tanzania, the Director General, and in relation to any other State the authority responsible under the law of that State for promoting the safety of civil aviation;

“congested area” means in relation to a city, town or settlement any area which is substantially used for residential, industrial, commercial or recreational purposes;

“Contracting State” means any state which is a party to the Chicago Convention;

“controlled airspace” means an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification;

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

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

“co-pilot” means a licensed pilot serving in any piloting capacity other than as pilot-in-command but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instructions;

“crew member” means a person assigned by an operator to duty on an aircraft during a flight duty period;

“danger area” shall mean airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

“dangerous goods” means articles or substances which are capable of posing significant risk to health, safety or property when transported by air;

“decision altitude (DA)” or “decision height (DH)” means a specified altitude or height in the precision approach at which a missed approach must be initiated if the required visual reference to continue the approach has not been established;

“Director General” means the Director General of Tanzania Civil Aviation Authority;

“ETOPS” means extended range operations by aircraft with two turbine power units;

“flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;

“flight duty period” means the total time from the moment a flight crew member commences duty, immediately subsequent to a rest period and prior to making a flight or a series of flights, to the moment the flight crew member is relieved of all duties having completed such flight or series of flights;

“flight level” means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.2 hectopascals (hPa), and is separated from other such surfaces by specific pressure intervals;

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

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

“flight time” means the total time from the moment an aeroplane first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;

“flight visibility” means the visibility forward from the flight deck of an aircraft in flight;

“general aviation operation” has the meaning assigned to it by paragraph (6)(e);

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

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

“Instrument Flight Rules” means flight rules contained in Section VI of the Twelfth Schedule to these Regulations;

“instrument meteorological conditions (IMC)” means meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;

“KHz” means Kilohertz;

“large aeroplane” means an aeroplane of a maximum certificated take-off mass of over 5,700 kg;

“licence” means any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the state in which the licence is granted.

“licensed aerodrome” means an aerodrome licensed under these Regulations;

“life jacket” means any device designed to support a person individually in or on the water;

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

“maintenance certification” means a maintenance completion certification confirming that the maintenance work to which it relates has been completed in a satisfactory manner and in accordance with the procedures approved by the Director General.

“maintenance organisation’s procedure manual” means a document which details the maintenance organisation’s structure, management responsibilities, maintenance procedures and quality assurance or inspection systems.

“maintenance programme” means a document which describes the specific scheduled maintenance tasks and their frequencies of completion, necessary for the continued safe operation of those aircraft which it applies.

“master minimum equipment list (MMEL)” means a list established for a particular aircraft type by the organisation responsible for the type design with the approval of the State of Design containing items, one or more of which is permitted to be unserviceable at the commencement of a flight. The MMEL may be associated with special operating conditions, limitations or procedures;

“maximum mass” means maximum certificated take-off mass;

“medical assessment” means the evidence issued by Director General that the licence holder meets specific requirements of medical fitness. It is issued following an evaluation by the Director General of the report submitted by the designated medical examiner who conducted the examination of the applicant for the licence;

“MHz” means Megahertz;

“military aircraft” means the naval, military or air force aircraft of any state or organisation;

“minimum descent altitude (MDA)” or “minimum descent height (MDH)” means a specified altitude or height in a non-precision approach or circling approach below which descent must not be made without the required visual reference;

“minimum equipment list (MEL)” means a list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the MMEL established for the aircraft type;

“night” means the time between fifteen minutes after sunset and fifteen minutes before sunrise, sunrise and sunset being determined at surface level, and in addition includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

“notified” means shown in any of the following publications issued in Tanzania whether before or after the coming into operation of these Regulations; Aeronautical Information Publications, Aeronautical Information Circulars, Notam, civil aviation publications or such other official publications so issued for the purpose of enabling any of the provisions of these Regulations to be complied with;

“obstacle” means all fixed (whether temporary or permanent) and mobile objects, or parts thereof, that are located on an area intended for the surface movement of aircraft or that extend above a defined surface intended to protect aircraft in flight;

“obstacle clearance altitude (OCA)” or “obstacle clearance height (OCH)” means the lowest altitude, or the lowest height above the elevation of the

relevant runway threshold or the aerodrome elevation as applicable, used in establishing compliance with appropriate obstacle clearance criteria;

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

“operational flight plan” means the operator’s plan for the safe conduct of the flight based on consideration of aeroplane performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned;

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

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

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

“parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;

“passenger” means a person other than a member of the crew;

“pilot in command” means the pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight;

“prescribed” means prescribed by regulations made by the Director General under these Regulations;

“problematic use of substances” means the use of one or more psychoactive substances by aviation personnel in a way that:

- (a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or
- (b) causes or worsens an occupational, social, mental or physical problem or disorder;

“psychoactive substances” means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens and volatile solvents, whereas coffee and tobacco are excluded;

“public transport aircraft” means the aircraft certificated category for the purpose assigned to it in paragraph 2 of the Third Schedule of these Regulations;

“radio” means a general term applied to the use of electromagnetic waves of frequencies between ten KHz and three million MHz;

“radio apparatus” means any apparatus, including any ancillary equipment, for sending or receiving information or data by means of electromagnetic waves;

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

“rest period” means any period of time on the ground during which a flight crew member is relieved of all duties by the operator;

“RNP type” means a containment in value expressed as a distance in nautical miles from the intended position within which flights would be for at least 95 per cent of the total flying time;

“rocket” means any projectile for projection through the air by the combustion of its own contents and having a total weight before firing of more than 2.267962 kg.;

“runway visual range (RVR)” means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

“scheduled journey” means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

“small aircraft” means any unmanned aircraft, other than a balloon or a kite, weighing not more than 20kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

“small balloon” means a balloon not exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

“solo flight time” means flight time during which a student pilot is the sole occupant of an aircraft;

“State aircraft” takes the meaning assigned to it by Section 2 (1) of the Act;

“State of design” means the State having jurisdiction over the approved maintenance organisation responsible for the type design;

“State of the operator” means the State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;

“State of registry” means the State on whose register the aircraft is entered;

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

“Visual Flight Rules” means the Visual Flight Rules contained in the Twelfth Schedule to these Regulations;

“visual meteorological conditions” takes the meaning assigned to it in the Twelfth Schedule to these Regulations.

- (2) An aircraft shall be deemed to be in flight:
 - (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power until the moment when it next comes to rest after landing;
 - (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;
 - (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon
 - (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the

surface until the moment it comes to rest thereon; and

- (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon;

and the expressions “a flight” and “to fly” shall be construed accordingly.

- (3)
 - (a) Subject to sub-paragraph (b), references in these Regulations to the “operator of an aircraft” are, for the purposes of the application of any provision of these Regulations in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft, and cognate expressions shall be construed accordingly.
 - (b) For the purposes of the application of any provision in Part VI of these Regulations, when by virtue of any charter or other agreement for the hire or loan of an aircraft, a person, other than an air transport undertaking or an aerial work undertaking, has the management of that aircraft for a period not exceeding 14 days, the foregoing provisions of this paragraph shall have effect as if that agreement had not been entered into.
- (4) The expressions appearing in the “General Classification of Aircraft” set forth in Part A of the First Schedule to these Regulations shall have the meanings thereby assigned to them.
- (5)
 - (a) A power to make regulations under these Regulations shall include the power to make different provisions with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of Tanzania and to make such incidental and supplementary provisions as are necessary or expedient for carrying out the purposes of these Regulations.
 - (b) In this paragraph “instrument” includes any regulation, direction, instruction, rule or other requirements, any notice and any certificate, licence, approval, permission, exemption, logbook record or other document.
- (6)
 - (a) Subject to the provisions of this regulation, an aircraft in flight shall, for the purposes of these Regulations, be deemed to be commercial air transport operations:
 - (i) if valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight;
 - (ii) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking

(including, in the case of a body corporate, its directors and, in the case of the Tanzania Civil Aviation Authority, the members of that Authority), persons with the authority of the Director General either making any inspection or witnessing any training, practice or test for the purposes of these Regulations, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or

- (iii) for the purposes of Part VI of these Regulations (other than regulations 17(2) and 18(2) thereof), if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on that flight (not being a single-seat aircraft of which the maximum mass does not exceed 910 kg) otherwise than under a hire-purchase or conditional sale agreement.
- (b)
 - (i) Notwithstanding that an aircraft may be flying as commercial air transport operation by reason of paragraph (6)(a)(iii), it shall not be deemed to be flying as commercial air transport operations unless valuable consideration is given for the carriage of those passengers.
 - (ii) A glider shall not be deemed to fly as commercial air transport operations for the purposes of Part VI of these Regulations by virtue of paragraph (6)(a)(iii) if the valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.
 - (iii) Notwithstanding the giving or promising of valuable consideration specified in subparagraph (6)(a)(iii) in respect of the flight or the purpose of the flight it shall:
 - (aa) subject to sub-paragraph (bb), for all purposes other than Part VI of these Regulations; and
 - (bb) for the purposes of regulations 17(2) and 18(2) of these Regulations; be deemed to be a general aviation flight.
- (c) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected otherwise than aforesaid, valuable consideration shall, for the purposes of these Regulations, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

- (d) For the purposes of paragraph (6)(a)(i), there shall be disregarded any valuable consideration given or promised in respect of a flight or the purpose of a flight by one company to another company which is its holding company, its subsidiary or another subsidiary of the same holding company
- (e) (i) A flight shall, for the purposes of Part V these Regulations, be deemed to be a general aviation operation if:
 - (aa) the flight is:
 - (aaa) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display;
 - (bbb) for the purpose of positioning the aircraft for such a flight as is specified in subparagraph (aaa) hereof and is made with the intention of carrying out such a flight; or
 - (ccc) for the purpose of returning, after such a flight as is specified in subparagraph (aaa) hereof, to a place at which the aircraft is usually based;
 - (bb) the only valuable consideration in respect of the flight or the purpose of the flight other than:
 - (aaa) valuable consideration specified at paragraph (6)(a)(iii); or
 - (bbb) in the case of an aircraft owned in accordance with paragraph (6)(i)(i), valuable consideration which falls within paragraph (6)(i)(ii) is either:
 - (ccc) that given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display and such valuable consideration does not exceed the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution shall bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or
 - (ddd) one or more prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value which

shall not exceed the equivalent in Tanzanian Shillings of USD 220 in respect of any one race or contest except with the permission in writing of the Director General granted to the organiser of the race or contest which permission may be granted subject to such conditions as the Director General thinks fit; or

(eee) falls within both sub-paragraphs (ccc) and (ddd).

(ii) Any prize falling within paragraph (6)(e)(i)(bb)(ddd) shall be deemed for the purposes of these Regulations not to constitute remuneration for services as a pilot.

(f) (i) Subject to paragraph (ii), a flight shall be deemed to be a general aviation operation if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than:

aa. valuable consideration specified at paragraph (6)(a)(iii); or

bb. in the case of an aircraft owned in accordance with paragraph (6)(i)(i), valuable consideration which falls within paragraph (6)(i)(ii);

is given or promised to a registered charity which is not the operator of the aircraft and the flight is made with the permission in writing of the Director General and in accordance with any conditions therein specified.

(ii) If valuable consideration specified at paragraph (6)(a)(iii) is given or promised the provisions of that paragraph shall apply to the flight.

(g) (i) Subject to paragraph (bb), a flight shall be deemed to be a general aviation operation if:

(aa) the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than valuable consideration specified at paragraph (6)(a)(iii); or in the case of an aircraft owned in accordance with paragraph (6)(i)(i), valuable consideration which falls within paragraph (6) (i)(ii); is a contribution to the direct costs of the flight otherwise payable by the pilot in command; and

(bb) no more than 4 persons (including the pilot) are

carried on such a flight; the proportion which such contribution bears to the total direct costs of the flight shall not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried on the flight (including the pilot); no information concerning the flight shall have been published or advertised prior to the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over shall be members of that flying club; and no person acting as a pilot on such a flight shall be employed as a pilot by or be a party to a contract for the provision of services as a pilot with the operator of the aircraft being flown on the flight.

- (ii) If valuable consideration specified at paragraph (6)(a)(iii) is given or promised the provisions of that paragraph shall apply to the flight.
- (h) (i) Subject to paragraph (ii), a flight shall be deemed to be a general aviation operation if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than valuable consideration specified at paragraph (6)(a)(iii); or in the case of an aircraft owned in accordance with paragraph (6)(j)(i), valuable consideration which falls within paragraph (6)(j)(ii); is the payment of the whole or part of the direct costs otherwise payable by the pilot in command by or on behalf of the employer of the pilot in command, or by or on behalf of a body corporate of which the pilot in command is a director, provided that neither the pilot in command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried.
- (ii) If valuable consideration specified at paragraph (6)(a)(iii) is given or promised the provisions of that paragraph shall apply to the flight.
- (i) A flight shall be deemed to be a general aviation operation if:
 - (i) the aircraft is owned jointly by persons (each of whom is a natural person) who each hold not less than a 5% beneficial share and the aircraft is registered in the names of all the joint owners; or the aircraft is registered in the name or names of one or more of the joint owners as trustee or trustees for all the joint owners and written notice has been given to the Director General of the names of all the persons beneficially entitled to a share in the aircraft; or

by a company in the name of which the aircraft is registered and the registered shareholders of which (each of whom is a natural person) each hold not less than 5% of the shares in that company; and

- (ii) the only valuable consideration given or promised in respect of the flight or the purpose of the flight is either:
 - (aa) in respect of and is no greater than the direct costs of the flight and is given or promised by one or more of the joint owners of the aircraft or registered shareholders of the company which owns the aircraft; or
 - (bb) in respect of the annual costs and given by one or more of such joint owners or shareholders (as aforesaid);

or falls within both sub-paragraphs (aa) and (bb).

- (j) A flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of:
 - (aa) dropping of persons by parachute and which is made under and in accordance with the terms of a written permission granted by the Director General pursuant to regulation 103 of these Regulations;
 - (bb) positioning the aircraft for such a flight as is specified in sub-paragraph (aa) and which is made with the intention of carrying out such a flight and on which no person is carried who it is not intended shall be carried on such a flight and who may be carried on such a flight in accordance with the terms of a written permission granted by the Director General pursuant to regulation 103 of these Regulations; or
 - (cc) returning after such a flight as is specified in sub-paragraph (aa) hereof to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in sub-paragraph (aa);

shall be deemed to be for the purposes of aerial work.

- (7) (a) Subject to the provisions of this regulation, "aerial work" means any purpose for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight.

- (b) If the only such valuable consideration consists of remuneration for the services of the pilot the flight shall be deemed to be a general aviation operation for the purposes of these Regulations.

PART II

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft to be Registered

- 3. (1) An aircraft shall not fly in or over Tanzania unless it is registered in:
 - (a) Tanzania; or
 - (b) a Contracting State; or
 - (c) Some other State in relation to which there is in force an agreement between the Government of Tanzania and the Government of that State which makes provisions for the flight over Tanzania of aircraft registered in that State.

Provided that:

- (i) a glider may fly unregistered, and shall be deemed to be registered in Tanzania for the purpose of regulations 17, 18, 35 and 78 on any flight which:
 - (a) begins and ends in Tanzania without passing over any other country; and
 - (b) is not for the purpose of public transport or aerial work.
 - (ii) any aircraft may fly unregistered on any flight which:
 - (a) begins and ends in Tanzania without passing over any other State and
 - (b) is in accordance with the "B conditions" set forth in the Second Schedule to these Regulations.
 - (iii) this paragraph shall not apply to any kite or captive balloon.
- (2) If an aircraft flies over Tanzania in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in Tanzania an offence against these Regulations or against other subsidiary legislation made under the Act would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration of Aircraft in Tanzania

- 4. (1) The Director General shall be the authority for the registration of aircraft in Tanzania and shall establish and keep a register to be known as the

"Aircraft Register". The Aircraft Register shall be in the approved format and include particulars specified in paragraph 6 of this regulation.

- (2) Subject to the provisions of this regulation, an aircraft shall not be registered or continue to be registered in Tanzania if it appears to the Director General that:
 - (a) The aircraft is registered anywhere outside Tanzania; or
 - (b) an unqualified person is entitled as owner or any legal or beneficial interest in the aircraft or any share therein; or
 - (c) it would be inexpedient in the public interest for the aircraft to be or continue to be registered in Tanzania, or
 - (d) the aircraft is not intended to be used as an aircraft.
- (3) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in Tanzania or a share therein
 - (a) Tanzania Government;
 - (b) Tanzania Citizens, bona fide residents of Tanzania;
 - (c) bodies corporate established and subject to the laws of Tanzania.
- (4) If an aircraft is leased to a person qualified under paragraph (3), the Director General may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in Tanzania in the name of the lessor, or in the names of both lessor and lessee, upon being satisfied that the aircraft may otherwise be properly so registered; and subject to this regulation the aircraft may remain so registered, during the continuation of the lease.
- (5) Application for the registration of an aircraft in Tanzania shall be made in writing to the Director General and shall include and be accompanied by such particulars as set forth in Part B of the First Schedule to these Regulations.
- (6) Upon receiving an application for the registration of an aircraft and being satisfied that the aircraft may properly be so registered, the Director General shall register the aircraft, and shall include in the register the following particulars-
 - (a) the number of the certificate;
 - (b) the nationality mark of the aircraft, and the registration mark assigned to it by the Director General;
 - (c) the name of the manufacturer and the manufacturer's designation of the aircraft;
 - (d) the serial number of the aircraft;
 - (e) (i) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or, in the case of a lease agreement, the names and addresses of lessee and lessor; or

- (ii) in the case of an aircraft acquired under a financial arrangement, the Director General may accept including name(s) and address(es) of the Financier(s);
- (f) If the registration is for a particular period such as is set out in paragraph (4) of this regulation a date on which the registration expires.
- (7) The Director General shall furnish to the person in whose name the aircraft is registered, hereinafter referred to as the “registered owner”, a certificate of registration, which shall include the foregoing particulars and the date on which the certificate was issued.
- (8) Subject to this regulation, if at anytime after an aircraft has been registered in Tanzania an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Director General.
- (9) Any person who is the registered owner of an aircraft registered in Tanzania shall forthwith inform the Director General in writing of -
 - (a) any change in the particulars which were furnished to the Director General upon application being made for the registration of the aircraft including acquisition or disposal of property interest in a Tanzanian aircraft, change or errors in registered particulars;
 - (b) lost, stolen or destroyed certificate of registration;
 - (c) the destruction of the aircraft, or its permanent withdrawal from use;
 - (d) in the case of leased aircraft, the termination of that lease.

The notification of the above and other matters on aircraft registration shall be as set out in Part C of the First Schedule to these Regulations.

- (10) Any person who becomes the owner of an aircraft registered in Tanzania shall forthwith inform the Director General in writing to that effect.
- (11) In this regulation, references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in paragraph (9) of regulation 4 to the registered owner of an aircraft includes, in the case of deceased person, his legal personal representative and in the case of a body corporate which has been dissolved, its successor.

Power to Amend or Cancel Registration

5. (1) The Director General may, whenever it appears to him necessary or appropriate to do so for giving effect to the provisions of this Part or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if he thinks fit, cancel the registration of the aircraft.
- (2) Nothing in this regulation shall require the Director General to cancel the registration of an aircraft if, in his opinion, it would be inexpedient in the public interest to do so.

Nationality and Registration Marks

6. (1) An aircraft, other than aircraft permitted by law to fly without being registered, shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the State of Registry, the nationality and registration marks required by that law.
- (2) The marks to be borne by aircraft registered in Tanzania shall comply with the First Schedule to these Regulations
- (3) An aircraft shall not bear any marks which purport to indicate:
 - (a) that the aircraft is registered in a State which it is not in fact so registered; or
 - (b) that the aircraft is a state aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that State has sanctioned the bearing of such marks.

PART III

AIRWORTHINESS, ENVIRONMENTAL PROTECTION AND EQUIPMENT OF AIRCRAFT

Certificate of Airworthiness to be in Force

7. (1) An aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the State in which the aircraft is registered and any conditions subject to which the certificate was issued or rendered valid are complied with:

Provided that the foregoing prohibition shall not apply to flights beginning and ending in Tanzania without passing over any other State, of:

- (a) a glider, if it is not being used for the public transport of passengers; or aerial work;
- (b) a balloon, flying on a private flight;
- (c) a kite;
- (d) an aircraft flying in accordance with the "A conditions" or the "B conditions" set forth in the Second Schedule to these Regulations or in accordance with a Special Flight Permit Authorisation issued by the Director General; or
- (e) an aircraft flying in accordance with the conditions of a permit to fly issued by the Director General in respect of that aircraft.

- (2) In case of an aircraft registered in Tanzania the certificate of airworthiness referred to in paragraph (1) shall be a certificate issued or rendered valid in accordance with the provision of regulation 8.

Issue and Renewal of Certificate of Airworthiness

8. (1) The Director General may issue in respect of an aircraft registered in Tanzania a certificate of airworthiness if he is satisfied that:
- (i) The aircraft was manufactured by the holder of a valid type certificate (or an equivalent document) with respect to that aircraft which is recognised or accepted by the Director General and meets acceptable standards of airworthiness in accordance with Part B of the Second Schedule;
 - (ii) There is such documents or other evidence as the Director General may require relating to the fitness for flying of the aircraft;
 - (iii) The aircraft when operated in accordance with the requirements specified in the flight manual (or equivalent document) for the aircraft, conforms to the approved type specifications specified in the type approval certificate (or equivalent document);
 - (iv) Maintenance specified by the Director General as a prerequisite for issue of a certificate of airworthiness has been carried out and certified by person(s) acceptable to the Director General in accordance with these Regulations;
 - (v) All maintenance required to be carried out on the aircraft to comply with these Regulations or other requirements issued by the Director General have been carried out and certified in accordance with these Regulations.
- (2) The Director General may issue the certificate of airworthiness subject to such conditions relating to the airworthiness of the aircraft as he thinks fit.
- (3) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Director General, appropriate to the aircraft in accordance with the Third Schedule to these Regulations and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated in the said Schedule in relation to these categories.
- (4) The Director General may, subject to such conditions as he thinks fit, issue a certificate of validation rendering valid for the purposes of these Regulations a certificate of airworthiness issued in respect of any aircraft under the law of any State other than Tanzania.
- (5) Subject to the provisions of this regulation and of regulation 6, a certificate of airworthiness or validation issued under this regulation shall

remain in force for such period as may be specified therein, and may be renewed from time to time by the Director General for such further period as he thinks fit.

- (6) The certificate of airworthiness may designate the performance group to which the aircraft belongs for the purposes of the requirements referred to in regulation 68

Loss of Airworthiness

9. (1) A certificate of airworthiness or a certificate of validation issued in respect of an aircraft shall cease to be in force:
 - (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is maintained, or if any part of the aircraft or such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Director General either generally or in relation to a class of aircraft or to the particular aircraft;
 - (b) if the aircraft or any of its equipment as aforesaid is not maintained as required by a maintenance programme/schedule approved by the Director General in relation to that aircraft;
 - (c) an inspection or modification classified as mandatory by the Director General applicable to the aircraft or of any such equipment as aforesaid, has not, been completed to the satisfaction of the Director General;
 - (d) at the end of validity period specified on the certificate;
 - (e) if the aircraft or any such equipment as aforementioned sustains damage and/or the damage is ascertained during inspection which affects the airworthiness of the aircraft;
 - (f) when the certificate of airworthiness is suspended, cancelled or revoked in accordance with regulation 127 of these Regulations.
- (2) Nothing in regulations 7 and 8 above shall oblige the Director General to accept an application for the issue of a certificate of airworthiness or for the validation or renewal of any such certificate when the application is not supported by such reports from such approved persons or maintenance organisations, either generally or in a particular case or class of cases, as the Director General may specify.

Damage etc to Aircraft of Other States

10. (1) Where an aircraft possessing the nationality of a foreign State is in Tanzania territory and is found to have suffered major damage or to have developed a major defect, the Director General may direct in writing that the aircraft shall not fly. The State of registry shall be informed

immediately with details of the damage or defect necessary to formulate judgement referred to in the following subparagraphs.

- (2) The Director General shall permit the aircraft to fly when the State of registry considers the damage sustained or the defect is of a nature such that the aircraft is still airworthy.
- (3) When the State of registry considers that the damage or defect sustained is of a nature such that the aircraft is no longer airworthy, it shall prohibit the aircraft from resuming flying until it is restored to an airworthy condition; the State of registry may, however, in exceptional circumstances, prescribe particular limiting conditions to permit the aircraft fly without passengers to an aerodrome at which it can be restored to an airworthy condition, and the Director General shall permit such flight.

Requirement of Noise Certificate

- 11 An aircraft to which regulation 12 applies shall not land or take-off in Tanzania unless there is in force thereof a noise certificate issued or rendered valid by the competent authority of the country in which the aircraft is registered.

Issue of Aircraft Noise Certificate

12. (1) An aircraft included in the classifications defined for noise certification purpose in Part A of the Fourth Schedule of these Regulations shall be issued with a noise certificate or a suitable statement attesting noise certification contained in another document approved by the State of registry and required by that State to be carried in the aircraft.
- (2) Noise certification shall be issued or validated by the State of registry of an aircraft on the basis of satisfactory evidence that the aircraft complies with requirements which are at least equal to the applicable Standards specified in the Annex 16 Volume 1 to the Chicago Convention.
- (3) The Director General, in the case of an aircraft registered in Tanzania and included in the classifications defined in sub regulation (1) above, shall issue a Noise Certificate on the basis of or render valid the noise certificate issued by the State of manufacture or State of design or a competent State of registry.
- (4) The document attesting noise certification of an aircraft shall at least provide information as per Part B of the Fourth Schedule of these Regulations.

Technical Logbook

13. (1) Every aircraft registered in Tanzania in which a certificate of airworthiness in public transport or aerial work is applicable, shall have a technical logbook.

- (2) At the end of every flight by an aircraft to which this regulation is applicable, the pilot in command shall enter:
- (a) the times when the aircraft took off and landed;
 - (b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect; and
 - (c) such other particulars in respect of airworthiness or operation of the aircraft as the Director General may require;

in a technical logbook and he shall sign and date such entries. Provided that, in case of a number of consecutive flights each of which begins and ends:

- (i) within the same period of 24 hours;
- (ii) at the same aerodrome except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes; and
- (iii) with the same person as the pilot in command;

the pilot in command may, except where he becomes aware of a defect during an earlier flight, make the entries as aforesaid in a technical logbook at the end of the last of such consecutive flights.

- (3) Upon the rectification of any defect which has been entered in a technical logbook in accordance with subparagraph (2) of this regulation a person issuing a maintenance completion certificate required by these Regulations in respect of that defect shall enter the certificate in the technical logbook in such a position as to be readily identifiable with the defect to which it relates.
- (4) The technical logbook referred to in this regulation shall be in the format acceptable to the Director General and shall contain information specified in the Fourth Schedule to these Regulations. The technical logbook shall be carried in the aircraft as required by regulation 123 of these Regulations. Copies of the entries referred to in this regulation shall be kept on ground.
- (5) Subject to regulation 126 a technical logbook required by this regulation shall be preserved by the operator of the aircraft to which it relates until a date two years after the aircraft has been destroyed or has been permanently withdrawn from use or for such shorter period as the Director General may permit in a particular case.

Aircraft, Engine and Propeller Logbooks

14. (1) (a) In addition to any other logbooks required by or under these Regulations, the following Logbooks shall be kept in respect of aircraft registered in Tanzania: -
- (i) an aircraft Logbook;
 - (ii) a separate logbook in respect of each engine fitted in the

- aircraft; and
 - (iii) a separate logbook in respect of each variable pitch propeller fitted to the aircraft.
 - (b) The logbooks shall include the particulars respectively specified in Fourth Schedule to these Regulations.
- (2)
 - (a) Each entry in the logbook shall be made as soon as practicable after the occurrence to which it relates, but in no event more than seven days after the expiration of the certificate of safety for flight, if any, in force in respect of the aircraft at the time of the occurrence.
 - (b) Each entry in the logbook, being such an entry related to maintenance, overhaul, repair, replacement, modification or inspection undertaken on the engine or propeller shall be made upon each occasion as the case may be.
- (3) Entries in a logbook may refer to other documents, which shall be clearly identified, and any other document so referred to shall be deemed for the purpose of these Regulations, to be part of the logbook.
- (4) Subject to regulation 126 every logbook shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.
- (5) It shall be the duty of the operator of every aircraft in respect of which logbooks are required to be kept as aforesaid to keep them or cause them to be kept in accordance with the foregoing provisions of this regulation.

Aircraft Mass Schedule

- 15.
 - (1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under these Regulations shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Director General may require or approve in the case of that aircraft.
 - (2) Upon the aircraft being weighed as aforesaid, the operator of the aircraft shall prepare a mass schedule showing:
 - (a) Either the basic mass of the aircraft, that is to say the mass, of the aircraft empty together with the mass of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the mass schedule, or such other mass as may be approved by the Director General in the case of that aircraft; and
 - (b) Either the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic mass or such

other position of the centre of gravity as may be approved by the Director General in the case of that aircraft.

- (3) Subject to regulation 126 the mass schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purpose of this regulation.

Access and Inspection for Airworthiness Purposes

16. (1) The Director General may cause such inspections, investigations, tests, experiments and flight trials to be made as he deems necessary to enable him to perform the functions vested in him by this Part of these Regulations, and any person authorised in writing by the Director General shall at any reasonable time have the right of access to any place in any establishment to which access is necessary for the purpose of inspecting the manufacture of or assembly of any part of the aircraft or any drawings or other documents relating to any part of the aircraft.
- (2) Without prejudice to the generality of paragraph (1), the Director General, and any authorised person, may inspect any workshop or other place used for the maintenance of aircraft, aircraft equipment and shall at any reasonable time have the right of access as necessary to enable the exercise of the powers conferred by these Regulations.

Equipment of Aircraft

17. (1) An aircraft shall not fly unless it is so equipped as to comply with the law of the State of Registry, and to enable lights and markings to be displayed and signals to be made, in accordance with these Regulations and any regulations made thereunder.
- (2) In the case of an aircraft registered in Tanzania the equipment required to be provided, in addition to any other equipment required by or under these Regulations, shall be that specified in such parts of Fifth Schedule to these Regulations as are applicable in the circumstances and shall comply with the provisions of that Schedule. The equipment, unless otherwise specified, shall be of a type approved by the Director General either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.
- (3) In any particular case the Director General may direct that an aircraft registered in Tanzania shall carry such additional or special equipment or supplies as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.
- (4) The equipment carried in compliance with this regulation shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use is intended.

- (5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft. In particular in every aircraft registered in Tanzania with a certificate of airworthiness in public transport there shall be provided individually for each passenger or if the Director General so permits in writing, exhibited in prominent position every passenger compartment a notice relevant to the aircraft in question containing pictorial -
- (a) instructions on the brace position to be adopted in the event of an emergency landing;
 - (b) instructions on the method of use of the safety belts and safety harnesses as appropriate;
 - (c) information as to where emergency exits are to be found and instructions to how they are to be used; and
 - (d) information as to where the life jackets, escape slides, life-rafts and oxygen masks, if required to be provided by paragraph (2) of this regulation, are to be found and instruction as to how they are to be used.
- (6) All equipment installed or carried in an aircraft, whether or not in compliance with this regulation, shall be so installed or stowed and so maintained and adjusted as not to be a source of danger in itself or impair the airworthiness of the aircraft or the proper functioning of any equipment or services for the safety of the aircraft.
- (7) Without prejudice to paragraph (2) of this regulation, all navigational equipment, other than radio apparatus, of any of the following types namely;
- (a) equipment capable of establishing the aircraft's position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it; and
 - (b) equipment capable of establishing automatically the altitude and relative bearing of selected celestial bodies;

when carried in an aircraft registered in Tanzania, whether or not in compliance with these Regulations or any other regulations made thereunder, shall be of a type approved by the Director General either generally or in relation to class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

Radio Equipment of Aircraft

18. (1) An aircraft shall not fly unless it is so equipped with radio and radio navigation equipment as to comply with the law of the country in which

the aircraft is registered and to enable communications to be made and the aircraft to be navigated in accordance with the provision of these Regulations and any other regulation made thereunder.

- (2) Without prejudice paragraph (1) of this regulation, the aircraft shall be equipped with radio and radio navigation equipment in accordance with Sixth Schedule to these Regulations.
- (3) In any particular case the Director General may direct that an aircraft registered in Tanzania shall carry such additional or special radio or radio navigation equipment as he may specify for the purpose of facilitating the communication and navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.
- (4) Subject to such exceptions as may be prescribed, the radio and radio navigation equipment provided in compliance with this regulation in an aircraft registered in Tanzania, shall always be maintained in a serviceable condition.
- (5) All radio and radio navigation equipment installed in an aircraft registered in Tanzania or carried on such an aircraft for use in connection with the aircraft whether or not in compliance with these Regulations or any regulations made thereunder, shall be of a type approved by the Director General in relation to the purpose for which it is to be used, and shall, except in the case of glider which is permitted by regulation 3 of these Regulations to fly unregistered, be installed in a manner approved in writing by the Director General. Neither the apparatus nor the manner in which it is installed shall be modified except with the approval of the Director General.

Minimum Equipment Requirements

19. (1) An aircraft registered in Tanzania shall not commence a flight if any of the equipment, including radio apparatus, required by or under these Regulations to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use, otherwise than under and in accordance with the terms of a permission specified in paragraph (2) of this regulation.
- (2) Subject to paragraph (1) of this regulation, the Director General may approve a MEL prepared by the operator based on the aircraft MMEL, in respect of any aircraft or a class of aircraft registered in Tanzania, permitting such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment, including radio apparatus, required by or under these Regulations to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

PART IV

MAINTENANCE OF AIRCRAFT

Maintenance Programme

20. (1) An aircraft registered in Tanzania in respect of which a certificate of airworthiness in the public transport, aerial work or any other category notified by the Director General is in force shall not fly unless the aircraft, including in particular its engines, together with its equipment and radio station, is maintained in accordance with a Maintenance Programme approved by the Director General.
- (2) Application for approval of the Maintenance Programme shall be made by the operator or approved maintenance organisation in writing. The Maintenance Programme shall contain details of all the procedures, as reflected in Part A of Seventh Schedule to these Regulations, by which it is proposed that the aircraft continued airworthiness would be preserved and it shall observe the Human Factor principles in its application.
- (3) The operator shall provide for use and guidance of maintenance and operational personnel concerned, a Maintenance Programme approved by the Director General for maintenance of his aircraft. The operator shall ensure continuous amendment to the schedule and furnish them promptly to all maintenance organisations or persons to whom the Maintenance Programme has been issued. Any such amendments shall be approved by the Director General.

Continuing Airworthiness Information

21. (1) The operator of an aeroplane over 5,700kg and helicopters over 3,180kg maximum mass shall monitor and assess maintenance and operational experience with respect to continuing airworthiness and provide the information as prescribed by the Director General and report through a specified system.
- (2) The operator of an aeroplane over 5,700kg and helicopters over 3,180kg maximum mass shall obtain and assess continuing airworthiness information and recommendations available from the organisation responsible for the type design and shall implement resulting actions considered necessary in accordance with a procedure acceptable to the Director General.

Modifications and Repairs

22. An aircraft registered in Tanzania, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force, shall not fly unless all modification and repairs carried out on the aircraft complies with airworthiness requirements acceptable to the Director General and there is in force a certification supporting compliance as required by these Regulations.

Operator's Maintenance Responsibilities

23. (1) An operator shall ensure that in accordance with these Regulations and in accordance with the procedures acceptable to the Director General:
- (a) each aircraft operated is maintained in an airworthy condition;
 - (b) the operational and emergency equipment necessary for an intended flight is serviceable; and
 - (c) the certificate of airworthiness of each aeroplane they operate remains valid.
- (2) An operator shall not operate an aeroplane for commercial air transport operations or aerial work unless it is maintained and released to service by an approved maintenance organisation approved by the Director General in accordance with regulation 24 of these Regulations.
- (3) An operator shall ensure that there is a maintenance control manual, accepted by the Director General, for guidance of maintenance and operational personnel concerned and that he employs a person or group of persons to ensure that all maintenance is carried out in accordance with the said manual. The maintenance control manual shall contain information specified in Part G of Seventh Schedule to these Regulations.

Approved Maintenance Organisation

24. (1) An approved maintenance organisation shall not carry out maintenance on aircraft registered and certificated in Tanzania in public transport or aerial work category, unless it is approved by the Director General for such work.
- (2) The Director General when satisfied that the approved maintenance organisation meets the prescribed standards and requirements for maintenance of aircraft, may issue an approval which shall contain at least:
- (a) The name and location of the maintenance organisation;
 - (b) Date of issue and period of validity;
 - (c) Terms and conditions of approval.
- (3) The continued validity of the approval shall depend upon the approved maintenance organisation remaining in compliance with the prescribed standards and requirements.
- (4) The approved maintenance organisation shall ensure that the facilities and working environment are appropriate for task to be performed and that it has the necessary technical data, equipment, tools and materials to perform the work for which it is approved. Storage facilities shall be provided for parts, equipment, tools and material and its conditions shall be such as to provide security and prevent deterioration of damage to stored items.

- (5) The approved maintenance organisation shall employ the necessary personnel to plan, perform, supervise, inspect and release the work to be performed. It shall ensure that all maintenance personnel receive initial and continued training appropriate to their assigned tasks and responsibilities. The training programme established by the approved maintenance organisation shall include training in knowledge and skills related to human performance, including coordination with other maintenance personnel and flight crew.
- (6) The competence of maintenance personnel shall be established in accordance with a procedure and to a level acceptable to the Director General. The person making certification in accordance with regulation 27 of these Regulations shall be qualified in accordance with regulation 29 of these Regulations.
- (7) The approved maintenance organisation shall nominate a person or group of persons whose responsibilities includes ensuring that the approved maintenance organisation is in compliance with the requirement of these Regulations.

Maintenance Procedures and Quality Assurance System

25. (1) (a) The approved maintenance organisation shall provide for the use and guidance of maintenance personnel concerned procedure manual approved by the Director General containing information specified in Part F of the Seventh Schedule of these Regulations.
- (b) The approved maintenance organisation shall ensure that the procedure manual is amended and kept up to date on the information therein, and that such amendments are furnished promptly to all organisations or persons to whom the manual has been issued.
- (2) The approved maintenance organisation shall establish procedures as detailed in its procedure manual which ensure good maintenance practices and compliance with all the requirements of the Director General.
- (3) The approved maintenance organisation shall ensure compliance of paragraph 2 of this regulation by either establishing an independent quality assurance system to monitor compliance with and adequacy of the procedures, or by providing a system of inspection to ensure that all maintenance is properly performed.

Maintenance Records

26. (1) The approved maintenance organisation shall retain detailed maintenance records to show that all requirements for the maintenance certification have been met. These records shall be preserved in accordance with regulation 126 of these Regulations.

- (2) An operator shall ensure that the following records are kept for the periods mentioned in paragraph (3) and preserved in accordance with regulation 126 of these Regulations:
 - (a) the total time in service (hours, calendar time and cycles, as appropriate) of the aeroplane and all life limited components;
 - (b) the current status of compliance with all mandatory continuing airworthiness information;
 - (c) appropriate details of modification and repairs;
 - (d) the time in service (hours, calendar time and cycles, as appropriate) since the last overhaul of the aeroplane or its components subject to a mandatory overhaul life;
 - (e) the current status of the aeroplane's compliance with the maintenance programme; and
 - (f) the detailed maintenance records to show that all requirements for the signing of a maintenance certification have been met.
- (3) The records in paragraph (2) (a) to (e), unless otherwise specified by the Director General, shall be kept for a minimum period of two years after the unit to which they refer has been permanently withdrawn from service, and the records in (f) for a minimum period of two year after the signing of the maintenance certification.
- (4) In the event of a temporary change of operator, the records shall be made available to the new operator. In the event of any permanent change of operator, the records shall be transferred to the new operator. The Director General shall determine what should be considered as a temporary change of operator.

Maintenance Certification

27. (1) A person who carries out maintenance work on an aircraft, its equipment or parts shall not release it to service unless a maintenance completion certificate has been issued and signed to certify that the maintenance work performed has been completed satisfactorily and in accordance with the procedures approved by the Director General.
- (2) For the purpose of this regulation, maintenance work carried out on an aircraft, its equipment or parts by an employee of an approved maintenance organisation in accordance with regulation 24 of these Regulations shall be taken to have been carried out by both the employer and employee.
- (3) The operator shall not permit or cause an aircraft on which maintenance has been carried out to fly unless appropriately certified and maintenance completion certificate issued in respect of that maintenance.
- (4) The maintenance completion certificate shall not be issued unless the maintenance has been carried out in a manner and with materials of a type approved by the Director General either generally or in relation to a

class of aircraft or the particular aircraft and shall identify the maintenance to which the certificate relates including particulars of the work done.

- (5) Maintenance completion certificate may be issued for the purpose of this regulation by -
- (a) The holder of an aircraft maintenance engineer's licence:
 - (i) granted under these Regulations, being a licence which entitles him to issue that certificate;
 - (ii) granted under the law of a country other than Tanzania and rendered valid under these Regulations, in accordance with the privileges endorsed on the licence;
 - (b) a person approved by the Director General either through the approved maintenance organisation or otherwise as being competent to issue such certification and in accordance with that approval;
 - (c) a person whom the Director General has authorised to issue the certificate in a particular case, and in accordance with that authority.

Certificate of Safety for Flights (CSF)

28. (1) An aircraft registered in Tanzania with a certificate of airworthiness issued in a public transport or aerial work category and maintained in accordance with an approved Maintenance Programme shall not fly unless there is in force a certificate of safety for flights issued at intervals and in accordance with a procedure specified in the approved schedule and/or procedure manuals.
- (2) The certificate of safety for flight, the format of which is reflected in Part D of the Seventh Schedule, shall specify the period of validity and shall only be issued when the signatory has verified that:
- (a) all maintenance specified in the approved Maintenance Programme has been carried out within the prescribed time period and any extension to limiting periods is in accordance with the Director General's approved procedures;
 - (b) all modifications and inspections deemed mandatory by the Director General have been carried out within the prescribed time periods and any extensions to limiting periods has been authorised by the Director General;
 - (c) all defects entered in the technical logbook have been rectified or deferred in accordance with procedures approved by the Director General; and
 - (d) all maintenance certification required have been issued in compliance with regulation 27 of these Regulations.

- (3) The certificate of safety for flight shall be issued in duplicate. One copy of the certificate shall be carried in the aircraft and the other shall be kept by the operator elsewhere than in the aircraft and preserved in accordance with regulation 126 of these Regulations.
- (4) The certificate of safety for flight may be issued for the purpose of this regulation by -
 - (a) the holder of an aircraft maintenance engineer's licence:
 - (i) granted under these Regulations, being a licence which entitles him to issue that certificate;
 - (ii) granted under the law of a country other than Tanzania and rendered valid under these Regulations in accordance with the privileges endorsed on the licence;
 - (b) a person approved by the Director General either through the approved maintenance organisation or otherwise as being competent to issue such certification, and in accordance with that approval.

Licensing of Aircraft Maintenance Engineers

29. (1) The Director General shall grant aircraft maintenance engineers' licences, subject to such conditions he deems fit, upon being satisfied that the applicant is a fit person to hold the licence and has furnished such evidence and passed such examination and tests as required by the Director General for the purpose of establishing that he has sufficient knowledge, experience, competence and skill in aeronautical engineering.
- (2) A licensed aircraft maintenance engineer shall not issue and sign certificates in accordance with the requirements of these Regulations unless his licence authorises him to issue and sign such certificates. The scope of the privileges of the licence in terms of maintenance certification shall be endorsed on the licence and can also be referred to other prescribed document issued by the Director General.
- (3) A licensed maintenance engineer shall not exercise the privileges of his licence while he is aware of any decrease in his medical fitness or he is under the influence of psychoactive substances which might render him unable to safely and properly exercise the said privileges.
- (4) A licence shall, subject to the provisions of regulation 127 of these Regulations, remain in force for the period specified therein, but may be renewed by the Director General from time to time upon being satisfied that the applicant is a fit person and is qualified as under paragraph (1) of this regulation. It is the responsibility of the licence holder to ensure renewal of his licence by submitting all details required for the renewal as prescribed by the Director General.

- (5) Upon receiving a licence granted under this regulation, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

PART V

AIRCRAFT CREW AND LICENSING

Composition of Crew of Aircraft

30. (1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the State of registry.
- (2) An aircraft registered in Tanzania shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under these Regulations or, if no certificate of airworthiness is required under these Regulations to be in force, the certificate of airworthiness, if any, last in force under these Regulations, in respect of that aircraft.
- (3) The number and composition of the flight crew of an aircraft registered in Tanzania and flying for the purpose of commercial air transport operations, shall not be less than that specified in the operator's operations manual. The flight crews shall include flight crew members in addition to the minimum numbers specified in the flight manual or other documents associated with the certificate of airworthiness, when necessitated by considerations related to the type of aeroplane used, the type of operation involved and the duration of flight between points where flight crews are changed.
- (4) An aircraft registered in Tanzania and flying for the purpose of commercial air transport operations, having a maximum mass of over 5,700kg shall carry not less than two pilots as members of the flight crew thereof.
- (5) (a) Subject to sub-paragraph (b), a helicopter registered in Tanzania which has a maximum mass of 5,700kg or less and a maximum approved seating configuration of 9 or less which is flying for the purpose of commercial air transport operations in circumstances where the pilot in command is required to comply with Instrument Flight Rules or which is flying by night shall carry not less than two pilots as members of the flight crew thereof unless it is equipped with an autopilot with, at least, altitude hold and heading mode which is serviceable on take off.
- (b) A helicopter described in sub-paragraph (a) which is equipped with an approved autopilot shall not be required to carry two pilots notwithstanding that before take-off the approved autopilot is found to be unserviceable, if the helicopter flies in accordance with arrangements approved by the Director General.

Requirement of Flight Navigator and Navigation Equipment

31. (1) An aircraft registered in Tanzania flying for the purpose of commercial air transport operation shall carry a flight navigator as a member of the flight crew who holds a flight navigator licence or navigation equipment approved by the Director General and used in accordance with any conditions subject to which that approval may have been given —
- (a) on flight during the course of which it is intended that the aircraft shall be over water for a great circle distance of more than 1,000 nautical miles; or
 - (b) on a flight without landing which is intended to be of a great circle distance of more than 1,500 nautical miles; and
 - (c) in all operations where, as determined by the Director General, navigation necessary for the safe conduct of the flight cannot be adequately accomplished by the pilots from the pilot station.
- (2) On any flight where paragraph (1) requires that flight navigator be carried and a pilot and second pilot are carried, then the pilot or the second pilot, if licensed as a flight navigator, may be responsible for the navigation of the aircraft provided he holds a licence having an aircraft rating in respect to the particular type of aircraft.

Requirement of a Flight Engineer

32. In an aircraft registered in Tanzania flying for the purpose of commercial air transport operations, when a separate flight engineer's station is incorporated in the design of an aeroplane, the flight crew shall include at least one flight engineer especially assigned to that station, unless the duties associated with that station can be satisfactorily performed by another flight crew member, holding a flight engineer licence, without interference with regular duties.

Requirement of a Radio Operator

33. The flight crew shall include at least one member who holds a valid licence, issued or rendered valid by the Director General, authorising operation of the type of radio transmitting equipment to be used in the aircraft.

Requirement of Cabin Crew

34. (1) When an aircraft registered in Tanzania carries 20 or more passengers on a flight for the purposes of commercial air transport operations, the crew of the aircraft shall include cabin crews carried for the purposes of performing in the interest of the safety of passengers duties to be assigned by the operator or the pilot in command of the aircraft.
- (2) The Director General may give a direction to the operator of any aircraft registered in Tanzania requiring him to include among the crew thereof,

whenever the aircraft is flying for the purpose of commercial air transport operations, at least one cabin crew notwithstanding that the aircraft may be carrying fewer than 20 passengers.

- (3) In the case of an aircraft with a total seating capacity of not more than 200 passengers, the number of cabin crews carried on such a flight as is mentioned in paragraph (1) of this regulation shall be not less than one cabin crew for every 50, or fraction of 50, passengers.
- (4) In the case of an aircraft, with a total seating of more than 200 passengers the number of cabin crews carried on such a flight as aforesaid shall be not less than half the number of main exits in the aircraft, and in addition when more than 200 passengers are carried, one additional cabin crew for every 25 or fraction of 25 of such passengers.

Provided that, if the number of cabin crews, calculated in accordance with this sub-paragraph, exceeds the number of main exits in the aircraft, it shall be sufficient compliance with this regulation if the number of cabin crews carried is equal to the number of main exits in the aircraft.

- (5) For the purposes of this paragraph, a “main exit” means an exit in the side of the aircraft at floor level intended for the disembarkation of passengers whether normally or in an emergency.

Crew Members Licence or Certificate

35. (1) Subject to the provisions of this regulation, no person shall act as a crew member of an aircraft registered in Tanzania unless he is the holder of an appropriate licence or certificate granted or rendered valid under these Regulations.
- (2) No person shall act as a member of the flight crew of an aircraft registered elsewhere than in Tanzania unless he is holder of an appropriate licence granted or rendered valid under the law of the State in which the aircraft is registered.
- (3) Notwithstanding paragraph (1), a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in Tanzania for the purposes of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence if the following conditions are complied with –
 - (i) No other person shall be carried in the aircraft or in an aircraft being towed thereby except a person carried as a member of the flight crew in compliance with these Regulations or a person authorised by the Director General to witness the aforesaid training or test or, if the pilot in command is the holder of an appropriate licence, a person carried for the purpose of being trained as a member of the flight crew of an aircraft; and

- (ii) The person acting as the pilot of the aircraft without being the holder of an appropriate licence shall not be the pilot in command unless within the period of six months immediately preceding he was either the holder of a pilot's licence (other than a student pilot's licence) granted under these Regulations or was serving as a qualified pilot of aircraft in any of the military, naval or air forces of Tanzania, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify.
- (4) Notwithstanding paragraph (1), a person shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight for the purpose of commercial air transport operations unless the licence bears a valid certificate of test in respect of the rating in accordance with Part C of the Eighth Schedule to these Regulations.
- (5) Notwithstanding paragraph (1), a person may act as a crew member of an aircraft registered in Tanzania without being the holder of an appropriate licence or certificate if, in so doing, he is acting in the course of his duty as a member of any of the naval, military or air force of Tanzania.
- (6) An "appropriate licence or certificate" for the purposes of this regulation means a licence or certificate which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which he is engaged.
- (7) This regulation shall not apply to a person by reason of his acting as a member of the flight crew of a glider, which is not flying for the purpose of commercial air transport operations or aerial work.

Classes of Licence or Certificates

36. (1) The Director General may, subject to such conditions as he thinks fit and upon being satisfied that the applicant, in particular, meets the requirements specified under the Eighth Schedule to these Regulations, and generally –
- (a) is above the minimum age specified under the said Schedule;
 - (b) is a fit and proper person to hold the licence or certificate;
 - (c) is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence or certificate relates;
- grant flight operations or flight crew licences or certificate of any of the following classes –
- student pilot licence,
 - private pilot licence (aeroplanes),
 - private pilot licence (helicopters),
 - commercial pilot licence (aeroplanes),
 - commercial pilot licence (helicopters),
 - airline transport pilot licence (aeroplanes),
 - airline transport pilot licence (helicopters),

free balloon pilot licence,
flight navigator licence,
flight engineer licence,
flight operations officers licence,
flight radiotelephony operator's licence,
cabin crew certificate.

- (2) Every applicant shall furnish such evidence and undergo such examinations and tests including in particular medical examinations in accordance with Parts A and F of the Eighth Schedule to these Regulations and undertake such courses of training as the Director General may require of him.
- (3) When an applicant demonstrates skill and knowledge for the initial issue of a pilot licence, the category and the ratings appropriate to the class or type of aircraft used in the demonstration shall be entered on the licence.

Licence Holder to Perform Specified Functions

- 37.** (1) Subject to any conditions of the licence or certificate, a licence or certificate of any class shall entitle the holder to perform the functions specified in respect of that licence or certificate in Part A of the Eighth Schedule under the heading "privileges";

Provided that—

- (a) subject to paragraph (2) of this regulation, regulation 42(3) and regulation 46(1), a person shall not be entitled to perform any of the functions specified in Part B of the said schedule in respect of a rating unless his licence includes that rating; and
 - (b) a person shall not be entitled to perform any of the function to which his licence or certificate relates if he knows or has reason to believe that physical condition renders him temporarily or permanently unfit to perform such function.
- (2) The Director General may, if he is satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, include in a licence or certificate a rating of any of the classes specified in Part B of the said Eighth Schedule, and such rating shall be deemed to form part of the licence or certificate and shall entitle the holder to perform such functions as are specified in Part B of the said Schedule in respect of that rating. An instrument rating, referred to in the said Schedule, may be renewed by any person appointed by the Director General for that purpose, if that person is satisfied by a flight test that the applicant continues to be competent to perform the functions to which the rating relates.
 - (3) A pilot licence holder shall not act as pilot in command or as co-pilot of an aeroplane or helicopter unless he has received authorisation as follows:

- (a) the appropriate class rating specified in Eighth Schedule to these Regulations;
- (b) a type rating specified in Eighth Schedule to these Regulations;
- (c) When a type rating is issued limiting the privileges to act as co-pilot, such limitation shall be endorsed on the rating.

Curtailment of Privileges of Pilots who have Attained Their 60th Birthday

38. Pilot licence holders shall not act as pilot in command or co-pilot of an aircraft engaged in scheduled or non-scheduled commercial air transport operations if such licence holders have attained their 60th birthday.

Circumstances in Which an Instrument Rating is Required

39. (1) A pilot licence holder shall not act either as pilot in command or as co-pilot of an aircraft under Instrument Flight Rules unless such holder has received proper authorisation from Director General's appointed examiners. Proper authorisation shall comprise an instrument rating appropriate to the aircraft category.
- (2) An instrument rating is included in the airline transport pilot licence – aeroplanes and the provision of sub-paragraph (1) does not preclude the issue of a licence having the instrument rating as an integral part thereof.

Validity and Renewal

40. (1) A licence or certificate and a rating shall, subject to the provisions of regulation 127, remain in force for the periods indicated in the licence or certificate, not exceeding those respectively specified in the Eighth Schedule to these Regulations, and may be renewed by the Director General from time to time upon his being satisfied that the applicant is a fit and proper person and is qualified as aforesaid.
- (2) The Director General, having issued a licence or certificate, shall ensure that the privileges granted by that licence or certificate, or by related ratings, are not exercised unless the holder maintains competency and meets the requirements for recent experience established by him.
- (3) Upon receiving a licence granted under this regulation, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

Medical Examination on Renewal of Licences

41. Every holder of a licence or certificate, other than a flight radiotelephony operator licence and flight operations officer licence, granted under these Regulations shall submit himself to medical examination, by a person approved by the Director General, upon applying for the grant and renewal of the licence or certificate and upon such other occasions as the Director General may require.

Requirement for Licence Holder to Inform Director General of Incapacity

42. (1) Every holder of a licence or certificate, other than a flight radiotelephony operator licence, granted under this regulation or rendered valid under regulation 41 who suffers –
- (a) any personal injury involving incapacity to undertake the functions to which his licence or certificate relates; or
 - (b) any illness involving incapacity to undertake those functions throughout a period of twenty days or more,
- shall inform the Director General in writing of such injury, and as soon as the period of twenty days has elapsed in the case of illness.
- (2) A licence or certificate other than a flight radiotelephony operator licence, granted under this Part of these Regulations shall be deemed to be suspended upon the occurrence of such an injury or the elapse of such period of illness as is referred to in paragraph (1). The suspension of the licence or certificate shall cease upon the holder being medically examined under arrangements made by the Director General and pronounced fit to resume his functions under the licence or certificate.
- (3) A licence or certificate granted under this regulation shall be deemed to be suspended upon the pregnancy of the holder being diagnosed and shall remain suspended until the holder has been medically examined after the pregnancy and pronounced fit to resume her duties under the licence or certificate.

Validation of Licences

43. The Director General may issue and renew from time to time a certificate of validation rendering valid for the purposes of these Regulations any licence of a member of the flight crew of aircraft which has been granted by a duly competent authority in a state other than Tanzania and a certificate of validation may be issued or renewed subject to such conditions and for such period as the Director General thinks fit.
- Provided that –
- (a) a certificate of validation shall not be issued or renewed unless the Director General is satisfied that the applicant is a fit and proper person to hold such a certificate: and
 - (b) the Director General may refuse to issue or to renew a certificate of validation if such refusal in the circumstances appears to him to be in the public interest.

Personal Flying Logbook

44. (1) Every member of the flight crew of an aircraft registered in Tanzania and every person who engages in flying for the grant or renewal of a licence under these Regulations shall keep a personal flying logbook in which there shall be recorded the particulars of the name and address of the holder of the Logbook, particulars of the holder's licence (if any) to act as a member of the flight crew of an aircraft, particulars of the name and address of his employer (if any) and particulars of all flights made as a member of the flight crew of aircraft, including:

- (i) the date, time, duration and places of arrival and departure of each flight;
 - (ii) the type and registration mark of the aircraft and the capacity in which the holder acted in flight;
 - (ii) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying;
 - (iv) particulars of any test or examination undertaken whilst in flight.
- (2) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the Logbook, including:
- (i) the date of the test or examination;
 - (ii) the type of simulator;
 - (iii) the capacity in which the holder acted; and
 - (iii) the nature of the test or examination.

Crediting of Flight Time

45. (1) A student pilot or the holder of a pilot licence shall be entitled to be credited in full with all solo, dual instruction and pilot in command flight time towards the total flight time required for the initial issue of a pilot licence or the issue of a higher grade of pilot licence.
- (2) The holder of a pilot licence, when acting as co-pilot of an aircraft required to be operated with a co-pilot, shall be entitled to be credited with not more than fifty per cent of the co-pilot flight time towards the total flight time required for a higher grade of pilot licence.
- (3) The holder of a pilot licence, when acting as co-pilot performing under the supervision of the pilot in command the functions and duties of a pilot in command, shall be entitled to be credited in full with this flight time towards the total flight time required for a higher grade of pilot licence.

Instructions in Flying

46. (1) No person shall give flying instruction to any person flying or about to fly an aircraft unless such person holds a pilot's licence granted or rendered valid under these Regulations, included in which is a valid flight instructor's rating or assistant flight instructor's rating, and which entitles such person –
- (a) to act as pilot in command in which instruction is to be given; and
 - (b) which, if payment is made for the instruction, entitles such person to act as pilot in command of an aircraft flying for the purpose of public transport;
- Provided that sub-paragraph (b) shall not apply if the aircraft is owned or is operated under arrangements entered into by a flying club of which both the person giving and the person receiving the instruction are members.
- (2) For the purposes of paragraph (1) –
- (a) "flying instruction" include instruction given for the purpose of becoming qualified for the grant of a pilot's licence; and

- (b) payment shall be deemed to be made for instruction if any reward is given or promised by any person to any other person in consideration of the flight being made or the instruction given or if the instruction is given by a person employed for reward primarily for the purpose of giving such instruction.
- (3) Notwithstanding the provisions of paragraph (1), the Director General may, in any particular case, permit the holder of a pilot's licence granted or rendered valid under these Regulations to give flying instructions to another holder of a pilot's licence for the purpose of qualifying that person for an extension to the aircraft, rating in his licence, but such permission shall only be given where the person to whom instruction is to be given is the holder of a pilot's licence which includes an aircraft rating specifying a type of aircraft of the same classification under Part A of the First Schedule to these Regulations as that in which he is permitted to receive instruction.
- (4) A person shall not be entitled to perform the functions to which a flight instructor's rating or an assistant flight instructor's rating relates unless his license bears a valid certificate of test in accordance with Part C of the Eighth Schedule to these Regulations.

Medical Fitness

- 47. (1) An applicant for a licence or certificate shall, when applicable, hold a Medical Assessment issued in accordance with the provision of Part F of the Eighth Schedule to these Regulations.
- (2) The duration of the period of currency of a Medical Assessment shall be in accordance with the provision of Part A of the Eighth Schedule to these Regulations. The period of currency shall begin on the date the Medical Assessment is issued.
- (3) Except as provided in regulation 52, crew members or air traffic controllers shall not exercise the privileges of their licence or certificate unless they hold a current Medical Assessment appropriate to the licence or certificate.

Designated Medical Examiners

- 48. (1) Director General shall designate medical examiners, qualified and licensed in the practice of medicine, to conduct medical examinations of fitness of applicants for the issue or renewal of the licences or certificates or ratings specified in the Eighth and Ninth Schedules to these Regulations.
- (2) Medical examiners shall have had, or shall receive training in aviation medicine.

- (5) Medical examiners shall acquire practical knowledge and experience of the conditions in which the holders of licences or certificates and ratings carry out their duties.

Application for Medical Fitness

49. (1) Applicants for licences, certificate or ratings for which medical fitness is prescribed shall sign and furnish to the medical examiner a declaration stating whether they have previously undergone such an examination and, if so, with what result.
- (2) Any false declaration to a medical examiner made by an applicant for a licence, certificate or rating shall be reported to the Director General by such examiner.

Submission of Medical Report

50. (1) Having completed the medical examination of an applicant in accordance with Part F of the Eighth Schedule to these Regulations, the medical examiner shall submit a signed report to the Director General, in accordance with its requirements, detailing the results of the examination.
- (2) If the medical examination is carried out by a constituted group of medical examiners, the Director General shall appoint the head of the group to be responsible for co-ordinating the results of the examination and signing the report.
- (3) The Director General shall use the services of physicians experienced in the practice of aviation medicine when it is necessary to evaluate reports submitted by medical examiners.

Endorsement of Medical Fitness

51. If the medical standards prescribed in the Eighth Schedule for a particular licence are not met, the appropriate Medical Assessment shall not be issued or renewed unless the following conditions are fulfilled:
 - (a) accredited medical conclusion indicates that in special circumstances the applicant's failure to meet any requirement, whether numerical or otherwise, is such that exercise of the privileges of the licence applied for is not likely to jeopardise flight safety;
 - (b) relevant ability, skill and experience of the applicant and operational conditions have been given due consideration; and
 - (c) the licence is endorsed with any special limitation or limitations when the safe performance of the licence holder's duties is dependent on compliance with such limitation or limitations.

Circumstances in Which a Medical Examination may be Deferred

52. The prescribed re-examination of a licence holder operating in an area distant from designated medical examination facilities may be deferred at the discretion

of the Director General, provided that such deferment shall only be made as an exception and shall not exceed:

- (a) a single period of six months in the case of a flight crew member of an aircraft engaged in non-commercial operations;
- (b) two consecutive periods, each of three months, in the case of a flight crew member of an aircraft engaged in commercial operations provided that in each case a favourable medical report is obtained after examination by a designated medical examiner of the area concerned, or, in cases where such a designated medical examiner is not available, by a physician legally qualified to practice medicine in that area. A report of the medical examination shall be sent to the Director General.
- (c) in the case of a private pilot, a single period not exceeding 24 months where the medical examination is carried out by an examiner designated by the competent authority of a Contracting State in which the applicant is temporarily located. A report of the medical examination shall be sent to the Director General.
- (d) a single period of six months in the case of a cabin crew member of an aircraft engaged in commercial operations provided that in each case a favourable medical report is obtained after examination by a designated medical examiner of the area concerned, or, in cases where such a designated medical examiner is not available, by a physician legally qualified to practice medicine in that area. A report of the medical examination shall be sent to the Director General.

Decrease in Medical Fitness

- 53.** (1) Holders of licences or certificates provided for in these Regulations shall not exercise the privileges of their licences or certificates and related ratings at any time when they are aware of any decrease in their medical fitness which might render them unable to safely and properly exercise these privileges.
- (2) The operator of an aircraft registered in Tanzania shall, as far as practicable, ensure that licence or certificate holders do not exercise the privileges of their licences or certificates and related ratings during any period in which their medical fitness has, from any cause, decreased to an extent that would have prevented the issue or renewal of their Medical Assessment.

Use of Psychoactive Substances

- 54.** (1) Holders of licences or certificates provided for in these Regulations shall not engage in any problematic use of psychoactive substances.
- (2) Holders of licences or certificates provided for in these Regulations shall not exercise the privileges of their licences or certificates and related ratings while under the influence of any psychoactive substance which

might render them unable to safely and properly exercise these privileges.

- (3) The operator of an aircraft registered in Tanzania shall ensure, as far as practicable, that all licence or certificate holders who engage in any kind of problematic use of psychoactive substances are identified and removed from their safety-critical functions. Return to the safety-critical functions may be considered after successful treatment or, in cases where no treatment is necessary, after cessation of the problematic use of substances and upon determination that the person's continued performance of the function is unlikely to jeopardise safety.

Approved Training

55. (1) The qualifications required for the issue of personnel licences can be more readily and speedily acquired by applicants who undergo closely supervised, systematic and continuous courses of training, conforming to a planned syllabus or curriculum. Such approved training shall provide a level of competency at least equal to that provided by the minimum experience requirements for personnel not receiving such approved training.
- (2) The Director General may, for the purpose of this regulation, either absolutely or subject to such conditions as he thinks fit:
 - (a) approve any course of training or instructions;
 - (b) authorise a person to conduct such examinations or tests as he may specify; and
 - (c) approve a person to provide any course of training or instructions.

Use of Synthetic Flight Trainers for Demonstrations of Skill

56. The use of a synthetic flight trainer for performing any manoeuvre required during the demonstration of skill for the issue of a licence or certificate or rating shall be approved by the Director General which shall ensure that the synthetic flight trainer used is appropriate to the task.

Flight Crew Equipment

57. A flight crew member assessed as fit to exercise the privileges of a licence subject to the use of suitable correcting lenses shall have a spare set of the correcting lenses readily available when exercising those privileges.

PART VI

OPERATION OF AIRCRAFT

Air Operators Certificate to be in Force

58. (1) An operator of an aircraft registered in a country other than Tanzania shall not engage in commercial air transport operations in Tanzania

unless in possession of a valid air operator certificate or equivalent document issued by the competent authority of the State of the operator or State of registry.

- (2) An operator of an aircraft registered in Tanzania shall not engage in commercial air transport operations unless in possession of a valid air operator certificate issued by the Director General.
- (3) The air operators certificate or equivalent document shall authorise the operator to conduct commercial air transport operations in accordance with such conditions and limitations as may be specified.
- (4) An aircraft registered in Tanzania shall not be flown on any flight for the purpose of commercial air transport operations, otherwise than under and in accordance with the terms of an air operators certificate granted to the operator of the aircraft under paragraph (5), certifying that the holder of the certificate is competent to secure that aircraft operated by him on such flights as that in question are operated safely.
- (5) The grant of an air operators certificate by the Director General is dependent upon the operator demonstrating an adequate organisation, method of control and supervision of flight operations, training programme, maintenance and other arrangements consistent with the nature and extent of the operations specified and the Director General is satisfied that the operator is competent to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified. The certificate may be granted subject to such conditions as the Director General may think fit and shall, subject to the provisions of regulation 127 of these Regulations, remain in force for the period specified in the certificate.
- (6) The continued validity of an air operator certificate shall depend upon the operator maintaining the requirements of paragraph (5) of this regulation to the satisfaction of the Director General.
- (7) The air operator certificate shall contain at least the following:
 - (a) operator's identification (name, location);
 - (b) date of issue and period of validity;
 - (c) description of the types of operations authorised;
 - (d) the type or types of aircraft authorised for use; and
 - (e) authorised areas of operation or routes.
- (8) The Director General shall establish a system for both the certification and the continued surveillance of the operator to ensure that the required standards of operations established are maintained.

Operations Manual

59. (1) This regulation shall apply to aircraft registered in Tanzania and used for commercial air transport operations.

- (2) (a) The operator of every aircraft to which this regulation applies shall:
- (i) provide, for the use and guidance of operations personnel concerned, an operations manual in accordance with Part A of the Tenth Schedule to these Regulations.
 - (ii) ensure that each copy of the operations manual is amended or revised as is necessary to ensure that the information contained therein is kept up to date;
 - (iii) ensure that all amendments or revisions are issued to all personnel that are required to use this manual.
 - (iv) ensure that on each flight every member of the flight crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.
- (b) (i) Subject to sub-paragraph (ii) of this regulation each operations manual shall contain all such information and instruction as may be necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part A of Tenth Schedule to these Regulations.
- (ii) The operations manual shall not be required to contain any information or instruction available in a flight manual accessible to the persons by whom the information or instruction may be required.
- (3) (a) An aircraft to which this regulation applies shall not fly unless the operator of the aircraft has provided the Director General a copy of the whole of the operations manual in respect of the aircraft for review and acceptance and an approval obtained for its use.
- (b) Subject to sub-paragraph (c) any amendments or revisions to the operations manual shall be provided to the Director General by the operator for review, acceptance and approval.
- (c) Where an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously relate, that aircraft shall not fly for the purpose of commercial air transport operations until the amendment or addition has been furnished to the Director General and approved by him.
- (d) Without prejudice to the foregoing sub-paragraphs, the operator of the aircraft shall incorporate in the operations manual such amendments, additions or mandatory material as the Director General may require for the purpose of ensuring the safety and security of the aircraft or of person or property carried therein or the safety, efficiency or regularity of air navigation.

Journey Logbook

- 60.** An operator of an aircraft registered in Tanzania and used for commercial air transport operations shall maintain for every such aircraft a journey logbook in

which shall be entered particulars as specified in Part E of Fourth Schedule to these Regulations.

Training Manual

- 61.** (1) The operator of every aircraft registered in Tanzania and flying for the purpose of commercial air transport operations shall:
- (a) make a training manual available to every person appointed by the operator to give or to supervise the training, experience, practice or periodical tests required under regulation 61 (2); and
 - (b) ensure that each copy of that training manual is amended or revised as is necessary to ensure that the information contained therein is kept up-to-date.
 - (c) ensure that all amendments or revisions are issued to all personnel that are required to use this manual.
- (2) Each training manual shall contain all such information and instructions as may be necessary to enable a person appointed by the operator and approved by the Director General to give or to supervise the training, experience, practice and periodical test required under regulation 61 (2) to perform his duties as such including in particular information and instructions relating to the matters specified in Part D of Tenth Schedule to these Regulations.
- (3) (a) An aircraft to which this regulation applies shall not fly unless the operator of the aircraft has provided the Director General copy of the whole of the training manual relating to the crew of that aircraft for review, acceptance and approval.
- (b) Subject to sub-paragraph (c), any amendments or revisions to the training manual shall be provided to the Director General by the operator for review, acceptance and approval.
- (c) Where an amendment or addition relates to training, experience, practice or periodical tests on an aircraft to which the training manual did not previously relate, that aircraft shall not fly for the purpose of commercial air transport operations until the amendment or addition has been furnished to the Director General and approved by him.
- (d) Without prejudice to the foregoing sub-paragraph the operator of the aircraft shall incorporate in the training manual such amendments, additions or mandatory material as the Director General may require for the purpose of ensuring the safety and security of the aircraft or of person or property carried therein or the safety, efficiency or regularity of air navigation.

Commercial air transport operations – Operator’s Responsibilities

62. (1) The operator of an aircraft registered in Tanzania shall not permit the aircraft to fly for the purpose of commercial air transport operations without first: -
- (a) designating from among the flight crew a pilot to be the pilot in command for the flight;
 - (b) ascertaining himself by every reasonable means that aeronautical radio stations and navigational aids serving the intended route or any planned diversion from there are adequate for the safe navigation of the aircraft;
 - (c) ascertaining himself by every reasonable means that the aerodromes at which it is intended to take off or land and any alternative aerodrome at which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped to ensure the safety of the aircraft and its passengers;
 - (d) ascertaining himself by every reasonable means available that the ground and/or water facilities available and directly required on such flight, for the safe operation of the aeroplane and the protection of the passengers, are adequate for the type of operation under which the flight is to be conducted and are adequately operated for this purpose;
 - (e) ensuring that all his employees when abroad know that they must comply with the laws, regulations and procedures of those states in which operations are conducted;
 - (f) ensuring that all pilots and other members of the flight crew are familiar with the laws, regulations and procedures, pertinent to the performance of their duties, prescribed for the areas to be traversed, the aerodromes to be used and the air navigation facilities relating thereto as are pertinent to the performance of their respective duties in the operation of the aeroplane; and
 - (g) ensuring himself that pilot in command has available on board the aeroplane all the essential information concerning the search and rescue services contained in the National Search and Rescue Plan for the area over which the aeroplane will be flown.

Provided that the operator of the aircraft shall not be required to satisfy himself as to the adequacy of fire-fighting, search and rescue or other services which are required only after the occurrence of an accident.

- (2) The operator of an aircraft registered in Tanzania shall not permit any person to be a member of the flight crew thereof during any flight for the purpose of commercial air transport operations (except a flight for the sole

purpose of training persons to perform duties in aircraft) unless such person has had the training, experience, practice, and periodical tests specified in Part B of the Tenth Schedule to these Regulations in respect of the duties which he is to perform and unless the operator has satisfied himself that such person is competent to perform his duties and in particular to use the equipment provided in the aircraft for that purpose. The operator shall maintain, preserve, produce and furnish information respecting records relating to the aforesaid Tenth Schedule.

- (3) The operator of an aircraft registered in Tanzania shall not permit any member of the flight crew thereof during any flight for the purpose of commercial air transport operations, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.
- (4) The operator of an aircraft registered in Tanzania and operating for the purpose of commercial air transport operations shall be responsible for operational control.
- (5) The operator of an aircraft registered in Tanzania and operating for the purpose of commercial air transport operations shall establish and maintain accident prevention and flight safety programmes to be approved by the Director General.
- (6) The operator of an aircraft registered in Tanzania and operating for the purpose of commercial air transport operations shall ensure that any inadequacy of facilities specified in paragraph (1) (b), (c) and (d) observed in the course of operations is reported to the Director General without undue delay.

Flight Crew Member - Emergency Duties

63. The operator of commercial air transport operations shall, for each type of aircraft, assign to all crew members the necessary functions they are to perform in an emergency or in a situation requiring emergency evacuation. Annual training in accomplishing these functions shall be contained in the operator's training programme and shall include instructions in the use of all emergency and life-saving equipment required to be carried, and drills in the emergency evacuation of the aeroplane.

Flight Crew Member Training Programmes

64. (1) (a) The operator of commercial air transport operations shall establish and maintain a ground and flight training programme, approved by the Director General, which ensures that all flight crew members are adequately trained to perform their assigned duties.
- (b) Ground and flight training facilities and properly qualified instructors as determined and approved by the Director General shall be provided.
- (c) The training programme shall consist of ground and flight training in the type(s) of aeroplane on which the flight crew member serves, and shall include proper flight crew co-ordination and training in all types of emergency or abnormal situations or procedures caused by power-plant, airframe or systems malfunctions, fire or other abnormalities.
- (d) The training programme shall also include training in knowledge and skills related to human performance and in the transport of dangerous goods.
- (e) The training for each flight crew member, particularly that relating to abnormal or emergency procedures and subject to the provision of regulation 61, shall ensure that all flight crew members know the functions for which they are responsible and the relation of these functions to the functions of other crew members.
- (f) The training programme shall be given on a recurrent basis, as specified in Part B of Tenth Schedule to these Regulations, and shall include an examination to determine competence, though the scope of the recurrent training required by regulations 62(2) and 65 may be varied and need not be as extensive as the initial training given in a particular type of aeroplane.
- (2) The requirement for recurrent flight training in a particular type of aeroplane shall be considered fulfilled by:
- (a) the use, to the extent deemed feasible by the Director General, of aeroplane synthetic flight trainers approved by the Director General for that purpose; or
- (b) the completion within the appropriate period of the proficiency check required by regulation 65 and Part B of Tenth Schedule to these Regulations in that type of aeroplane.

Pilot Proficiency Checks

65. (1) A commercial air transport operator shall ensure that piloting technique and the ability to execute emergency procedures is checked in such a

way as to demonstrate the pilot's competence. Where the operation may be conducted under Instrument Flight Rules, the operator shall ensure that the pilot's competence to comply with such rules is demonstrated to either a check pilot of the operator or to a representative of the Director General. Such checks shall be performed twice within any period of one year. Any two such checks which are similar and which occur within a period of four consecutive months shall not alone satisfy this requirement.

- (2) The operator shall maintain a record, sufficient to satisfy the Director General of the pilot proficiency checks and the qualifications and of the manner in which such checks and qualifications have been achieved.

Carry-on Baggage

66. The commercial air transport operator shall ensure that all baggage carried onto an aircraft and taken into the passenger cabin is adequately and securely stowed.

Loading and Suspended Loads – Commercial Air Transport Aircraft

67. (1) The operator of an aircraft registered in Tanzania shall not cause or permit it to be loaded for a flight for the purpose of commercial air transport operations, or any load to be suspended there from, except under the supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that:
 - (a) the load may safely be carried on the flight, and
 - (b) any conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.
- (2) (a) Subject to sub-paragraph (b), the instructions referred to in paragraph (1) of this regulation shall indicate the mass of the aircraft prepared for service, that is to say the aggregate of the basic mass of the aircraft (shown in the mass schedule referred to in regulation 15) and the mass of such additional items in or on the aircraft as the operator thinks fit to include; and the instructions shall indicate the additional items included in the mass of the aircraft prepared for service and shall show the position of the centre of gravity of the aircraft at that mass
- (b) Sub-paragraph (a) shall not apply in relation to a flight if:
 - (i) the aircraft's maximum mass authorised does not exceed 1,150kg; or
 - (ii) the aircraft's maximum mass authorised does not exceed 2,730kg and the flight is intended not to exceed 60 minutes in duration and is either a flight solely for training persons

to perform duties in an aircraft, or a flight intended to begin and end at the same aerodrome.

- (iii) the aircraft is a helicopter the maximum mass authorised of which does not exceed 3,000kg, and the total seating capacity of which does not exceed 5 persons.
- (3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in paragraph (1).
 - (4) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the requirements specified in paragraph (6) and shall, unless he is himself the pilot in command of the aircraft, submit the load sheet for the examination of the pilot in command who shall upon being satisfied that the aircraft is loaded in the manner required by paragraph (1), sign his name thereon:

Provided that the foregoing requirements of this paragraph shall not apply if:

- (a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the pilot in command makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destinations; or
 - (b) paragraph (2) does not apply in relation to the flight.
- (5) One copy of the load sheet shall be carried in the aircraft when regulation 123 so requires until the flight to which it relates have been completed and one copy of that load sheet and of the instruction referred to in this regulation shall be preserved by the operator until the expiration of a period of six months thereafter and shall not be carried in the aircraft.
 - (6) Every load sheet required by paragraph (4) shall contain the following particulars:
 - (a) the nationality mark of the aircraft to which the load sheet relates, and the registration mark assigned to that aircraft by the Director General;
 - (b) particulars of the flight to which the load sheet relates;
 - (c) the total mass of the aircraft as loaded for that flight;
 - (d) the mass of the several items from which the total mass of the aircraft, as so loaded, has been calculated including, in particular, the mass of the aircraft prepared for service and the respective total mass of the passengers, crew, baggage and cargo intended to be carried on the flight;

- (e) the manner in which the load is distributed and the resulting position of the centre of gravity of the aircraft which may be given approximately if and to the extent that the relevant certificate of airworthiness so permits,

and shall include at the foot or end of the load sheet a certificate signed by the person referred to in paragraph (1) as responsible for the loading of the aircraft, that the aircraft has been loaded in accordance with the written instructions furnished to him by the operator of the aircraft pursuant to the said paragraph.

- (7) For the purpose of calculating the total mass of the aircraft the respective total mass of the passengers and crew together with their hand baggage entered in the load sheet shall be computed from the actual weight of each person and for the purposes each person shall be separately weighed:

Provided that in the case of an aircraft with a total seating capacity of fifteen or more persons and subject to the provisions of paragraph (8), the said total mass of the passengers and crew together with their hand baggage may be calculated according to the following table and the load sheet shall bear a notation to that effect.

TABLE	KG
Males over 12 years of age	80
Females over 12 years of age	70
Children aged 2 years or more, but not over 12 years of age	30
Infants under 2 years of age sharing a seat with an adult	10

- (8) If it appears to the person supervising the loading of the aircraft that any person and his hand baggage to be carried exceeds the mass set out in sub-paragraph (7) he shall, if he considers it necessary in the interest of the safety of the aircraft, or if the Director General has so directed in the particular case, require any such person and his hand baggage to be weighed for the purpose of the entry to be made in the load sheet;
- (9) The pilot in command shall, if in his opinion it is necessary to do so in the interests of the safety of the aircraft, require any or all the passengers and crew to be actually weighed for the purpose of the entry to be made in the load sheet.

Commercial Air Transport Operations – Operating Conditions and Instructions

68. (1) An aircraft registered in Tanzania shall not fly for the purpose of commercial air transport operations, except for the sole purpose of training persons to perform duties in aircraft, unless such requirements as are specified in Part C of the Tenth Schedule to these Regulations in respect of its weight and related performance and flight in specified meteorological conditions or at night are complied with.

- (2) The assessment of the ability of an aircraft to comply with paragraph (1) shall be based on the information as to its performance contained in the certificate of airworthiness of the aircraft. In the event of the information given therein being insufficient for that purpose such assessment shall be based on the best information available to the pilot in command of the aircraft.
- (3) Such requirements as specified in regulations 74 and 81 in respect of the aerodrome operating minima and weather conditions required for take-off, approach to landing and landing shall be complied with in respect of every aircraft to which regulation 59 applies.
- (5) An aircraft registered in Tanzania when flying over water as commercial air transport operations shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft—
- (a) if it has one engine only, in the event of the failure of that engine;
or
 - (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating specified in the certificates of airworthiness relating to the aircraft;
- to reach a place at which it can safely land.
- (5) Without prejudice to the provisions of paragraph (4), an aeroplane in respect of which there is in force under these Regulations a certificate of airworthiness designating the aeroplane as being of performance group X shall not fly over water for the purpose of commercial air transport operations so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than two power units. For the purposes of this paragraph, flying time shall be calculated at normal cruising speed with one power unit inoperative.
- (6) (a) Without prejudice to the provisions of paragraph (4), a helicopter in respect of which there is in force under these Regulations a certificate of airworthiness designating the helicopter as being of performance group B shall not fly over water for the purpose of commercial air transport operations so as to be more than 20 seconds flying time from a point from which it can make an autorotation descent to land suitable for an emergency landing unless it is equipped with apparatus approved by the Director General enabling it to land safely on water.
- (b) Without prejudice to paragraph (4) a performance group B helicopter equipped with the required apparatus, which is flying under and in accordance with the terms of an air operators certificate, shall not fly in the specified circumstances on any flight for more than three minutes except with the permission in writing

of the Director General and in accordance with any condition subject to which that permission may have been granted.

- (7) The commercial air transport operator shall ensure that all operations personnel are properly instructed in their particular duties and responsibilities and the relationship of such duties to the operation as a whole.
- (8) The aeroplane shall not be taxied on the movement area of an aerodrome unless the person at the controls:
 - (a) has been duly authorised by the operator or a designated agent;
 - (b) is fully competent to taxi the aeroplane;
 - (c) is qualified to use the radio telephone; and
 - (d) has received instruction from a competent person in respect of aerodrome layout, routes, signs, marking, lights, air traffic control signals and operational standards required for safe aeroplane movement at the aerodrome.
- (9) The commercial air transport operator shall issue operating instructions and provide information on aeroplane climb performance with all engines operating to enable the pilot in command to determine the climb gradient that can be achieved during the departure phase for the existing take-off conditions and intended take-off technique. This information shall be included in the operations manual.
- (10) The commercial air transport operator shall ensure that when passengers or cargo are being carried, no emergency or abnormal situation shall be simulated.
- (11) The commercial air transport operator shall provide operations staff and flight crew with an aircraft operating manual, for each aircraft type operated, containing the normal, abnormal and emergency procedures relating to the operation of the aircraft. The manual shall include details of the aircraft systems and of the checklists to be used. The design of the manual shall observe Human Factors principles.
- (12) The commercial air transport operator shall establish operational procedures designed to ensure that an aeroplane being used to conduct precision approaches crosses the threshold by a safe margin, with the aeroplane in the landing configuration and attitude.

General Aviation – Operating Instructions

69. (1) The general aviation aeroplane shall not be taxied on the movement area of an aerodrome unless the person at the controls:
 - (a) has been duly authorised by the owner or in the case where it is leased, the lessee, or a designated agent;
 - (a) is fully competent to taxi the aeroplane;

- (b) is qualified to use the radio telephone if radio communication are required; and
 - (d) has received instruction from a competent person in respect of aerodrome layout, and where appropriate, information on routes, signs, marking, lights, air traffic control signals and instructions, phraseology and procedures, and is able to conform to the operational standards required for safe aeroplane movement at the aerodrome.
- (2) The pilot in command shall not commence a flight unless it has been ascertained by every reasonable means available that the ground and/or water areas and facilities available and directly required for such flight and for the safe operation of the aeroplane are adequate, including communication facilities and navigation aids.
 - (3) For the purposes of regulations 68 and 69 “competent” person means the officer allocated such functions to give instruction referred to in the said regulations the Director General or the aerodrome authority.

In-Flight Operational Instructions

- 70. (1) Operational instructions involving a change in the ATS flight plan shall, when practicable, be co-ordinated with the appropriate ATS unit before transmission to the aeroplane.
- (2) In the event that the co-ordination specified in paragraph (1) of this regulation is not possible by the operator of the aircraft for the operational instructions, the pilot in command shall have the responsibility for obtaining the appropriate clearance from an ATS unit, if applicable, before making a change in flight plan.

Instrument Flight Procedures

- 71. (1) One or more instrument approach procedures of appropriately equipped aerodromes in Tanzania, designed in accordance with the classification of instrument approach and landing operations, shall be approved and promulgated by the Director General to serve each instrument runway or aerodromes utilised for instrument flight operations.
- (2) All aeroplanes operated in accordance with Instrument Flight Rules shall comply with the instrument flight procedures approved by the competent authority in which the aerodrome is located or in case of Tanzania by the Director General.

Aeroplane Operating Procedures for Noise Abatement

- 72. (1) Aeroplanes operating procedures for noise abatement shall comply with the provisions of Part F of the Tenth Schedule to these Regulations.

- (2) Noise abatement procedures specified by an operator for any one aeroplane type shall be the same for all aerodromes.

Minimum Flight Altitudes

- 73.** (1) An operator of a commercial air transport operations shall be permitted to establish minimum flight altitudes for those routes flown for which minimum flight altitudes have been established by the competent authority of the State flown over or the responsible State, provided that they shall not be less than those established by that State.
- (2) The operator of a commercial air transport operations shall specify the method by which it is intended to determine minimum flight altitudes for operations conducted over routes for which minimum flight altitudes have not been established by the competent authority of the State flown over or the responsible state, and shall include this method in the operations manual. The minimum flight altitudes determined in accordance with the above method shall not be lower than those specified in the Twelfth Schedule to these Regulations.
- (3) The method for establishing the minimum flight altitudes as per paragraph (2) of this regulation shall be approved by the Director General only after careful consideration of the probable effects of the following factors on the safety of the operation in question;
- (a) the accuracy and reliability with which the position of the aeroplane can be determined;
 - (b) the inaccuracies in the indications of the altimeters used;
 - (c) the characteristics of the terrain (e.g. sudden changes in the elevation);
 - (d) the probability of encountering unfavourable meteorological conditions (e.g. severe turbulence and descending air currents);
 - (e) possible inaccuracies in aeronautical charts; and
 - (f) airspace restrictions.

Aerodrome Operating Minima

- 74.** (1) (a) The operator of every aircraft to which regulation 59 applies shall establish and include in the operations manual relating to the aircraft, particulars of aerodrome operating minima for each aerodrome of intended departure or landing and every alternate aerodrome.

Provided that in relation to any flight wherein it is not practicable to include such information in the operations manual the operator of the said aircraft shall, prior to the commencement of the flight, cause to be furnished in writing, to the pilot in command of the aircraft, particulars of the aerodrome operating minima appropriate to every aerodrome of intended departure or landing and every alternate aerodrome, and calculated in accordance with the

specified method; and the operator shall cause a copy of the said particulars to be retained outside the aircraft for a minimum period of 3 months.

- (b) The operator of every aircraft shall include in the operations manual relating to that aircraft such data and instructions as will enable the pilot in command to calculate aerodrome operating minima appropriate to aerodrome the use of which could not reasonably have been foreseen by the operator prior to the commencement of the flight.
- (2) The aerodrome operating minima specified shall not, in respect of any aerodrome, be such as would permit a landing or take-off at that aerodrome by the aircraft in question at a time when the aerodrome operating minima declared in respect of that aerodrome for such aircraft by the competent authority would not permit a take-off or landing (as the case may be), unless that authority otherwise permits in writing.
 - (3) The operator of the aircraft shall not use the method of determination of aerodrome operating minima specified in paragraph (1)(b) of this regulation until the Director General has reviewed and approved the method of determination of such minima.
 - (4) In establishing aerodrome operating minima for the purposes of this regulation, the operator of the aircraft shall take into account the following matters which shall apply to any particular operation:
 - (a) the type, performance and handling characteristics of the aeroplane and any relevant conditions in its certificate of airworthiness;
 - (b) the compositions of the flight crew, their competence and experience;
 - (c) the dimensions and characteristics of the runways which may be selected for use;
 - (d) the adequacy and performance of the available visual and non-visual ground aids;
 - (e) the equipment available on the aeroplane for the purpose of navigation and/or control of the flight path during the approach to landing and the missed approach;
 - (f) the obstacles in the approach and missed approach areas and the obstacle clearance altitude/height for the instrument approach procedures;
 - (g) the means used to determine and report meteorological conditions; and
 - (h) the obstacles in the climb-out areas and necessary clearance margins.
 - (5) For aeroplane landing operations, aerodrome operating minima below 800m visibility shall not be authorised unless RVR information is provided.

- (6) A flight shall not be continued towards the aerodrome of intended landing, unless the latest available information indicates that at the expected time of arrival, a landing can be effected at that aerodrome or at least one destination alternate aerodrome, in compliance with the operating minima established in this regulation.
- (7) An instrument approach shall not be continued beyond the outer marker fix in case of precision approach, or below 1000 feet above the aerodrome in case of non-precision approach, unless the reported visibility or controlling RVR is above the specified minimum.
- (8) If, after passing the outer marker fix in case of precision approach, or after descending below 1,000 feet above the aerodrome in case of non-precision approach, the reported visibility or controlling RVR falls below the specified minimum, the approach may be continued to DA/H or MDA/H. In any case, an aeroplane shall not continue its approach-to-land at any aerodrome beyond a point at which the limits of the operating minima specified for that aerodrome would be infringed.

In-flight Procedures

- 75.** (1) An aircraft to which regulation 59 applies shall not commence a flight at a time when:
- (a) the cloud ceiling or the RVR at the aerodrome of departure is less than the relevant minima specified for take off; or
 - (b) according to the information available to the pilot in command it would not be able, without contravening paragraphs (2) or (3) of this regulation, to land at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.
- (2) An aircraft to which regulation 59 applies, when making a descent to an aerodrome, shall not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.
- (3) An aircraft to which regulation 59 applies, when making a descent to an aerodrome, shall not continue an approach to landing at any aerodrome by flying below the relevant specified minimum descent altitude/height; or descend below the relevant specified minimum descent altitude/height; unless in either case from such height the specified visual reference for landing is established and maintained or in case of emergency
- (4) If, according to the information available, an aircraft would, as regards any flight, be required by the Rules of the Air and Air Traffic Control to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot in command shall select prior to take off an

alternate aerodrome unless no aerodrome suitable for that purpose is available.

- (5) In this regulation “specified”, in relation to aerodrome operating minima, means such particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to the aircraft, or furnished in writing to the pilot in command by the operator pursuant to regulation 74(1)(a).

Aircraft Not Registered in Tanzania – Aerodrome Operating Minima

76. (1) A commercial air transport operations aircraft registered in a country other than Tanzania shall not fly in or over Tanzania unless the operator thereof shall have furnished to the Director General such particulars as he may be from time to time have required relating to the aerodrome operating minima specified by the operator in relation to aerodromes in Tanzania for the purpose of limiting their use by the aircraft for take off or landing including any instructions given by the operator in relation to such aerodrome operating minima so specified and any instructions so given as the Director General may require for the purpose of ensuring the safety of the aircraft or the safety, efficiency or regularity of air navigation.
- (2) The aircraft shall not begin or end a flight at an aerodrome in Tanzania in contravention of the aerodrome operating minima so specified in relation to that aerodrome or of the instructions referred to in paragraph (1).
- (3) Without prejudice to the provisions of paragraph (2) of this regulation a commercial air transport operations aircraft registered in a country other than Tanzania shall not:
- (a) commence or continue an approach to landing at any aerodrome in Tanzania if the runway visual range at the aerodrome is at the time less than the specified minimum for landing except that an approach to landing may be continued if, when the pilot in command receives information that the runway visual range is less than the specified minimum landing:
- (i) the aircraft is below the specified decision height;
- (ii) the specified visual reference has been established at the decision height and is maintained; and
- (iii) the approach to landing has, at least until the specified visual reference has been established, been made by use of an instrument landing system notified for this purpose of this Regulation; or
- (b) continue an approach to landing at any aerodrome in Tanzania by flying below the specified decision height unless from that height the specified visual reference is established and is maintained.

- (4) In this Regulation "specified" in relation to an aircraft means specified by the operator in or ascertainable by reference to the operations manual relating to that aircraft.

Aerodrome Operating Minima – General Aviation Operation

77. (1) The pilot in command of general aviation operation shall not operate to or from an aerodrome using operating minima lower than those which may be established for that aerodrome by the Director General or the competent authority of the State in which it is located, except with the specific approval of the Director General or the competent authority of the State in which it is located as the case may be.
- (2) A flight shall not be continued towards the aerodrome of intended landing unless the latest available meteorological information indicates that conditions at that aerodrome, or at least one destination alternate aerodrome, will, at the estimated time of arrival, be at or above the specified aerodrome operating minima.
- (3) An instrument approach shall not be continued beyond the outer marker fix in case of precision approach, or below 1,000 feet above the aerodrome in case of non-precision approach, unless the reported visibility or controlling runway visual range is above the specified minimum.
- (4) If, after passing the outer marker fix in case of precision approach, or after descending below 1,000 feet above the aerodrome in case of non-precision approach, the reported visibility or controlling runway visual range falls below the specified minimum, the approach may be continued to decision altitude/height or minimum decision altitude/height. In any case, an aircraft shall not continue its approach-to-land at any aerodrome beyond a point at which the limits of the operating minima specified for that aerodrome would be infringed.

Flight Preparation – Pre-Flight Action by Pilot in Command

78. (1) The pilot in command of an aircraft registered in Tanzania shall not commence a flight until flight preparation forms have been completed certifying that he is satisfied that:
- (a) the aircraft is airworthy and is in every way fit for the intended flight, and that where the certificate of safety for flight is required by paragraph (1) of regulation 28 to be in force, it is in force and will not cease to be in force during the intended flight;
- (b) the instruments and equipment prescribed in the Fifth and Sixth Schedules to these Regulations for the particular type of operation to be undertaken, are installed and are sufficient for the flight and are in a satisfactory condition for use;

- (c) the maintenance completion certificate as prescribed in regulation 27(1) has been issued in respect of the aircraft;
- (d) the mass of the aircraft and centre of gravity location are such that the flight can be conducted safely, taking into account the flight conditions expected;
- (e) any load carried is properly distributed and safely secured;
- (f) a check has been completed indicating that the operating limitations of Part C of the Tenth Schedule can be complied with for the flight to be undertaken; and
- (g) the requirement of regulation 79 relating to operational flight planning have been complied with and that the flight can safely be made, taking into account the latest information available as to the route and aerodromes to be used, the weather reports and forecasts available and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
- (h) in the case of an aeroplane or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;
- (i) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight;
- (j) in the case of an aeroplane, that, having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height, thereafter, and making a safe landing at the place of intended destination;
- (k) that any pre-flight check system established by the operator as per regulation 68(11) and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

In particular the checklist shall be used by flight crews prior to, during and after all phases of operations, and in emergency, to ensure compliance with the operating procedures contained in the aircraft operating manual and the aeroplane flight manual or other documents associated with the certificate of airworthiness and otherwise in the operations manual.

- (l) every reasonable means available has been deployed to ascertain that the ground and/or water areas and facilities available and directly required for such flight and for the safe operation of the aeroplane are adequate, including communication facilities and navigation aids.
- (2) Completed flight preparation forms shall be kept by an operator for a period of three months.

Operational Flight Planning

- 79. (1) An operational flight plan shall be completed for every intended flight as commercial air transport operations. The operational flight plan shall be approved and signed by the pilot in command and, where applicable, signed by the flight operations officer or flight dispatcher, and a copy shall be filed with the operator or a designated agent, or if these procedures are not possible, it shall be left with the aerodrome authority or on record in a suitable place at the point of departure.
- (2) The operations manual shall describe the content and use of the operational flight plan.

Alternate Aerodromes

- 80. (1) (a) A take-off alternate aerodrome shall be selected and specified in the operational flight plan if the weather conditions at the aerodrome of departure are at or below the applicable aerodrome operating minima or it would not be possible to return to the aerodrome of departure or for other reasons.
 - (b) The take-off alternate aerodrome shall be located within the following distance from the aerodrome of departure:
 - (i) aeroplanes having two power-units: Not more than a distance equivalent to a flight time of one hour at the single-engine cruise speed; and
 - (ii) aeroplanes having three or more power-units: Not more than a distance equivalent to a flight time of two hours at the one-engine inoperative cruise speed.
 - (c) For an aerodrome to be selected as a take-off alternate the available information shall indicate that, at the estimated time in use, the conditions will be at or above the aerodrome operating minima for that operation.
- (2) (a) En-route alternate aerodromes required by regulation 87(3) for extended range operations by aeroplanes with two turbine power-units shall be selected and specified in the operational and ATS flight plans in accordance with the ETOPS diversion time approved by the Director General.

- (b) No person shall select an aerodrome as an ETOPS en-route alternate aerodrome unless the appropriate weather reports or forecasts, or any combination thereof, indicate that during a period commencing 1 hour before and ending 1 hour after the expected time of arrival at the aerodrome, the weather conditions will be at or above the planning minima prescribed in Part G of the Tenth Schedule to these Regulations, and in accordance with the operator's ETOPS approval, provided that the forecast weather criteria used in the selection of alternate aerodromes for IFR flight will also be used for the selection of ETOPS alternates
- (3) For a flight to be conducted in accordance with the Instrument Flight Rules at least one destination alternate aerodrome shall be selected and specified in the operational and ATS flight plans, unless:
 - (i) the duration of the flight and the meteorological conditions prevailing are such that there is reasonable certainty that, at the estimated time of arrival at the aerodrome of intended landing, and for a reasonable period before and after such time, the approach and landing may be made under visual meteorological conditions; or
 - (ii) the aerodrome of intended landing is isolated and there is no suitable destination alternate aerodrome.

Weather conditions

- 81.**
- (1) Before commencing a flight the pilot in command shall be familiar with all available meteorological information appropriate to the intended flight.
 - (2) Preparation for a flight away from the vicinity of the place of departure, and for every flight under the Instrument Flight Rules, shall include a study of available current weather reports and forecasts; and the planning of an alternate course of action to provide for the eventuality that the flight cannot be completed as planned, because of weather conditions.
 - (3) A flight to be conducted in accordance with the Visual Flight Rules shall not be commenced unless current meteorological reports or a combination of current reports and forecasts indicate that the meteorological conditions along the route or that part of the route to be flown under the Visual Flight Rules will, at the appropriate time, be such as to render compliance with these Rules possible.
 - (4) A flight shall not be continued towards the aerodrome of intended landing unless the latest available meteorological information indicates that conditions at that aerodrome, or at least one destination alternate aerodrome, will, at the estimated time of arrival, be at or above the specified aerodrome operating minima.
 - (5) A flight to be conducted in accordance with Instrument Flight Rules shall not be commenced unless information is available which indicates that

conditions at the aerodrome of intended landing or, where a destination alternate is required, at least one destination alternate aerodrome will, at the estimated time of arrival, be at or above the aerodrome operating minima.

- (6) A flight to be operated in known or expected icing conditions shall not be commenced unless the aeroplane is certificated and equipped to cope with such conditions.
- (7) A flight to be planned or expected to operate in suspected or known ground icing conditions shall not take off unless the aeroplane has been inspected for icing and, if necessary, has been given appropriate de-anti-icing treatment. Accumulation of ice or other naturally occurring contaminants shall be removed so that the aeroplane is kept in an airworthy condition prior to take-off.
- (8) A flight to be conducted in accordance with Instrument Flight Rules to an aerodrome when no alternate aerodrome is required shall not be commenced unless a standard instrument approach procedure is prescribed for the aerodrome of intended landing and available current meteorological information indicates that the following meteorological conditions will exist from two hours before to two hours after the estimated time of arrival:
 - (i) a cloud base of at least 1,000 feet above the minimum associated with the instrument approach procedure; and
 - (ii) visibility of at least 5.5km or 4km more than the minimum associated with the procedure.
- (9) When pilots encounter weather conditions likely to affect the safety of other aircraft, they shall be reported as soon as possible to the air traffic service unit with which the aircraft is in communication.

Flight Crew Members at Duty Stations

- 82.**
- (1) All flight crew members required to be on flight deck duty shall be at their stations during take-off and landing.
 - (2) All flight crew members required to be on flight deck duty shall remain at their stations during the en route phase, except when their absence is necessary for the performance of duties in connection with the operation of the aeroplane or for physiological needs.
 - (3) All flight crew members shall keep their seat belts fastened when at their stations.
 - (4) Any flight crew members of a commercial air transport operations and general aviation aircraft occupying a pilot's seat shall, when provided, keep the safety harness, fastened during the take-off and landing phases. All other flight crew members shall keep their safety harnesses fastened during the take-off and landing phases unless the shoulder straps

interfere with the performance of their duties, in which case the shoulder straps may be unfastened but the seat belt must remain fastened.

Passenger Briefing

- 83.** The pilot in command of an aircraft registered in Tanzania shall take all reasonable steps to ensure:
- (a) before the aircraft takes off on any flight, that all passengers are made familiar, by means of an oral briefing or by other means, with the location and method of use of seat belts, emergency exits, life jackets, if the carriage of life jackets is prescribed in these Regulations, oxygen dispensing equipment, if the provision of oxygen for the use of passengers is prescribed in these Regulations and other emergency equipment provided for individual use, including passenger emergency briefing cards.
 - (b) that in an emergency during a flight, all passengers are instructed in such emergency action as may be appropriate to the circumstances;
 - (c) that the passengers are informed of the location and general manner of use of the principal emergency equipment carried for collective use.
 - (d) That during take-off and landing and whenever, by reason of turbulence or any emergency occurring during flight, the precaution is considered necessary, all passengers on board an aeroplane shall be secured in their seats by means of the seat belts or harness provided.

Commercial Air Transport Operations – Duties of Pilot in Command

- 84.**
- (1) This regulation applies to commercial air transport operations by aircraft registered in Tanzania.
 - (2) The pilot in command shall be responsible for the safety of all crew members, passengers and cargo on board when the doors are closed. The pilot in command shall also be responsible for the operation and safety of the aeroplane from the moment the aeroplane is ready to move for the purpose of taking off until the moment it finally comes to rest at the end of the flight and the engine(s) used as primary propulsion units are shut down.
 - (3) In relation to every flight to which this regulation applies the pilot in command shall brief the passengers in compliance to regulation 83.
 - (4) The pilot in command shall ensure that the checklists specified in regulation 68(11) are complied with in detail.
 - (5) The pilot in command shall be responsible for notifying the nearest appropriate authority by the quickest available means of any accident involving the aeroplane, resulting in serious injury or death of any person or substantial damage to the aeroplane or property.

- (6) The pilot in command shall be responsible for reporting all known or suspected defects in the aeroplane, to the operator, at the termination of the flight.
- (7) The pilot in command shall be responsible for the journey logbook required by regulation 60 and the general declaration containing the information listed in Part E of the Fourth Schedule to these Regulations.
- (8) The pilot in command shall, if the aircraft is not a seaplane but it is intended in the course of the flight to reach a point more than 30 minutes flying time (while flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flight over water) from the nearest land, take all reasonable steps to ensure that before take off all passengers are given a demonstration of the method of use of the lifejackets required by or under these Regulations for the use of passengers.
- (9) The pilot in command shall, if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes-off, all passengers are given a demonstration of the method of use of the equipment referred to in the preceding sub paragraph.
- (10) The pilot in command shall, before the aircraft takes off, and before it lands, take all reasonable steps to ensure that that the crew of the aircraft are properly secured in their seats and that any person carried in compliance with regulation 34 are properly secured in seats which shall be in a passenger compartment and which shall be so situated that those persons can readily assist passengers;
- (11) The pilot in command shall, from the moment when, after embarkation of its passengers for the purpose of taking off, it first moves until after it has taken off, and before it lands until it comes to rest for the purpose of the disembarkation of its passengers, and whenever by reason of turbulent air or any emergency occurring during the flight he considers the precaution necessary:
 - (a) take all reasonable steps to ensure that all passengers of 2 years of age or more are properly secured in their seats by seat belts or safety harness and that all passengers under the age of 2 years are properly secured by means of a child restraint device; and
 - (b) take all reasonable steps to ensure that those items of baggage in the passenger compartment which he reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured and, in the case of an aircraft capable of seating more than 30 passengers, such baggage is either stowed in the passenger compartment stowage spaces approved by the Director General for the purpose or carried in accordance with the terms of a written permission granted by the Director General

which permission may be granted subject to such conditions as the Director General thinks fit.

- (14) The pilot in command shall, in any emergency, take all reasonable steps to ensure that all passengers are instructed in the emergency action which they should take.
- (15) The pilot in command shall, except in a case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that:
 - (i) before the aircraft reaches flight level 100 the method of use of the oxygen provided in the aircraft in compliance with the requirements of regulation 97 is demonstrated to all passengers;
 - (ii) when flying above flight level 120 all passengers and cabin crews are recommended to use oxygen; and
 - (iii) during any period when the aircraft is flying above flight level 100 oxygen is used by all the flight crew of the aircraft.
- (16) The pilot in command shall comply with the relevant laws, regulations and procedures of the States in which the aeroplane is operated.

Duties of Flight Operations Officer

- 85.**
- (1) A flight operations officer when employed in conjunction with an approved method of flight supervision shall:
 - (a) assist the pilot in command in flight preparation and provide the relevant information required;
 - (b) assist the pilot in command in preparing the operational and ATS flight plans, sign when applicable and file the ATS flight plan with the appropriate ATS unit;
 - (c) furnish the pilot in command while in flight, by appropriate means, with information which may be necessary for the safe conduct of the flight; and
 - (d) in the event of an emergency, initiate such procedures as may be outlined in the operations manual.
 - (2) A flight operations officer shall avoid taking any action that would conflict with the procedures established by air traffic control, the meteorological service or the communication service.
 - (3) A flight operations officer shall not be assigned to duty unless that officer has:

- (a) made within the preceding 12 months, at least a one-way qualification flight on the flight deck of an aeroplane over any area in which that individual is authorised to exercise flight supervision. The flight shall include landings at as many aerodromes as practicable;
 - (b) demonstrated to the operator a knowledge of the contents of the operations manual, the radio equipment in the aeroplanes used and the navigation equipment in the aeroplanes used;
 - (c) demonstrated to the operator a knowledge of the following details concerning operations for which the officer is responsible and areas in which that individual is authorised to exercise flight supervision:
 - (i) the seasonal meteorological conditions and the sources of meteorological information;
 - (ii) the effects of meteorological conditions on radio reception in the aeroplanes used;
 - (iii) the peculiarities and limitations of each navigation system which is used by the operation; and
 - (iv) the aeroplane loading instructions;
 - (d) demonstrated to the operator the ability to perform the duties specified in paragraph (1).
- (4) A flight operations officer assigned to duty shall maintain complete familiarisation with all features of the operation which are pertinent to such duties, including knowledge and skills related to human performance.
- (5) A flight operations officer shall not be assigned to duty after 12 consecutive months of absence from such duty, unless the provisions of paragraph (3) are met.

Cabin Crew

- 86.** (1) The operator shall carry cabin crews in accordance with regulation 34 in order to effect a safe and expeditious evacuation of the aeroplane, and the necessary functions to be performed in an emergency or a situation requiring emergency evacuation. The operator shall assign these functions for each type of aeroplane as appropriate.
- (2) Each cabin crew member assigned to emergency evacuation duties shall occupy a seat provided in accordance with Fifth Schedule to these Regulations during take-off and landing and whenever the pilot in command so directs.
- (3) Each cabin crew member shall be seated with seat belt or, when provided, safety harness fastened during take-off and landing and whenever the pilot in command so directs.

- (4) The operator shall establish and maintain a training programme, approved by the Director General, to be completed by all persons before being assigned as a cabin crew member. Cabin crew shall complete a recurrent training programme annually. These training programmes shall ensure that each person is:
- (a) competent to execute those safety duties and functions which the cabin crew member is assigned to perform in the event of an emergency or in a situation requiring emergency evacuation;
 - (b) drilled and capable in the use of emergency and life saving equipment required to be carried, such as life jackets, life rafts, evacuation slides, emergency exits, portable fire extinguishers, oxygen equipment and first-aid kits;
 - (c) when serving on aeroplanes operated above 10,000 feet, knowledgeable as regards the effect of lack of oxygen and, in the case of pressurised aeroplanes, as regards physiological phenomena accompanying a loss of pressurisation;
 - (d) aware of other crew members' assignments and functions in the event of an emergency so far as is necessary for the fulfilment of the cabin crew members' own duties;
 - (e) aware of the types of dangerous goods which may, and may not, be carried in a passenger cabin and has completed the dangerous goods training programme.
 - (f) knowledgeable about human performance as related to passenger cabin safety duties including flight crew-cabin crew co-ordination.

Additional Requirements for Extended Range Operations by Aircraft With Two Turbine Power-Units (ETOPS)

87. (1) Unless the operation has been specifically approved by the Director General, an aircraft for commercial air transport operations, with two turbine power-units shall not, except as provided in paragraph (4) be operated on a route where the flight time at single engine cruise speed to an adequate en-route alternate aerodrome exceeds a threshold time established for such operation.
- (2) An operator of a commercial air transport operations shall not permit operations of an aircraft with two turbine power-units to be conducted beyond the threshold distance determined in accordance with regulation 88 unless approved to do so by the Director General in accordance with paragraph (1)
- (3) In approving the operation, the Director General shall consider to ensure that:
- (a) the airworthiness certification of the aircraft type;
 - (b) the reliability of the propulsion system; and
 - (c) the operator's maintenance procedures, operating practices, flight dispatch procedures and crew training programme;
- provide the over-all level of safety intended by the provisions of these Regulations. In making this assessment, account shall be taken of the

route to be flown, the anticipated operating conditions and the location of adequate en-route alternate aerodromes.

- (4) A flight to be conducted in accordance with paragraph (1) of this regulation shall not be commenced unless, during the possible period of arrival, the required en-route alternate aerodrome(s) as specified in regulation 80 (2) will be available and the available information indicates that conditions at those aerodromes will be at or above the aerodrome operating minima approved for the operation.

Maximum Distance From an Adequate Aerodrome for Two Engined Aeroplanes Without an ETOPS Approval

- 88.** (1) Unless specifically approved by the Director General, in accordance with regulation 87 an operator of a commercial air transport operations shall not operate a two-engined aeroplane over a route which contains a point further from an adequate aerodrome than, in the case of:
- (a) Large, turbine engine powered aeroplanes the distance flown in 60 minutes at the one-engine inoperative cruise speed determined in accordance with paragraph (b) with either:
 - (i) A maximum approved passenger seating configuration of 20 or more; or
 - (ii) A maximum take-off mass of 45,360 kg or more,
 - (b) Reciprocating engine powered aeroplanes:
 - (i) The distance flown in 120 minutes at the one-engine-inoperative cruise speed determined in accordance with paragraph (b); or
 - (ii) 300 nautical miles, whichever is less.
- (2) An operator of a commercial air transport operations shall determine a speed for the calculation of the maximum distance to an adequate aerodrome for each two-engined aeroplane type or variant operated, not exceeding maximum operating speed (V_{mo}) based upon the true airspeed that the aeroplane can maintain with one-engine-inoperative under the following conditions:
- (a) International Standard Atmosphere;
 - (b) Level flight:
 - (i) For turbine engined powered aeroplanes at Flight Level 170 or at the maximum flight level to which the aeroplane, with one-engine-inoperative, can climb, and maintain, using the gross rate of climb specified in the Aeroplane Flight Manual, whichever is less.
 - (ii) For propeller driven aeroplanes Flight Level 80 or at the maximum flight level to which the aeroplane, with one-engine-inoperative, can climb, and maintain, using the

gross rate of climb specified in the Aeroplane Flight Manual, whichever is less.

- (c) Maximum continuous thrust or power on the remaining operating engine;
 - (d) An aeroplane mass not less than that resulting from:
 - (i) Take-off at sea-level at maximum take-off mass until the time elapsed since take-off is equal to the applicable threshold prescribed in paragraph (1);
 - (ii) All engines climb to the optimum long range cruise attitude until the time elapsed since take-off is equal to the applicable threshold prescribed in paragraph (1); and
 - (iii) All engines cruise at the long range cruise speed at this altitude until the time elapsed since take-off is equal to the applicable threshold prescribed in paragraph (1).
- (3) An operator of a commercial air transport operations shall ensure that the following data, specific to each type or variant, is included in the Operations Manual:
- (a) The one-engine-inoperative cruise speed determined in accordance with paragraph (2); and
 - (b) The maximum distance from an adequate aerodrome determined in accordance with paragraphs (1) and (2).

Note: The speeds and altitudes (flight levels) specified above are only intended to be used for establishing the maximum distance from an adequate aerodrome.

Aircraft Performance Operating Limitations – Commercial Air Transport Operations

89. (1) Aircraft shall be operated in accordance with the code of performance established by the Director General.
- (2) Unless authorised by the Director General single-engined aircraft shall only be operated in conditions of weather and light, and over such routes and diversions therefrom, that permit a safe forced landing to be executed in the event of engine failure.
- (3) An aircraft shall be operated in compliance with the terms of its certificate of airworthiness and within the approved operating limitations contained in its flight manual.
- (4) A flight shall not be commenced unless the performance information provided in the flight manual indicates that the provisions of Part C of the Tenth Schedule can be complied with for the flight to be undertaken.

Aircraft Performance Operating Limitations – General Aviation Operations

90. (1) An aircraft shall be operated:
- (a) in compliance with the terms of its certificate of airworthiness;
 - (b) within the operating limitations prescribed by the certificating authority of the State of Registry or the Director General in case of Tanzania;
 - (c) within the mass limitations imposed by compliance with applicable noise certification standards, unless otherwise authorised, in exceptional circumstances for certain aerodromes or a runway where there is no noise disturbance problem, by the Director General.
- (2) Placards, listings, instrument markings, or combinations thereof, containing those operating limitations prescribed by the Director General for visual presentation, shall be displayed in the aircraft.

Duties of Pilot in Command – General Aviation Operation

91. The pilot in command of an aircraft registered in Tanzania shall:
- (a) comply with relevant laws, regulations and procedures of the States in which the aircraft is operated;
 - (b) be responsible for the safety of all crew members, passengers and cargo on board when the doors are closed. The pilot in command shall also be responsible for the operation and safety of the aeroplane from the moment the aeroplane is ready to move for the purpose of taking off until the moment it finally comes to rest at the end of the flight and the engine(s), used as primary propulsion units, are shut down;
 - (c) be responsible for notifying the nearest appropriate authority by the quickest available means of any accident involving the aeroplane resulting in serious injury or death of any person or substantial damage to the aeroplane or property;
 - (d) have available on board the aeroplane essential information concerning the search and rescue services in the areas over which it is intended the aeroplane will be flown;
 - (e) shall have sufficient information on climb performance with all engines operating to enable determination of the climb gradient that can be achieved during the departure phase for the existing take-off conditions and intended take-off technique;
 - (f) in an emergency during flight, ensure that all persons on board are instructed in such emergency action as may be appropriate to the circumstances;
 - (g) ensure that the flight:
 - (i) will not be commenced if any flight crew member is incapacitated from performing duties by any cause such as injury, sickness, fatigue, the effects of alcohol or drugs; and

- (ii) will not be continued beyond the nearest suitable aerodrome when flight crew members' capacity to perform functions is significantly reduced by impairment of faculties from causes such as fatigue, sickness, lack of oxygen;
- (h) ensure that the licences of each flight crew member have been issued or rendered valid by the State of registry, and are properly rated and of current validity, and shall be satisfied that flight crew members have maintained competence;
- (i) ensure that the number and composition of the flight crew is not less than that specified in the flight manual or other documents associated with the certificate of airworthiness.

Aeroplane Communication and Navigation Equipment

- 92.** (1) An aeroplane shall be provided with radio communication equipment capable of:
- (a) conducting two-way communication for aerodrome control purposes;
 - (b) receiving meteorological information at any time during flight; and
 - (c) conducting two-way communication at any time during flight with at least one aeronautical station and with such other aeronautical stations and on such frequencies as may be prescribed by the appropriate authority.
- (2) In case of general aviation operation, when compliance with paragraph (1) requires that more than one communications equipment unit be provided, each shall be independent of the other or others to the extent that a failure in any one will not result in failure of any other.
- (3) The radio communication equipment required in accordance with paragraph (1) shall provide for communications on the aeronautical emergency frequency 121.5 MHz.
- (4) An aeroplane shall be provided with navigation equipment which will enable it to proceed:
- (a) in accordance with its operational flight plan;
 - (b) in accordance with prescribed RNP types; and
 - (c) in accordance with the requirements of air traffic services;

Except when, if not so precluded by the Director General, navigation for flights under the Visual Flight Rules is accomplished by visual reference to landmarks, at least every 60 nautical miles in case of general aviation operation.

- (5) The aeroplane shall be sufficiently provided with navigation equipment to ensure that, in the event of the failure of one item of equipment at any stage of the flight, the remaining equipment will enable the aeroplane to proceed in accordance with paragraph (6).

- (6) On flights in which it is intended to land in instrument meteorological conditions, an aeroplane shall be provided with radio equipment capable of receiving signals providing guidance to a point from which a visual landing can be effected. This equipment shall be capable of providing such guidance for each aerodrome at which it is intended to land in instrument meteorological conditions and for any designated alternate aerodromes.
- (7) In the case of commercial air transport operations, the equipment installation shall be such that the failure of any single unit required for either communications or navigation purposes or both will not result in the failure of another unit required for communications or navigation purposes.

Operation of Radio in Aircraft

- 93.**
- (1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the State of registry, and by a person duly licensed or otherwise permitted to operate the radio station under that law.
 - (2)
 - (a) Subject to sub-paragraph (b), whenever an aircraft is in flight in such circumstances that it is required by or under these Regulations to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of a flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft.
 - (b)
 - (i) The radio watch may be discontinued or continued on another frequency to the extent that a message as aforesaid so permits.
 - (ii) The watch may be kept by a device installed in the aircraft if the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and that station is notified, or in the case of a station situated in a State other than Tanzania, otherwise designated as transmitting a signal suitable for that purpose.
 - (3) Whenever an aircraft is in flight in such circumstances that it is required by or under these Regulations to be equipped with radio or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.
 - (6) The radio station in an aircraft shall not be operated so as to cause interference, which impairs the efficiency of aeronautical

telecommunications or navigational services, and in particular emissions shall not be made except as follows –

- (a) emission of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
 - (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
 - (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice;
 - (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred in paragraph (1).
- (5) In any aircraft registered in Tanzania, which is engaged on a flight for the purpose of commercial air transport operations, the pilot and the flight engineer (if any) shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace below flight level 150 or is taking off or landing.
- (6) An aircraft which is equipped with a radio station having a defect such as to impair the safety of the aircraft shall not undertake any flight until the aircraft has been rendered safe, or if such defect occurs during flight, shall land as soon as possible unless the radio station can be and is speedily rendered safe for flight.

Fuel and Oil Supply

94. (1) A flight by any aeroplane shall not be commenced unless, taking into account both the meteorological conditions and any delays that are expected in flight, the aeroplane carries sufficient fuel and oil to ensure that it can safely complete the flight. In addition, a reserve shall be carried to provide for contingencies.
- (2) The fuel and oil carried in order to comply with paragraph (1) of this regulation shall be of the amount specified in Part E of the Tenth Schedule to these Regulations.

Refuelling With Passengers on Board

95. (a) An aeroplane shall not be refuelled when passengers are embarking, on board or disembarking unless it is properly attended by the pilot in command and/or other qualified personnel ready to initiate and direct an evacuation of the aeroplane by the most practical and expeditious means available.
- (b) When refuelling with passengers embarking, on board or disembarking, two-way communication shall be maintained by the aeroplane's

intercommunication system or other suitable means between the ground crew supervising the refuelling and the qualified personnel on board the aeroplane.

- (c) The provision of paragraph (a) of this regulation shall not require the deployment of integral aeroplane stairs or the opening of emergency exits as a prerequisite to refuelling.

Fuel and Oil Records

- 96. (1) The operator of commercial air transport operations shall maintain fuel and oil records to enable the Director General to ascertain that, for each flight, the requirements of regulation 94 and Part E of the Tenth Schedule to these Regulations have been complied with.
- (2) Fuel and oil records shall be retained by the operator for a period of three months.

Use of Oxygen

- 97. (1) All flight crew members of aircraft registered in Tanzania, when engaged in performing duties essential to the safe operation of an aeroplane in flight, shall use breathing oxygen continuously, whenever the circumstances prevail, for which its supply has been required in the Fifth Schedule to these Regulations.
- (2) All flight crew members of pressurised aeroplanes operating above an altitude where the atmospheric pressure is less than 376 hPa shall have available at the flight duty station a quick-donning type of oxygen mask which will readily supply oxygen upon demand.
- (3) A pilot in command shall ensure that breathing oxygen is available to crew members and passengers in sufficient quantities for all flights at such altitudes as specified in the Fifth Schedule to these Regulations, where lack of oxygen might result in impairment of the faculties of crew members or harmfully affect passengers.

Safeguarding of Cabin Crews and Passengers in Pressurised Aeroplanes in the Event of Loss of Pressurisation

- 98. Cabin crews shall be safeguarded so as to ensure reasonable probability of their retaining consciousness during any emergency descent which may be necessary in the event of loss of pressurisation and, in addition, they shall have such means of protection as will enable them to administer first aid to passengers during stabilised flight following the emergency. Passengers shall be safeguarded by such devices or operational procedures as will ensure reasonable probability of their surviving the effects of hypoxia in the event of loss of pressurisation.

Flight Recorders

99. (1) On any flight on which a flight data recorder is required by the Fifth Schedule of these Regulations to be carried in an aeroplane, it shall always be in use from the beginning of take off run to the end of landing run.
- (2) The operator of the aeroplane shall, at all times, subject to the provisions of regulation 126, preserve –
- (a) the last 25 hours of recording made by any flight data recorder required by or under these Regulations to be carried in an aeroplane; and
- (b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last twelve months which includes a take off climb, cruise, descent, approach to landing and landing together with a means of identifying the record with the flight to which it relates;
- and shall preserve such records for such periods as the Director General may, in a particular case, direct.
- (3) (a) The engraving metal foil flight data recorders shall not be used.
- (b) Photographic film data recorders and analogue data recorders using frequency modulation (FM) shall not be used.
- (c) The use of analogue flight data recorders using frequency modulation shall not be used effective from January 2003.
- (4) (a) Flight recorders shall not be switched off during flight time.
- (b) To preserve flight recorder records, flight recorders shall be deactivated upon completion of flight time following an accident or incident. The flight recorders shall not be re-activated before their disposition as determined in accordance with the Civil Aviation (Investigation of Accidents) Regulations, 1983.
- (5) The operator of a commercial air transport operations or the pilot in command of general aviation operation shall ensure, to the extent possible, in the event the aeroplane becomes involved in an accident or incident, the preservation of all related flight recorder records, and if necessary the associated flight recorders, and their retention in safe custody pending their disposition as determined in accordance with the Civil Aviation (Investigation of Accidents) Regulations, 1983.
- (6) Operational checks and evaluations of recordings from the flight data and cockpit voice recorder systems shall be conducted to ensure the continued serviceability of the recorders.

Towing of Gliders

- 100.** (1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the State in which that aircraft is registered include an express provision that it may be used for that purpose.
- (2) The length of the combination of towing aircraft, towrope and glider in flight shall not exceed 150 metres.
- (3) The pilot in command of an aircraft which is about to tow a glider shall satisfy himself before the towing aircraft takes off:
- (a) that the towrope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;
 - (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
 - (c) that emergency signals have been agreed between the pilot in command of the towing aircraft and the pilot in command of the glider, to be used, respectively, by the pilot in command of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the pilot in command of the glider to indicate that the tow cannot be released.
- (4) The glider shall be attached to the towing aircraft by means of towrope before the aircraft takes off.
- (5) An aircraft in flight shall not tow a glider except in accordance with such conditions and requirements as the Director General may have notified.

Towing, Picking up and Raising of Persons and Articles

- 101.** (1) Subject to the provisions of this regulation, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the State of Registry includes an express provision that it may be used for that purpose.
- (2) An aircraft shall not launch or pick up towropes, banners or similar articles other than at an aerodrome.
- (3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than 1.5 kilometres

- (4) The length of the combination of towing aircraft, tow rope and article in tow shall not exceed 150 metres.
- (5) A helicopter shall not fly at any height over a heavily populated area of a city, town or settlement at any time when an article, person or animal is suspended from the helicopter.
- (6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter shall be lowered to the surface by such means.
- (7) Nothing in this regulation shall:
 - (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, or any instrument which is being used for experimental purposes;
 - (b) prohibit the picking up or raising of any persons, animal or article in an emergency or for the purpose of saving life.
 - (c) apply to any aircraft while it is flying in accordance with the "B" Conditions set forth in the Second Schedule to these Regulations;
 - (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with regulation 100.

Dropping of Articles and Animals

- 102.** (1) Articles and animals, whether or not attached to a parachute, shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.
- (2) Articles, animals and persons, whether or not attached to a parachute, shall not be dropped, or permitted to drop, to the surface from an aircraft flying over Tanzania.
- (3) Paragraph (2) shall not apply to the dropping of articles by, or with the authority of the pilot in command of the aircraft in any of the following circumstances:
- (a) the dropping of articles for the purpose of saving life;
 - (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
 - (c) the dropping of ballast in the form of fine sand or water;
 - (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations;

- (e) the dropping at an aerodrome, in accordance with prescribed regulations of towropes, banners, or similar article towed by aircraft;
 - (f) the dropping of articles for the purpose of agriculture, horticulture forestry or public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Director General and in accordance with any conditions subject to which that permission may have been given.
- (4) For the purposes of this regulation and regulation 103 “dropping” include projecting and lowering.
 - (5) Nothing in this regulation shall prohibit the lowering of any person, animal or article from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the State of Registry includes an express provision that it may be used for that purpose.

Dropping of Persons

- 103.** (1) A person shall not drop, be dropped or permitted to drop to the surface or jump from an aircraft flying over Tanzania except under and in accordance with the terms of a written permission granted by the Director General under these Regulations.
- (2) Notwithstanding the grant of permission under paragraph (1), a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.
 - (3) An aircraft shall not be used for the purpose of dropping persons unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the State of Registry includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with a written permission granted by the Director General under this regulation.
 - (4) (a) Every applicant for and every holder of a permission shall make available to the Director General, if requested to do so, a parachuting manual and shall make such amendments or additions to such manual as the Director General may require.
 - (b) (i) The holder of a permission shall make the manual available to every employee or person who is or may engage in parachuting activities conducted by him.
 - (ii) The manual shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

- (5) Nothing in this regulation shall apply to the descent of persons by parachute from an aircraft in an emergency.
- (6) Nothing in this regulation shall prohibit the lowering of any person in an emergency or for the purpose of saving life.
- (7) Nothing in this regulation shall prohibit the lowering of any person from a helicopter to the surface if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the State of Registry includes an express provision that it may be used for that purpose.

Issue of Aerial Application Certificates

- 104.** (1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an Aerial Application Certificate granted to the operator of the aircraft under paragraph (2)
- (2) (a) The Director General shall grant an Aerial Application Certificate if he is satisfied that the applicant is a fit person to hold the Certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the Certificate on Flights for the purposes specified in paragraph (1).
 - (b) A certificate may be granted subject to such conditions as the Director General thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger person or property in the aircraft or elsewhere, and shall, subject to regulation 126 of these Regulations, remain in force for the period specified in the certificate.
- (3) Every applicant for and holder of an Aerial Application Certificate shall make available to the Director General upon application and to every member of his operating staff upon the Certificate being granted, an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such. The holder of a Certificate shall make such amendments of or additions to the manual as the Director General may require.

Carriage of Weapons and Munitions of War

- 105.** (1) An aircraft shall not carry any munitions of war.
- (2) It shall be unlawful for any person to take or cause to be taken on board an aircraft, or to deliver or cause to be delivered for carriage thereon, any

goods which he knows or has reason to believe or suspect to be munitions of war.

- (3) Without prejudice to paragraphs (1) and (2) of this regulation, it shall be unlawful for a person to carry or have in his possession any sporting weapon or ammunition on board an aircraft registered in Tanzania unless:
- (a) the sporting weapon or ammunition:
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;
 - (ii) is carried in part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
 - (iii) in the case of a firearm, is unloaded;
 - (b) particulars of the sporting weapon and ammunition have been furnished by that passenger or by the consignor to the operator before the flight commences; and
 - (c) the operator consents to the carriage of such sporting weapon or ammunition by the aircraft.
- (4) Nothing in this regulation shall apply to weapons or ammunition taken or carried on board an aircraft by law enforcement officers and other authorised personnel who have been authorised for such carriage of weapons in the aircraft cabin by the Director General and the operator.
- (5) Nothing in this regulation shall apply to weapons or ammunition taken or carried on board an aircraft registered in a State other than in Tanzania if the weapons or ammunition, as the case may be, may under the law of the State of Registry be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.
- (7) For the purpose of this regulation:
- (a) “munitions of war” means
 - (i) any weapon or ammunition;
 - (ii) any article containing an explosive, noxious liquid or gas; or
 - (iii) any other thing;which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article.
 - (b) “sporting weapon” means
 - (i) any weapon or ammunition;
 - (ii) any article containing an explosive, noxious liquid or gas; or
 - (iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article;which is not a munition of war.

Carriage of Dangerous Goods

- 106.** (1) Subject to the provisions of paragraph (2), no person shall carry or cause to be carried or deliver or cause to be delivered for loading on board an aircraft, any goods which he knows or has reason to believe or suspect to be dangerous or of a dangerous nature or dangerous goods.
- (2) Notwithstanding paragraph (1), dangerous goods or goods of a dangerous nature may be carried or loaded aboard an aircraft if: -
- (a) such goods are permitted to be carried under the laws of the State of Registry and there is in force between that State's government and the government of Tanzania, an agreement permitting the carriage of those goods within Tanzania.
 - (b) such goods are carried with the consent of the operator of the aircraft for the purpose of ensuring the proper navigation or safety of the aircraft and the well being of any person on board.
 - (c) the goods are carried in compliance with the requirements issued by the Director General or with the written permission of the Director General and in accordance with any conditions to which such permission may be subject.
- (3) Dangerous goods permitted by or under these Regulations to be carried in an aircraft shall not be loaded as cargo therein unless –
- (a) the consignor of the goods has furnished the operator of aircraft with particulars in writing of the nature of the goods and the danger to which they give rise;
 - (b) The goods or any container in which they are packed are clearly marked in accordance with Doc 9284-AN/905 – “Technical Instructions for the Safe Transport of Dangerous Goods by Air” issued by the International Civil Aviation Organisation;
 - (c) the operator of the aircraft has, before the flight began, informed the pilot in command of the identity of the goods, the danger to which they give rise and the weight or quantity of the goods.
- (4) For the purposes of this regulation, "dangerous goods" or "goods of a dangerous nature" means articles or substances which are capable of posing significant risk to health, safety or property when transported by air.
- (5) The provisions of this regulation shall be additional to and not in derogation from the provisions of regulation 105.

Method of Carriage of Persons

- 107.** (1) (a) Subject to paragraph (2), a person shall not be in or on any part of

an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft.

- (b) A person shall not be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight.
- (2) A person may have temporary access to:
- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; and
 - (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

Exit and Break-in Markings

- 108.** (1) This regulation shall apply to every aircraft registered in Tanzania.
- (2) (a) Whenever an aircraft to which this regulation applies is carrying passengers, every exit there-from and every internal door in the aircraft shall be in working order, and, subject to sub paragraph (b), during take-off and landing and during any emergency, every such exit and door shall be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.
- (b) (i) An exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Director General, either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers.
- (ii) A door between the flight crew compartment and any adjacent compartment to which passengers have access may be locked or bolted if the pilot in command of the aircraft so determines, for the purpose of preventing access by passengers to the flight crew compartment.
- (iii) Nothing in this paragraph shall apply to any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft in an emergency if it is not in working order.
- (3) Every exit from the aircraft, being an exit intended to be used by passengers in normal circumstances, shall be marked with the word "EXIT" and "KUTOKA" in capital letters and every exit, being an exit intended to be used by passengers in an emergency only, shall be marked with the words "EMERGENCY EXIT" and "MLANGO WA DHARURA" in capital letters. The markings shall be lighted and luminous enough to guide evacuation during low visibility conditions.

- (4) (a) Every exit from the aircraft shall be marked with instructions with diagrams, to indicate the correct method of opening the exit.
- (b) The markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it can be opened from the outside of the aircraft, on or near the exterior surface.
- (5) (a) (i) Every aircraft to which this regulation applies, being an aircraft of which the total mass exceeds 3600 kg shall be marked upon the exterior surface of its fuselage with markings to show the areas (in this paragraph referred to as "break-in areas") which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.
- (ii) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be 9 cm in length along its outer edge and 3 cm in width.
- (iii) The words "CUT HERE IN EMERGENCY" "KATA HAPA WAKATI WA DHARURA" shall be marked across the centre of each break-in area in capital letters.
- (b) This paragraph shall not apply to helicopters.
- (6) On every flight by an aircraft to which this regulation applies, being an aircraft of which the maximum mass authorised exceeds 5,700 kg, every exit from such an aircraft intended to be used by passengers in an emergency shall be marked upon the exterior of the aircraft by a band not less than 5 centimetres in width outlining the exit.
- (7) The markings required by this regulation shall:
 - (a) be painted, or affixed by other equally permanent means;
 - (b) be red or yellow in colour and, in any case where the colour of the adjacent background is such as to render red or yellow markings not readily visible, be outlined in white to contrast with the background;
 - (c) be kept at all times clean and unobscured.
- (8) (a) Subject to compliance with sub-paragraph (b), if one, but not more than one, exit from an aircraft becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this regulation shall prevent that aircraft from carrying passengers until it next lands at a place where the exit can be repaired or replaced.

- (b) On any flight pursuant to this paragraph:
 - (i) the number of passengers carried and the position of the seats which they occupy shall be in accordance with arrangements approved by the Director General either in relation to the particular aircraft or to a class of aircraft; and
 - (ii) in accordance with arrangements so approved, the exit shall be fastened by locking or otherwise, the words 'EXIT', 'KUTOKA', 'EMERGENCY EXIT' and 'MLANGO WA DHARURA' shall be covered, and the exit shall be marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words 'NO EXIT' and 'HAKUNA KUTOKA' in red letters.

Endangering Safety of any Person, Property or Aircraft

109. (1) A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.
- (2) A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

Drunkenness in Aircraft

110. (1) A person shall not enter any aircraft when drunk, or be drunk in an aircraft.
- (2) No person may permit the boarding or serving of any person who appears to be intoxicated or who demonstrates, by manner or physical indications, that the person is under the influence of drugs (except a medical patient under proper care)
- (3) A person shall not act or attempt to act as a crew member of an aircraft:
 - (a) within 8 hours after the consumption of any alcoholic beverage;
 - (b) while under the influence of alcohol; or
 - (c) while using any drug that affects the persons faculties in any way contrary to safety.
- (4) A crew member shall, up to 8 hours before or immediately after acting or attempting to act as a crew member, on the request of a law enforcement officer or the Director General, submit to a test to indicate the presence of alcohol or narcotic drug in the blood.

Smoking in Aircraft and Operation of Electronic Devices

111. (1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in Tanzania so as to be visible from passenger seat therein.
- (2) The flight crew member shall announce to the passengers when operation of an electronic device, including portable telephones and

computers is prohibited. Such equipment, equipped with an antenna, shall be prohibited for use throughout the flight while those equipment without an antenna may be permitted during the time the aircraft is on cruise.

- (3) A person shall not:
- (a) smoke in any compartment of an aircraft registered or operating at any aerodrome or airspace in Tanzania at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the pilot in command of the aircraft;
 - (b) smoke in a lavatory or elsewhere in a manner likely to endanger the safety of the aircraft;
 - (c) tamper with a smoke detector or any other safety-related devices installed on board the aircraft;
 - (d) operate a portable electronic device when such act is prohibited.

Authority of Pilot in Command and Members of the Crew of an Aircraft

112. Every person in an aircraft shall obey all lawful commands which the pilot in command of that aircraft may give for the purpose of securing the safety of the aircraft and of person or property carried therein, or the safety and security, efficiency or regularity of air navigation.

Acting in a Disruptive Manner

- 113.** No person shall, while in an aircraft:
- (a) intentionally interfere with the performance by a member of the crew of the aircraft of his duties;
 - (b) assault, intimidate or threat, whether physical or verbal, against a crew member, where such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;
 - (c) refuse to follow a lawful instruction given by the pilot in command, or on behalf of the pilot in command by a crew member, for the purpose of securing the safety of the aircraft and of persons or property carried thereon, or the safety and security, efficiency or regularity of air navigation.
 - (d) behave in such a manner as to cause discomfort to other persons on board.

Stowaways

114. A person shall not secrete himself for the purpose of being carried in an aircraft

without the consent of either the operator or the pilot in command thereof or of any other person entitled to give consent to his being carried in the aircraft.

Flying Displays

- 115.** (1) No person shall act as the organiser of a flying display (in this regulation referred to as “flying display director”) unless he has obtained the permission in writing of the Director General under paragraph (4) for that flying display and complies with any conditions therein specified.
- (2) (a) The pilot in command of an aircraft intending to participate in flying display shall take all reasonable steps to satisfy himself before he participates that:
- (i) the flying display director has been granted an appropriate permission under paragraph (4);
 - (ii) the flight can comply with any relevant conditions subject to which that permission may have been granted; and
 - (iii) the pilot has been granted an appropriate pilot display authorisation.
- (b) The pilot in command of an aircraft participating in a flying display for which a permission has been granted shall comply with any conditions subject to which that permission may have been granted.
- (c) No person shall act as pilot of an aircraft participating in a flying display unless he holds an appropriate pilot display authorisation and he complies with any conditions subject to which the authorisation may have been given.
- (3) The flying display director shall not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.
- (4) (a) The Director General shall grant a permission required by virtue of paragraph (1) if he is satisfied that the applicant is a fit and competent person having regard in particular to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed flying display.
- (b) The permission may be granted subject to such conditions, which may include conditions in respect of military aircraft, as the Director General thinks fit and shall, subject to the provisions of regulation 127, remain in force for the period specified in the permission.
- (5) The Director General shall, for the purposes of this regulation, either unconditionally or subject to such conditions as he thinks fit:
- (a) grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display upon being

satisfied that the applicant is a fit person to hold the authorisation and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Director General may require; and

- (b) authorise a person to conduct such examinations or tests as he may specify.
- (6) A pilot display authorisation granted in accordance with this regulation shall, subject to the provisions of regulation 127, remain in force for the period indicated in the pilot display authorisation.
- (7) Paragraph (1) shall not apply to a flying display at which the only participating aircraft are military aircraft.
- (8) The flying display director shall not permit any military aircraft to participate in a flying display unless he complies with any conditions specified in respect of military aircraft subject to which permission for the flying display may have been granted.
- (9) Nothing in this regulation shall apply to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the pilot in command or pilot thereof whether or not such race or contest is held in association with a flying display.

PART VII

FATIGUE OF CREW – COMMERCIAL AIR TRANSPORT OPERATIONS

Application and Interpretation

- 116.** (1) Regulations 117, 118 and 119 of these Regulations apply in relation to any aircraft registered in Tanzania which is either engaged on a flight for the purpose of commercial air transport operations or operated by a commercial air transport operator.

Provided that the said regulations shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or an organisation which is not a commercial air transport operator.

- (2) In this Part of these Regulations, the following expressions shall, except where the context otherwise requires have the meanings hereby respectively assigned to them: -
 - (a) "flight time" in relation to any person, means all time spent by that person in an aircraft while it is in flight and he is carried therein as a crew member thereof;

- (b) "duty time" means the total elapsed time from the moment a crew member commences his duties until he is relieved from such duties. It includes any flying duty period, positioning, ground training, ground duties and standby duty.
 - (c) "day" means a continuous period of 24 hours beginning at midnight Universal Time Co-ordinated (UTC).
- (3) For the purpose of this Part, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

Fatigue of Crew Member – Operator’s Responsibilities

117. (1) The operator of an aircraft to which this regulation applies shall not cause or permit that aircraft to make a flight unless:
- (a) he has established a scheme for the regulation of flight times for every person flying in that aircraft as a crew member;
 - (b) the scheme is approved by the Director General subject to such conditions as he thinks fit;
 - (c) the scheme is incorporated in the operations manual required by regulation 59; and
 - (d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme will be complied with in relation to every person flying in that aircraft as a crew member.
- (2) The operator of an aircraft to which this regulation applies shall not cause or permit any person to fly therein as a crew member if he knows or has reason to believe that that person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.
- (3) The operator of an aircraft to which this regulation applies shall not cause or permit any person to fly therein as a flight crew member unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing all his flight times and brief particulars of the nature of the functions performed by him in the course of his flight times.
- (4) The operator shall maintain current records of the flight time, flight duty periods and rest periods of all its crew members and, subject to the provisions of regulation 126, the records shall be preserved by the operator of the aircraft until a date 12 months after the flight.

- (5) The operator of an aircraft to which this regulation applies shall not permit a person to act as a flight crew member if he is aware of prevailing conditions specified in regulation 120 for that person.

Fatigue of Crew Member – Responsibilities of Crew

118. (1) A person shall not act as a crew member of an aircraft to which this regulation applies if he knows or suspects that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.
- (2) A persons shall not act as flight crew member of an aircraft to which this regulation applies unless he has ensured that the operator of the aircraft is aware of his flight times during the period of 28 days preceding the flight.

Flight Times – Responsibilities of Flight Crew Member

119. A person shall not act as a flight crew member of an aircraft registered in Tanzania if at the beginning of the flight the aggregate of all his previous flight times:
- (a) exceeds 11 hours during the period of 24 hours when the flight begins. This time may be extended to 13 hours in aircraft with three flight crews, two of whom are qualified captains and provided adequate rest and sleeping facilities are available on board the aircraft for at least one pilot;
 - (b) during the period of 28 days expiring at the end of the day on which the flight begins exceeds 110 hours;
 - (c) during the period of three months expiring at the end of the previous month exceeds 310 hours; or
 - (d) during the period of twelve months expiring at the end of the previous month exceeds 1000 hours.

Duty Times – Responsibilities of Flight Crew Member

120. A person shall not act as a flight crew member of an aircraft registered in Tanzania if at the beginning of the flight the aggregate of all his previous duty times:
- (a) during the period of 24 hours when the flight begins exceeds 15 hours. This time may be extended to 20 hours in aircraft with three flight crews, two of whom are qualified captains and provided adequate rest and sleeping facilities are available on board the aircraft for at least one pilot;
 - (b) During the period of seven days expiring at the end of the day when the flight begins exceeds 60 hours;

- (c) during the period of 28 days expiring at the end of the day on which the flight begins exceeds 160 hours.

Flight and Duty Times –Responsibilities of Cabin Crew Member

- 121.** (1) A person shall not act as a cabin crew member of an aircraft registered in Tanzania if at the beginning of the flight the aggregate of all his previous flight times:
- (a) during the period of 24 hours when the flight begins exceeds 12 hours;
 - (b) during the period of 28 days expiring at the end of the day on which the flight begins exceeds 120 hours;
 - (c) during the period of three months expiring at the end of the previous month exceeds 320 hours; or
 - (d) during the period of twelve months expiring at the end of the previous month exceeds 1000 hours.
- (2) A person shall not act as a cabin crew member of an aircraft registered in Tanzania if at the beginning of the flight the aggregate of all his previous duty times:
- (a) during the period of 24 hours when the flight begins exceeds 16 hours.
 - (b) During the period of seven days expiring at the end of the day when the flight begins exceeds 60 hours.

Rest Period - Crew Member

- 122.** (1) The operator shall notify the crew member of a flying duty period so that adequate pre-flight rest can be obtained by him. Away from base the operator shall provide the opportunity and the facilities for the crew members to obtain adequate rest. The accommodation shall be satisfactory in respect of noise, temperature, light and ventilation.
- (2) The following table shall be the minimum rest periods for the crew member:

Length of Duty immediately Proceeding:	Minimum Length of sufficient Rest Period:
Not Exceeding 8 hours	8 hours
Not exceeding 12 hours	12 hours
Not exceeding 13 hours	13 hours
Not exceeding 14 hours	14 hours
Not exceeding 15 hours	15 hours
Not exceeding 16 hours	16 hours

Not exceeding 17 hours	17 hours
Not exceeding 18 hours	18 hours

PART VIII

DOCUMENTS AND RECORDS

Documents to be Carried

- 123.** (1) An aircraft shall not fly unless it carries documents which it is required to carry under the law of the State of Registry.
- (2) Every aircraft registered in Tanzania shall, when in flight, carry documents in accordance with the Eleventh Schedule to these Regulations.

Provided that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any State other than Tanzania, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Production of Documents and Records

- 124.** (1) The pilot in command of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person:
- (a) the Certificates of Registration and Airworthiness in force in respect of the aircraft;
 - (b) the licences/certificates of its crew members;
 - (c) such other documents as the aircraft is required by regulation 123 to carry when in flight.
- (2) The operator of an aircraft registered in Tanzania shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as may have been requested by that person being documents or records which are required, by or under these Regulations, to be in force or to be carried, preserved or made available.
- (a) the documents referred to in the Eleventh Schedule to these Regulations as documents A, B, and G;
 - (b) the aircraft logbook, engine logbooks and variable pitch propeller logbooks required under these Regulations to be kept;
 - (c) the mass schedule, if any, required to be preserved under regulation 15;

- (d) in the case of a commercial air transport operations or aerial work operation, the documents referred to in the Eleventh Schedule to these Regulations as documents D, E, F and H;
 - (e) any records of flight times, duty periods and rest periods which he is required by paragraph (3) of regulation 117 to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
 - (f) any operations manuals as are required to be made available under regulations 59 of these Regulations.
 - (g) the record made by any flight data recorder required to be carried by or under these Regulations.
- (3) The holder of a licence granted or rendered valid under these Regulations shall, within a reasonable time after being requested do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation.
 - (4) Every person required by regulation 44 to keep a personal flying logbook shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within two years after the date of the last entry therein.

Power to Inspect and Copy Documents and Records

- 125.** An authorised person shall have the power to inspect and take copies of any certificate, licence, Logbook, document or record which he has the power pursuant to these Regulations and any regulations made thereunder to require to be produced to him.

Preservation of Documents, etc

- 126.** (1) Subject to paragraph (2), a person required by these Regulations to preserve any documents or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative.
- (2) (a) If another person becomes the operator of the aircraft, the first-mentioned operator or his personal representative shall deliver to that person upon demand the maintenance completion certificate and certificate of safety for flight, the logbooks and the mass schedule and any record made by a flight recorder and preserved in accordance with these Regulations which are in force or required to be preserved in respect of that aircraft.

- (b) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person the first-mentioned operator or his personal representative shall deliver to that person upon demand the logbook relating to that engine or propeller.
- (c) If any person in respect of whom a record has been kept by the first mentioned operator in accordance with regulation 117 of these Regulations becomes a member of flight crew of a commercial air transport operations aircraft registered in Tanzania and operated by another person the first-mentioned operator or his personal representative shall deliver those records to that other person upon demand.
- (d) It shall be the duty of the other person referred to in subparagraphs (a), (b) and (c) of paragraph (2) to deal with the document or record delivered to him as if he were the first mentioned operator.

Revocation, Suspension and Variation of Certificates, Licences and Other Documents

- 127.** (1) The Director General may, where he considers it to be in the public interest, suspend provisionally, pending further investigation, any certificate, licence, approval permission, exemption, authorisation or other document issued, granted or having effect under these Regulations.

Provided that, whether or not such further investigation has been completed, a provisional suspension under this paragraph shall, if not otherwise terminated, cease to have effect after 28 days.

- (2) The Director General may, upon the completion of investigation which had shown sufficient ground to his satisfaction and where he considers it to be in the public interest, revoke, suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued or granted under these Regulations.
- (3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under these Regulations shall surrender it to the Director General within 28 days after being required to do so by him.
- (4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued or which has effect under these Regulations shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

Offences in Relation to Documents and Records

- 128.** (1) A person shall not, with intent to deceive:
- (a) use any certificate, licence, approval, permission, exemption or other documents issued or required by or under these Regulations which has been forged, altered, revoked or suspended, or to which he is not entitled;
 - (b) lend any certificate, licence, approval, permissions, exemption or other document issued or required by or under these Regulations to, or allow it to be used by, any other person; or
 - (c) 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, licence, approval, permission or exemption or other document.

In this paragraph, a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy thereof.

- (2) During the period for which it is required under these Regulations to be preserved, no person shall wilfully damage, alter, render illegible or destroy any logbook or other record required by or under these Regulations to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such logbook or record, or destroy any such logbook or record during the period for which it is required under these Regulations to be preserved.
- (3) All entries in logbook and records required to be maintained by or under these Regulations shall be made in ink or indelible pencil.
- (4) A person shall not wilfully or negligently make in a load sheet any entry, which is incorrect in any material particular, or wilful, or negligently omit to make a material entry in such a load sheet.
- (5) A person shall not purport to issue any certificate for the purpose of these Regulations made thereunder unless he is authorised to do so under these Regulations.
- (6) A person shall not issue any certificate of the kind referred to in paragraph (5) unless he has satisfied himself that all statements in the certificate are correct.

Records of Emergency and Survival Equipment Carried

- 129.** (1) Operators of commercial air transport operations aircraft registered in Tanzania shall, at all times, have, available for immediate communication to rescue co-ordination centres, lists containing information on the emergency and survival equipment carried on board any of their

aeroplanes.

- (2) The said information shall include, as applicable, the number, colour and type of life rafts and pyrotechnics, details of emergency medical supplies, water supplies and the type and frequencies of the emergency portable radio equipment.

PART IX

CONTROL OF AIRCRAFT

Requirement for Approval for the Provision of Air Traffic Services

- 130.** (1) No person in charge of the provision of an air traffic control service shall provide such a service in respect of the Tanzanian airspace otherwise than under and in accordance with the terms of an air traffic control approval granted to him by the Director General.
- (2) The Director General shall grant an air traffic control approval if he is satisfied that the applicant is competent, having regard to his organisation, staffing, equipment, maintenance and other arrangements, to provide a service which is safe for use by aircraft.
- (3) An air traffic control approval may be granted subject to such conditions as the Director General thinks fit and shall, subject to the provisions of regulation 127, remain in force for the period specified in the approval.

Station Standing Instructions

- 131.** A person shall not provide an air traffic control service at any place unless:
- (a) the service is provided in accordance with the standards and procedures specified in the Station Standing Instructions (SSI) approved by the Director General in respect of that place;
 - (b) such amendments or additions as required or approved by the Director General have been made to the Station Standing Instructions (SSI) from time to time.

Air Traffic Service Equipment

- 132.** (1) A person shall not cause or permit any air traffic service equipment to be established or used in Tanzania otherwise than under and in accordance with an approval granted by the Director General to the person in charge of the equipment.
- (2) An approval shall be granted pursuant to paragraph (1) upon the Director General being satisfied:
- (a) as to the intended purpose of the equipment;

- (b) the equipment is fit for that intended purpose; and
 - (c) that the person is competent to operate the equipment.
- (3)
 - (a) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and availability of operation of any service which is available for use by any aircraft.
 - (b) An approval granted pursuant to paragraph (1) may include a condition requiring a person in charge of an aeronautical radio station at any other aerodrome or place to cause the information specified in subparagraph (a) to be notified.
- (4) An approval granted pursuant to paragraph (1) may include a condition requiring the person in charge of the equipment to use a person approved by the Director General pursuant to paragraph (5) for the provision of particular services in connection with the equipment and in particular but without limitation may include a condition requiring that the equipment be flight checked by such an approved person.
- (5) The Director General may approve a person to provide particular services in connection with approved equipment.
- (6) For the purpose of paragraph (1) and (5) an approval:
 - (a) shall be in writing and may be granted subject to such conditions as the Director General thinks fit; and
 - (b) may be granted in respect of one or more than one person or generally.
- (7) In this Part of these Regulations, “air traffic service equipment” means ground based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground which equipment is not otherwise approved by or under these Regulations but excluding:
 - (a) any public telecommunication system; and
 - (b) any equipment in respect of which the Director General has made a direction that it shall be deemed not to be air traffic service equipment for the purpose of regulations 132 and 133 of these Regulations.

Air Traffic Service Equipment Records

133. (1) A person in charge of any air traffic service equipment and any associated apparatus required pursuant to paragraph (2) shall keep in respect of such equipment or apparatus records in accordance with Part A of Schedule 15, and shall preserve such records for a period of one year or such longer period as the Director General may in a particular case direct.
- (2) (a) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide recording apparatus in accordance with paragraph (3).
- (b) The Director General may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with paragraph (3).
- (3) The person in charge of the air traffic service equipment in respect of which recording apparatus is required to be provided pursuant to paragraph (2) shall, subject to paragraph (5):
- (a) ensure that when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment or in the case of an aeronautical radio station is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit;
- (b) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service provided for the purpose of facilitating the navigation of aircraft;
- (c) ensure that each record made by the apparatus complies with Part B of Fifteenth Schedule;
- (d) not cause or permit that apparatus to be used unless it is approved by the Director General; and
- (e) comply with the terms of such an approval.
- (4) (a) The Director General may, in considering whether or not to grant an approval, without limitation, have regard to the matters specified in Part C of the Fifteenth Schedule.
- (b) An approval may be granted subject to such conditions as the Director General thinks fit including, without limitation, conditions relating to the matters to which he may have had regard to under subparagraph (a).

- (c) For the purpose of this Regulation an approval shall be in writing and may be granted in respect of one or more than one person or generally.
- (5) If any apparatus provided in compliance with paragraph (2) ceases to be capable of recording the matters required by this Regulation to be included in the records, the person required to provide that apparatus shall ensure that, so far as practicable, a record is kept which complies with Part B of the Fifteenth Schedule and on which the particulars specified therein are recorded together with, in the case of apparatus provided in compliance with paragraph (2)(a), a summary of voice communications exchanged between the aeronautical radio station and any aircraft.
- (6) If any apparatus provided in compliance with paragraph (2) becomes unserviceable, the person in charge of the air traffic service equipment shall ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.
- (7) The person in charge of any air traffic service equipment shall preserve any record made in compliance with paragraphs (3) and (5) for a period of 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the Director General may in a particular case direct.
- (8)
 - (a) Subject to paragraph (b), a person required by this regulation to preserve any record by reason of being the person in charge of the air traffic service equipment shall, if he ceases to be such a person, continue to preserve the record as if he had not ceased to be such a person, and in the event of his death the duty to preserve the record shall fall upon his personal representative.
 - (b) If another person becomes the person in charge of the air traffic service equipment the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with any such record delivered to him as if he was the previous person in charge.
- (9) The person in charge of any air traffic service equipment shall, within a reasonable time after being requested to do so by an authorised person, produce any record required to be preserved pursuant to this regulation to that authorised person.

Rules of the Air and Air Traffic Control

- 134. (1) Every person and every aircraft shall comply with such of the Rules of the Air and Air Traffic Control contained in the Twelfth Schedule to these Regulations as may be applicable to that person or aircraft in the circumstances of the case.

- (2) Subject to the provisions of paragraph (3), it shall be an offence to contravene, to permit the contravention of or to fail to comply with the Rules of the Air and Air Traffic Control.
- (3) It shall be lawful for the Rules of the Air and Air Traffic Control to be departed from to the extent necessary –
 - (a) for avoiding immediate danger or in an emergency situation;
 - (b) for complying with the law of any State other than Tanzania within which the aircraft then is;
 - (c) for complying with military flying orders/instructions.
- (4) If any departure from the Rules of the Air and Air Traffic Control, local regulations or procedures is made for the purpose of avoiding immediate danger or in an emergency situation, which endangers the safety of the aeroplane or persons, the pilot in command shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given without delay, and in any case within ten days thereafter, to the competent authority of the State in whose territory the departure was made with a copy of it to the Director General and in the case of Tanzanian aircraft the departure was made over the high seas, to the Director General.
- (5) Nothing in the Rules of the Air and Air Traffic Control shall exonerate any person from the consequences of any negligence in the use of lights or signals or in the taking of any precautions required by ordinary aviation practice or by the special circumstances of the case.
- (6) The Director General may, for the purpose of promoting the safety of aircraft make regulations as to special signals and other communications to be made by or on an aircraft, as to the course on which and the height at which an aircraft shall fly and as to any other precautions to be observed in relation to the navigation and control of aircraft which the Director General may consider expedient for the purpose aforesaid and no aircraft shall fly in contravention of any such regulations.

Licensing of Air Traffic Controllers

- 135.** (1) The Director General may grant a licence subject to such conditions as he thinks fit to any person to act as an air traffic controller, upon his being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness, as specified in Part A of the Ninth Schedule, so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) as the Director General may require of him.
- (2) Every licence to act as an air traffic controller shall include ratings of one or more of the classes set forth in Part B of the Ninth Schedule to these Regulations, upon meeting the requirements set forth in the said Part of the said Schedule, specifying the type of air traffic control service which

the holder of the licence is competent to provide and a list of the places at which he may provide the service. If throughout any period of six months, the holder of the licence has not at any time provided at a particular place the type of air traffic control service specified in the rating, the rating shall, without prejudice to the Director General's powers under regulation 127 cease to be valid for that place at the end of that period, and upon a rating ceasing to be valid for a place the holder of the licence shall forthwith inform the Director General to that effect and shall forward the licence to the Director General to enable it to be endorsed accordingly.

- (3) A licence to act as an air traffic controller shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.
- (4)
 - (a) Subject to the provisions of regulation 127, a licence to act as an air traffic controller shall remain in force for the period indicated in the licence and may be renewed by the Director General from time to time, upon his being satisfied that the applicant is a fit person and is qualified as aforesaid.
 - (b) If no period is indicated in the licence, it shall remain in force, subject as aforesaid, for the lifetime of the holder.
- (5) Every applicant for and holder of an air traffic controller's licence shall, as appropriate comply with the requirements of medical fitness detailed in regulation 47.

Prohibition of Unlicensed Air Traffic Controllers

- 136.** (1) No person shall provide any type of air traffic service at any aerodrome at which air traffic control service is required to be provided by or under the Rules of the Air and Air Traffic Control or at any other place, not being an aerodrome, at which air traffic control service is provided, whether or not under the direction of the Director General or a visiting force, unless he does so under and in accordance with the terms of:
- (a) a valid air traffic controller's licence so granted authorising him to provide that type of service at that aerodrome or other places;
 - (b) a valid air traffic controller's licence so granted which does not authorise him to provide that type of service at the aerodrome or other place, but he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence so granted which authorises him to provide at that aerodrome or other place the type of air traffic control service which is being provided;
 - (c) his appointment as an air traffic control trainee and he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence so granted which

authorises him to provide that type of service at any aerodrome or at a place at which air traffic control service is provided.

Provided that a licence shall not be required by any person who acts in the course of his duty as a member of any of Tanzania naval, military or air force or a visiting force.

- (2) The holder of a licence shall not be entitled to perform any of the functions specified in the Part B of the Ninth Schedule to these Regulations in respect of a rating at any of the places referred to in paragraph (1) of this regulation unless:
 - (a) his licence includes that rating and the rating is valid for the place at which, and the type of radar equipment, if any, with the aid of which functions are performed; or
 - (b) he is supervised by a person who is present at the time and who is the holder of a valid air traffic controller's licence granted under these Regulations which authorises him to provide at that aerodrome or other place the type of air traffic control service which is being provided.
- (3) Nothing in this regulation shall prohibit the holder of a valid air traffic controller's licence from providing at any place for which the licence includes a valid rating, information to aircraft in flight in the interests of safety.

Incapacity of Air Traffic Controllers

- 137.** (1) Every holder of an air traffic controller's licence granted under regulation 135 who:
- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or
 - (b) in the case of a woman, has reason to believe that she is pregnant;
- shall inform the Director General in writing of such injury, illness or pregnancy as soon as possible.
- (2) An air traffic controller's licence shall be deemed to be suspended upon the elapse of such period of injury or illness as is referred to in paragraph (1) (a) of this regulation. The suspension of the licence shall cease:
 - (a) upon the holder being medically examined under arrangements made by the Director General and pronounced fit to resume his functions under the licence; or

- (b) upon the Director General exempting the holder from the requirement of a medical examination subject to such conditions as the Director General may think fit.

Prohibition of Drunkenness etc of Controllers

- 138.** A person shall not when exercising the privileges of an air traffic controller's licence while under the influence of drink or a drug to such an extent as to impair his capacity to exercise such privileges.

Fatigue of Air Traffic Controllers – Air Traffic Controllers' Responsibilities

- 139.** A person holding an air traffic controller's licence shall not act as an air traffic controller if he knows or suspects that he is suffering from or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

Power to Prohibit or Restrict Flying

- 140.** (1) (a) Where the Director General deems it necessary in the public interest to restrict or prohibit flying over any areas of Tanzania or along any route therein by reason of:
- (i) the intended gathering or movement of large number of persons;
 - (ii) the intended holding of an aircraft race or contest or of a flying display; or
 - (iii) national defence or any other reason affecting the public interest;
- the Director General may make orders prohibiting, restricting or imposing conditions on flight by any aircraft, whether or not registered in Tanzania, in any airspace over Tanzania; and by aircraft registered in Tanzania, in any other airspace, being airspace in respect of which Tanzania has in pursuance of international arrangements undertaken to provide navigation services for aircraft.
- (b) Orders made under this regulation may apply either generally or in relation to any class of aircraft.
- (2) It shall be an offence to contravene or permit the contravention of or fail to comply with any orders made hereunder.
- (3) If the pilot in command becomes aware that the aircraft is flying in contravention of any regulation which have been made for any of the reasons referred to in paragraph (1)(a)(iii) he shall, unless otherwise instructed pursuant to paragraph (4), cause the aircraft to leave the area to which the order relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

- (4) The pilot in command of an aircraft flying either within an area for which orders have been made for any of the reasons referred to in paragraphs (1)(a)(iii) or within airspace notified as a danger area shall forthwith comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Interception of Civil Aircraft

141. (1) The Director General or an authorised officer, may require an aircraft flying above the territory of Tanzania without authority or if there are reasonable grounds to conclude that it is being used for any purpose inconsistent with the aims of the Chicago Convention to land at some designated airport, or may give such aircraft any other instructions to put an end to such violations. However, such violations shall be liable to penalties imposed under regulation 164.
- (2) All aircraft flying or intending to fly above the territory of Tanzania shall comply with an order given in conformity with paragraph (1) above. Failure to comply with the order, the aircraft may be intercepted in accordance with the provisions of interception set forth in the Tanzania Aeronautical Information Publication.
- (3) An operator of an aircraft registered in Tanzania or an aircraft operated by an operator who has his principal place of business or permanent residence in Tanzania shall not deliberately use the aircraft for any purposes inconsistent with the aims of the Chicago Convention wherever they are.

Balloons, Kites, Airships, Gliders and Parascending Parachutes

142. (1) The provisions of this regulation shall apply only to or in relation to aircraft within Tanzania.
- (2) (a) A balloon in captive or tethered flight shall not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.
- (b) Without the permission in writing of the Director General and in accordance with any conditions subject to which that permission may have been granted:
 - (i) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;
 - (ii) a balloon in captive flight shall not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

- (iii) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level;
 - (iv) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
 - (v) a kite shall not be flown at a height of more than 60 metres above ground level;
 - (vi) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome.
- (3) An uncontrollable balloon in captive or released flight shall not be flown in airspace notified for the purposes of this paragraph without the permission in writing of the Director General and in accordance with any conditions subject to which that permission may have been granted.
- (4) A controllable balloon shall not be flown in free controlled flight within airspace notified for the purpose of this paragraph or within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome except during the day and in visual meteorological conditions.
- (5) A controllable balloon shall not be flown in tethered flight within airspace notified for the purposes of this paragraph or within the aerodrome traffic zone of a notified aerodrome except with the permission of the appropriate air traffic control unit and in accordance with any conditions subject to which that permission may have been granted.
- (6) A balloon, when in captive flight, shall be securely moored and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.
- (7) An airship with a capacity exceeding 3,000 cubic metres shall not be moored other than at a notified aerodrome except with the permission in writing of the Director General and in accordance with any conditions subject to which that permission may have been granted.
- (8) An airship with a capacity not exceeding 3000 cubic metres, unless it is moored on a notified aerodrome, shall not be moored:
 - (a) within 2km of a congested area; or
 - (b) within the aerodrome traffic zone of a notified aerodrome except with the permission in writing of the Director General and in accordance with any conditions subject to which that permission may have been granted.
- (9) An airship when moored in the open shall be securely moored and shall not be left unattended.

- (10) (a) A person shall not cause or permit a group of small balloons exceeding 500 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the Director General not less than 28 days previous notice in writing of the release and the Director General granted a written permission with any conditions for the release of the balloons.
- (b) A person shall not cause or permit a group of small balloons exceeding 5,000 in number to be simultaneously released at a single site except with the permission in writing of the Director General and in accordance with any conditions subject to which such a permission may have been granted.
- (c) For the purposes of sub-paragraphs (a) and (b) “simultaneously released at a single site” shall mean the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 km square.

PART X

AERODROMES, AERONAUTICAL GROUND LIGHTS AND DANGEROUS LIGHTS

Construction and Certification of Aerodromes

- 143.** (1) No person shall construct or maintain any land or building for use as an aerodrome, or shall use, or authorise or permit the use of, any land, building or water area as an aerodrome unless there exists in respect of such land or water area a valid aerodrome permit of construction or aerodrome certificate granted under these Regulations.
- (2) The Director General may grant an aerodrome permit of construction or an aerodrome certificate in respect of any land or water area only if he is satisfied that it is in the public interest that such land or water area be authorised to be used as an aerodrome and that:
- (a) the applicant is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft;
 - (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surrounding.
- (3) The Director General may annex to an aerodrome certificate such terms and conditions as he may deem necessary including the condition that

the aerodrome shall be used by such category of aircraft as he may specify.

- (4) The holder of an aerodrome certificate granted under this regulation shall not contravene or cause or permit to be contravened any condition of the aerodrome certificate at any time in relation to any aircraft.
- (5) An aerodrome certificate holder shall take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

Use of Aerodromes

- 144.** (1) Subject to regulation 145, no person shall land or take-off or cause or permit to be landed or taken-off, any aircraft on any land or water area other than an aerodrome certificated or licensed under these Regulations.
- (2) The Director General may cause to be notified, subject to such conditions as he thinks fit, any certificated and licensed aerodromes as an aerodrome available for take off and landing by aircraft.
- (3) An aircraft engaged on any flight shall not take off or land by night at any place in Tanzania unless adequate lighting, approved by the Director General, is in operation on the aerodrome.

Commercial Air Transport Operations – Use of Licensed Aerodromes

- 145.** (1) An aircraft to which this paragraph applies shall not take off or land at any place in Tanzania other than an aerodrome licensed under these Regulations and notified as available for the take off and landing of such aircraft, and in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take off or land, as the case may be, and in accordance with any conditions subject to which the aerodrome may have been licensed or notified or subject to which such permission may have been given.
- (2) Paragraph (1) applies to:
- (a) aircraft of which the maximum total mass authorised exceeds 5,700kg or having more than nine seats and which are flying:
 - (i) for the purpose of commercial air transport operations;
 - (ii) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating or a night qualification in a licence; or
 - (iii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night qualification rating in a licence;

- (b) aircraft of which the maximum total mass authorised does not exceed 5,700kg or having less than nineteen seats engaged on either:
 - (i) scheduled journey for the purpose of commercial air transport operations;
 - (ii) flights for the purpose of a flying test in respect of the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
 - (iii) flights for the purpose of commercial air transport operations at night;

- (3) A person in charge of any area in Tanzania intended to be used for the taking off or landing of helicopters at night, other than such a place as is specified in paragraph (1), shall cause to be in operation, whenever a helicopter flying for the purpose of commercial air transport operations is taking off or landing at that area by night, such lighting as will enable the pilot of the helicopter in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing and in the case of taking-off, to make a safe take-off.

Licensing of Aerodromes

- 146.** (1) The Director General shall grant a licence in respect of any aerodrome in Tanzania if he is satisfied that:
- (a) the applicant is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft;
 - (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surrounding;
 - (c) the aerodrome manual submitted pursuant to paragraph (7) is adequate;
 - (d) an acceptable safety management system is in place at the aerodrome;
 - (e) the aerodrome facilities, services and equipment are in accordance with the guidelines specified by him; and
 - (f) the aerodrome's operating procedures make satisfactory provision for the safety of aircraft.
- (2) Upon making an application for an aerodrome licence the applicant shall submit to the Director General an aerodrome manual for that aerodrome for review, acceptance and approval.

- (3) The aerodrome manual required pursuant to this regulation shall contain all such information and instructions as may be necessary to enable the aerodrome operating staff to perform their duties as such including in particular, information and instructions relating to the matters specified in Part A of the Fourteenth Schedule to these Regulations.
- (4) An aerodrome licence may be granted subject to such conditions as the Director General thinks fit and shall, subject to regulation 127, remain in force for the period specified in the licence.
- (5) Without prejudice to the generality of paragraph (2), a licensed aerodrome shall have in operation a safety management system as part of the licensing process the intent of which shall be to have in place an organised and orderly approach in the management of aerodrome safety by the aerodrome operator.
- (6) Without prejudice to the generality of paragraph (2), if the applicant so requests or if the Director General considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, he may grant a licence, in this regulation referred to as a licence for public use, which shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.
- (7) The grant of an aerodrome licence obliges the aerodrome operator to ensure safety, security, regularity and efficiency of operations at the aerodrome, to allow authorised personnel access to the aerodrome to carry out safety audits, inspections and testing, and to be responsible for notifying and reporting as specified in Part B of the Fourteenth Schedule to these Regulations.
- (8) The holder of an aerodrome licence granted under this regulation, in this regulation called an aerodrome licence holder, shall furnish to any person on request, information concerning the terms of the licence; and in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on commercial air transport operations or instruction in flying.
- (9) The holder of an aerodrome licence granted under this regulation shall not contravene or cause or permit to be contravened any condition of the aerodrome licence at any time in relation to such aircraft engaged on such flights as are specified in regulation 145 of these Regulations, but the licence shall not cease to be valid by reasons only of such a contravention.
- (10) The holder of an aerodrome licence shall take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.
- (11) Every holder of an aerodrome licence shall:

- (a) furnish to the Director General any amendments or additions to the aerodrome manual for review, acceptance and approval;
 - (b) without prejudice to sub-paragraph (a), make such amendments or additions to the aerodrome manual as the Director General may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and
 - (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.
- (12) (a) Every aerodrome licence holder shall make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to his duties and shall ensure that each such copy is kept up to date.
- (b) Every holder of an aerodrome licence shall take all reasonable steps to secure that each member of the aerodrome operating staff is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such and undertakes his duties as such in conformity with the relevant provision of the manual.
- (13) For the purpose of this regulation:
- (a) “aerodrome operating staff” means all persons, whether or not the aerodrome licence holder and whether or not employed by the aerodrome licence holder, whose duties are concerned either with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring area or apron;
 - (b) “visual traffic pattern” means the aerodrome traffic zone of the aerodrome.

Obstacles at Aerodromes

147. (1) No person shall erect any obstacle at and in the vicinity of airports and navigation aids serving the airport.
- (2) Any person erecting an obstacle in contravention of paragraph (1) of this regulation shall remove the obstacle at his own risk and costs upon being required to do so by the Director General and in addition, such a person shall be liable to the penalty imposed under regulation 164.

Aerodrome Availability

148. Subject to their published conditions of use, aerodromes and their facilities shall be kept continuously available for flight operations during their published hours of operations, irrespective of weather conditions.

Charges at Aerodromes Licensed for Public Use

149. (1) The licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by the Director General, furnish to the Director General such particulars as he may require of the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, security, efficiency or regularity of air navigation.
- (2) The Director General may, in relation to any aerodrome in respect of which a licence for public use has been granted, or to such aerodrome generally or to any class thereof, prescribe the charges, or the maximum charges, which may be made for the use of the performance of those services.
- (3) The licensee of an aerodrome in relation to which the Director General has made any regulation under paragraph (2) shall not cause or permit any charges to be made in contravention of that regulation, and shall cause particulars of the prescribed charges to be kept exhibited at the aerodrome in such a place and manner as to be readily available for the information of any person affected thereby.

Use of Aerodromes by Aircraft other than Tanzanian Aircraft

150. The person in charge of any aerodrome in Tanzania which is open for public use by aircraft registered in Tanzania, whether or not the aerodrome is a licensed aerodrome, shall cause the aerodrome and all air navigation facilities provided thereat, to be available for use by aircraft registered in other States on the same terms and conditions as for use by aircraft registered in Tanzania.

Noise and Vibration Caused by Aircraft on Aerodromes

151. (1) Noise and vibration may be caused by aircraft including military aircraft, on any aerodrome including aerodromes at which the manufacture or maintenance of aircraft is carried out by persons carrying on business as manufacturers or aircraft maintenance, under the following conditions:
- (a) the aircraft is taking off or landing;
 - (b) the aircraft is moving on the ground or water; or
 - (c) the engines are being operated in the aircraft:
 - (i) for the purpose of ensuring their satisfactory performance;
 - (ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight; or

- (iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.
- (2) Section 16 (2) of the Act shall apply to the aerodrome specified in paragraph (1).

Aeronautical Ground Lights

- 152.** (1) Except with the permission of the Director General and in accordance with any conditions subject to which the permission may be granted, a person shall not establish, maintain or alter the character of:
- (a) (i) subject to sub-paragraph (ii), an aeronautical beacon within Tanzania;
 - (ii) in the case of an aeronautical beacon which is or may be visible from the waters within an area of a general lighthouse authority, the Director General shall not give its permission for the purpose of this regulation except with the consent of that authority; or
 - (b) any aeronautical ground light, other than an aeronautical beacon, at an aerodrome licensed under these Regulations, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.
- (2) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the Director General.

Dangerous Lights

- 153.** (1) A person shall not exhibit in Tanzania any light which:
- (a) by reason of its glare, is liable to endanger aircraft taking off from or landing at an aerodrome; or
 - (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.
- (2) If any light, which appears to the Director General to be such a light as aforesaid, is exhibited the Director General may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or has charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

- (3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near the light to which it relates.
- (4) In the case of a light which is or may be visible from any waters within the area of a general lighthouse authority, the power of the Director General under this regulation shall not be exercised except with the consent of that authority.

Customs and Excise Airports

- 154.** (1) The Director General may, with the concurrence of the Commissioner General of Tanzania Revenue Authority and the Director of Immigration and subject to such conditions as they may think fit, notify any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactment for the time being in force relating to customs and excise.
- (2) The Director General may, with the concurrence of the Commissioner General of Tanzania Revenue Authority and the Director of Immigration, notify any aerodrome which has ceased to be a place for the landing or departure of aircraft for the purpose of the enactment for the time being in force relating to customs and excise.

Aviation Fuel at Aerodromes

- 155.** (1) Subject to paragraph (2), a person who has the management of any aviation fuel installation on an aerodrome in Tanzania shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless:
- (a) when the aviation fuel is delivered into the installation he is satisfied that:
 - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
 - (ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
 - (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft;
 - (b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft.
- (2) Paragraph (1) shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

- (3) A person to whom paragraph (1) applies shall keep a written record in respect of each installation of which he has the management, which record shall include:
- (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
 - (b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples; and
 - (c) particulars of the maintenance and cleaning of the installation;

and he shall preserve the written record for a period of 12 months or such longer periods as the Director General may, in a particular case, direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

- (4) (a) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.
- (b) If it appears to the Director General or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this regulation, the Director General or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Director General or by an authorised person.
- (5) For the purpose of this regulation:

“aviation fuel” means fuel intended for use in aircraft;

“aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

PART XI

GENERAL

Flights Over Any Foreign Country

- 156.** (1) The operator or pilot in command of an aircraft registered in Tanzania (or, if the operator’s principal place of business or permanent residence is in Tanzania, any other aircraft) which is being flown over any foreign State shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that State.

- (2) A person does not contravene paragraph (1) if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in paragraph (1).
- (3) The operator or pilot in command of an aircraft registered in Tanzania (or, if the operator's principal place of business or permanent residence is in Tanzania, any other aircraft) which is being flown over any foreign State shall comply with any directions given by the appropriate aeronautical authorities of that State whenever:
 - (a) the flight has not been duly authorised; or
 - (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that State;

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.
- (4) A person does not contravene paragraph (3) if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.
- (5) The requirement in paragraph (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.
- (6) In this regulation "appropriate aeronautical authorities" includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign State to issue directions to aircraft flying over that State.

Mandatory Reporting

- 157.** (1) Subject to the provisions of this regulation, every person who:
- (a) is the operator or pilot in command of:
 - (i) a commercial air transport operations aircraft registered in Tanzania;
 - (ii) a commercial air transport operations aircraft not registered in Tanzania but operated by the holder of an air operator's certificate granted by the Director General; or
 - (iii) an aircraft registered in Tanzania in respect of which there is in force a certificate of airworthiness in any category;
 - (b) carries on business of manufacturing, repairing or overhauling such an aircraft, or any equipment or part thereof;
 - (c) signs a certificate of safety for flight or maintenance completion certificate in respect of such an aircraft, part or equipment;

- (d) performs a function for which he requires an air traffic controller's licence;
 - (e) is the licensee or manager of a licensed aerodrome;
 - (f) performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of equipment on the ground which is used or intended to be used for the purpose of or in connection with the provision of an air traffic control service or navigational aid to an aircraft;
- shall
- (i) make a report to the Director General of any reportable occurrence of which he knows and which is of such a description prescribed in paragraph (3) of this regulation; and
 - (ii) make a report to the Director General, within such time , by such means, and containing such information as the Director General may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to a reportable occurrence which has been reported by him or by another person to the Director General in accordance with this regulation.
- (2) (a) Subject to sub-paragraph (b), in this regulation "reportable occurrence" means:
- (i) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants or any other person; and
 - (ii) any defect in or malfunctioning of any facility on the ground used or intended to be used for the purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants.
- (b) Any accident or serious incident notified to the Chief Inspector of Accidents in pursuance of regulation 4 of the Civil Aviation (Investigation of Accidents) Regulations, 1983 shall not constitute a reportable occurrence for the purpose of this regulation.
- (3) For the purposes of paragraph (1) of this regulation, the following reportable occurrences are hereby prescribed, that is to say those:
- (a) involving damage to an aircraft;
 - (b) involving injury to a person;

- (c) involving the impairment during a flight of the capacity of a member of the flight crew of an aircraft to undertake the functions to which his licence relates;
- (d) involving the use in flight of any procedures taken for the purpose of overcoming an emergency;
- (e) involving the failure of an aircraft system or of any equipment of an aircraft;
- (f) arising from the control of an aircraft in flight by its flight crew;
- (g) arising from failure or inadequacy of facilities or services on the round used or intended to be used for the purposes of or in connection with the operation of aircraft;
- (h) arising from the loading or the carriage of passengers, cargo (including mail) or fuel;

and those which are not referred to in sub-paragraphs (a) to (h) but which, in the opinion of a person referred to in paragraph (1), sub-paragraphs (a) to (f), constitute an occurrence endangering, or which if not corrected would endanger, the safety of an aircraft, its occupants or any other person.

- (4) For the purposes of this regulation, an “aircraft system” includes the flight control, power plant, fuel, hydraulic, pneumatic, pressurisation, electrical, navigation and any other system of the aircraft.
- (5) A report containing the information referred to in paragraph (6) shall be despatched in writing, or in such other form as the Director General may approve, and by the quickest available means to the Director General, within 96 hours of the reportable occurrence coming to the knowledge of the person making the report.

Provided that, if at that time any of the said information is not in the possession of that person, he shall despatch that information to the Director General in writing, or in such other form as the Director General may approve, and by the quickest available means within 96 hours of the information coming into his possession.

- (6) A report shall, as far as possible, contain the following information:
 - (a) the type, series and registration marks of the aircraft concerned;
 - (b) the name of the operator of the aircraft;
 - (c) the date of the reportable occurrence;

- (d) if the person making the report has instituted an investigation into the reportable occurrence, whether or not this has been completed;
 - (e) a description of the reportable occurrence, including its effects and any other relevant information;
 - (f) in the case of a reportable occurrence which occurs during flight:
 - (i) the Universal Time Co-ordinated (UTC) of the occurrence;
 - (ii) the last point of departure and the next point of intended landing of the aircraft at that time; and
 - (iii) the geographical position of the aircraft at that time;
 - (g) in the case of a defect in or malfunctioning of an aircraft or any part or equipment of an aircraft, the name of the manufacturer of the aircraft, part or equipment, as the case may be, and, where appropriate, the part number and modification standard of the part or equipment and its location on the aircraft;
 - (h) the signature and name in block capitals of the person making the report, the name of his employer and the capacity in which he acts for that employer; and
 - (i) in the case of a report made by the pilot in command the address or telephone number at which communications should be made to him, if different from that of his place of employment.
- (7) A person shall not make any report under this regulation if he knows or has reason to believe that the report is false in any particular.
- (8) (a) Without prejudice to regulation 99 and subject to regulation 126 of these Regulations and sub-paragraph (b), the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this regulation, preserve any data from a flight data recorder or a combined cockpit voice recorder or flight data recorder relevant to the reportable occurrence for 14 days from the date on which a report of that occurrence is made to the Director General or for such longer period as the Director General may in a particular case direct.
- (b) The record referred to in sub-paragraph (a) may be erased if the aircraft is outside Tanzania and it is not reasonably practicable to preserve the record until the aircraft reaches Tanzania.

Power to Prevent Aircraft Flying

- 158.** (1) If it appears to the Director General or an authorised person that any aircraft is intended or likely to be flown:

- (a) in such circumstances that any provision of regulations 3, 6, 7, 10, 17, 18, 27, 28, 30, 35, 67, 104, 105, 106 of these Regulations would be contravened in relation to the flight;
- (b) in such circumstances that the flight would be in contravention of any other provision of these Regulations or any regulations made thereunder and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of these Regulations, or of any regulation made thereunder;

the Director General or that authorised person may direct the operator or the pilot in command that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Director General or by an authorised person, and the Director General or that authorised person may take such steps as are necessary to detain the aircraft.

- (2) For the purposes of paragraph (1) the Director General or any authorised person may enter upon and inspect any aircraft.

Regulation of Rocket Firing

- 159.** (1) No person shall fire a rocket except in accordance with and subject to the conditions of any authority issued by the Director General under these Regulations.
- (2) No person shall fire a rocket and the Director General shall not issue any authority for the firing of a rocket within an aerodrome traffic zone.
- (3) Any person wishing to apply to the Director General for an authority to fire a rocket or rockets shall make an application in writing to be received by the Director General not less than ten days before the day on which it is desired to commence firing, such application to contain the following information:
- (a) the exact position from which the firing is intended to take place;
 - (b) the elevation, above mean sea level of the place from which the firing is intended to take place;
 - (c) the times and dates of the intended commencement and cessation of firing respectively;
 - (d) the frequency at which it is intended to fire rockets during the period between the times specified in paragraph (c);

- (e) the type and specifications of the rocket or rockets to be fired and the altitude above ground at which it is estimated detonation will take place; and
 - (f) the full name, occupation and postal and residential address of the applicant.
- (4) Upon receiving any application made under paragraph (3) the Director General may, in his discretion subject to paragraph (2), grant or refuse authority to fire a rocket and may attach to any authority granted such conditions as he shall think fit.
- (5) The Director General may, in his discretion and upon such terms as he shall think fit, cancel or suspend any authority issued under paragraph (4) and such cancellation or suspension shall have effect immediately the holder of the authority is notified thereof or at such later time as the Director General may stipulate.

Right of Access to Aerodromes and Other Places

- 160.** The Director General and any authorised person shall have the right of access at all reasonable times:
- (a) to any aerodrome to carry out safety and security audits, inspection and testing functions;
 - (b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which he has power to demand under these Regulations, or for the purpose of detaining any aircraft under the provisions of these Regulations; and
 - (c) to any place where an aircraft has landed or parked, for the purpose of inspecting the aircraft or any document which he has power to demand under these Regulations and for the purpose of detaining the aircraft under the provisions of these Regulations.

Obstruction of Persons

- 161.** A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under these Regulations.

Enforcement of Directions

- 162.** Any person who, without reasonable excuse, fails to comply with any direction given to him under any provision of these Regulations or any regulations made thereunder shall be deemed for the purposes of these Regulations to have contravened that provision.

Aeronautical User Fees

- 163.** (1) The Director General 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 thereof), 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 regulations made thereunder.
- (2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of paragraph (1), the applicant shall be required, before the application is entertained, to pay the fee so chargeable. If, after such payment has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused, the Director General, shall not refund any or all payment.

Penalties

- 164.** (1) If any provision of these Regulations or of any regulations made thereunder or those notified is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command thereof, if the operator or, as the case may be, the pilot in command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.
- (2) If it is proved that an act of omission of any person, which would otherwise have been a contravention by that person of a provision of these Regulations or of any regulations made thereunder or those notified, 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 a person is charged with contravening a provision of these Regulations or of any regulation made thereunder or those notified by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport operations, the flight shall be treated (without prejudice to the liability of any other person under these Regulations) as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose.
- (4) (a) If any person contravenes any provision of these Regulations, or any regulations made thereunder or those notified, not being a provision referred to in paragraph (6) of this regulation, he shall be liable to a fine for each such contravention. If any such contravention is a continuing one, each day of such contravention shall constitute a separate offence.

- (b) In case an aircraft is involved in such contravention and the contravention is by the owner or operator of the aircraft, such aircraft shall be subject to a lien for the penalty.
 - (c) Any aircraft subject to a lien for the purpose of sub-paragraph (b) above may be seized by and placed in the custody of the Director General; provided that no such aircraft shall be so seized save with the consent of the Attorney General.
 - (d) The aircraft shall be released from custody of the Director General upon -
 - i. Payment of the penalty or the amount agreed upon in compromise
 - ii. Deposit of a bond in such amount as the Director General may prescribe, conditioned upon payment of the penalty or the amount agreed upon in compromise.
 - iii. Receiving an order of the court to that effect.
- (5) The Director General and any person specifically authorised by name by him or any police officer not below the rank of inspector specifically authorised by name by the Minister, may compound offences against provisions under Part A of the Thirteenth Schedule to these Regulations by assessing the contravention and requiring the person reasonably suspected of having committed the offence to pay to the Director General a sum equivalent in Tanzanian Shillings of United States Dollars 100 and United States Dollars 300 for provisions referred to in sub-part (i) and sub-part (ii) respectively in Part A of the said Schedule.
- (6) If any person contravenes any provision specified in Part B of the said Schedule, he shall be liable to a fine not less than the equivalent in Tanzanian Shillings of United States Dollars 1,000 or to imprisonment for a term of twelve months or to both such fine and such imprisonment.
- (7) Where any person is aggrieved by any order made under paragraph (5), he may, within twenty one days of such order being made, appeal against such order to a higher court and the provisions of Part X of the Criminal Procedure Court shall apply with the necessary changes, to every such appeal as if it were an appeal against a sentence passed by a district court in the exercises of its original jurisdiction.

Extra-territorial Effect of the Regulations

165. 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 Tanzania, shall apply to such aircraft wherever they may be;

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

Transfer of Certain Functions and Duties

- 166.** (1) Notwithstanding the provisions of regulations 7, 35, 93, 134 and 165, when an aircraft registered in Tanzania or any other contracting State is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has his principal place of business or, if he has no such place of business, his permanent residence in another contracting State or in Tanzania, the State of registry may, by agreement with such other State, transfer to it all or part of its functions and duties as State of registry in respect of that aircraft under regulations 7, 35, 93 and 134. The State of registry shall be relieved of responsibility in respect of the functions and duties transferred.
- (2) Pursuant to paragraph (1) the Director General may conclude agreements with other contracting States transferring or accepting part of the functions and duties in respect of that aircraft under regulations 7, 35, 93 and 134. Such agreements shall be registered with the ICAO Council which will publish it to make the transfer effective in other contracting States.

Regulations by the Director General

- 167.** The Director General may make orders, notices, proclamations or regulations or may give instructions for prescribing anything which under the provisions of these Regulations is to be prescribed and generally for the better carrying out of the objects and purposes of the Act and these Regulations.

Application of Regulations to the Government of Tanzania and Visiting Forces, etc

- 168.** (1) Subject to this regulation, the provisions of these Regulations shall apply to or in relation to aircraft belonging to or exclusively employed in the service of the Government of Tanzania, not being military aircraft as they apply to or in relation to other aircraft which are registered in Tanzania or are capable of being registered, and for the purposes of such application the Department of other authority for the time being responsible for the management of the aircraft shall be deemed to be the operator of the aircraft, and in the case of an aircraft belonging to the Government to be the owner of the interest of the Government in the aircraft.

Provided that nothing in this regulation shall render liable to any penalty any Department or other authority responsible on behalf of the Government for the management of any aircraft.

- (2) Save as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of such a force shall be exempted from the provisions of these Regulations and of any regulations made thereunder to the same extent as if the visiting force formed part of the military forces of Tanzania.
- (3) Save as otherwise provided by sub-paragraph (4) of this regulation, regulation 115 (4) and (7), 134(1) and regulation 151, nothing in these Regulations shall apply to or in relation to any military aircraft.
- (4) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of the naval, military or air force of Tanzania or as member of a visiting force, the following provisions of these Regulations shall apply on the occasion of that flight, that is to say, regulations 93, 109, 110, 140 and 151 and in addition regulation 134 (so far as applicable) shall apply.

Exemption from the Regulation

169. (1) The Director General may, in writing, exempt from any of the provisions of these Regulations or any regulations made thereunder, any aircraft or person or classes of aircraft or persons, either absolutely or subject to such conditions as he thinks fit.
- (2) Notwithstanding anything contained in paragraph (1) of this regulation, the power to exempt any aircraft or persons or classes of aircraft or persons from the provisions of regulation 105 shall be expressly reserved to the Minister.

Regulations not to Confer Right to Land

170. Subject to the provisions of regulations 146 and 150 of these Regulations, nothing in these Regulations or any regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

Exceptions for Certain Classes of Aircraft

171. The provisions of these Regulations, other than regulations 109 and 142 thereof, shall not apply to or in relation to any:
 - (a) small balloon;
 - (b) kite weighing not more than 2kg;

- (c) small aircraft ;
- (d) parachute, including a parascending parachute.

Approval of Persons to Furnish Reports

- 172.** In relation to any of its functions pursuant to any of the provisions of these Regulations the Director General may, either absolutely or subject to such conditions as he thinks fit, approve a person as qualified to furnish reports to him and may accept such reports.

Director General not obliged to accept certain applications

- 173.** Nothing in these Regulations shall oblige the Director General to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

Revocation

- 174.** The Tanzania Air Navigation Regulations, 1983 are hereby revoked.