

Tanzania Civil Aviation (Licensing of Air Services)

GOVERNMENT NOTICE NO. 81 published on 23/6/2006

THE TANZANIA CIVIL AVIATION AUTHORITY ACT, 2003
(No. 10 of 2003)

REGULATIONS

Made under section 40(1)

THE TANZANIA CIVIL AVIATION (LICENSING OF AIR SERVICES)
REGULATIONS, 2006

PART I
PRELIMINARY PROVISIONS

Regulation *Title*

1. Citation
2. Interpretation

PART II

LICENSING OF INTERNAL AIR SERVICES

3. Internal Air Services to be licenced
4. Granting of licence
5. Insurance coverage
6. Air Operator Certificate
7. Conditions attached to licences for domestic air services
8. Application for licence
9. Publication of application for licences
10. Objection to licences
11. Sanction of the licensing authority
12. Grant and duration of licences
13. Matters to be taken into account
14. Reasons for decision
15. Revocation or suspension of a licence
16. Publication of decision

PART III
LICENSING OF INTERNATIONAL AIR SERVICES

17. Scheduled International air services

Tanzania Civil Aviation (Licensing of Air Services)

18. International air carrier licence
19. Suspension, Amendment or cancellation of international air carrier licence
20. Operating authorization
21. Non- scheduled flights
22. Non – scheduled flights by foreign aircraft not possessing nationality of a Contracting State

PART IV
GENERAL PROVISIONS RELATING TO LICENCES

23. Provisional licence
24. Amendment of licences
25. Supply of information
26. Validity of a licence
27. Insolvency
28. Transitional arrangement
29. Form of licences and operating authorizations
30. Conditions attached to licences
31. Transfer of licences
32. Confidential information
33. Licence includes provisional licences
34. No continuing benefits
35. Licence holder’s aircraft to carry mails
36. Returns
37. Production of licence
38. Surrender and cancellation of licences
39. Loss or destruction of a licence
40. Change of name or address of licensee
41. Records
42. Publication of notices, etc
43. Application and licence fees

PART V
REVIEW OF DECISIONS OF THE LICENSING
AUTHORITY AND APPEALS

44. Review of decisions
45. Application for review of a decision
46. Sittings of Internal Review Committee
47. Hearing of application for review
48. Determination of the application for review
49. Appeal to the Competition Tribunal against decisions of the Authority

PART VI
MISCELLANEOUS PROVISIONS

Tanzania Civil Aviation (Licensing of Air Services)

50. Offences and penalties
51. Evidence and proof
52. False information
53. Contravention of Regulations or conditions of a licence
54. Appointment and powers of enforcement officers
55. General powers
56. Procedure on detention or recall of aircraft
57. Repeal

SCHEDULES

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

Tanzania Civil Aviation (Licensing of Air Services)

THE TANZANIA CIVIL AVIATION AUTHORITY ACT, 2003
(No. 10 of 2003)

REGULATIONS

Made under section 40(1)

THE TANZANIA CIVIL AVIATION (LICENSING OF AIR SERVICES)
REGULATIONS, 2006

PART I
PRELIMINARY PROVISIONS

Citation

1.-(1) These Regulations may be cited as the Tanzania Civil Aviation (Licensing of Air Services) Regulations, 2006.

(2) These Regulations shall come into operation on the date of publication in the *Gazette*.

Interpreta-
tion

2. In these Regulations, except where the context otherwise requires -

Act No 10
of 2003

“Act” means the Tanzania Civil Aviation Authority Act, 2003;

“aerial work” means an aircraft operation in which an aircraft is used for specialised service such as agriculture, construction, sightseeing, photography, survey, observation and patrol, search and rescue and aerial advertisement;

“air carrier” means an air transport undertaking offering or operating an air service with a valid licence or operating authorisation;

Tanzania Civil Aviation (Licensing of Air Services)

- “air service” means a flight or a series of flights carrying passengers, cargo and mail for remuneration or hire within the United Republic of Tanzania and between the United Republic of Tanzania and other countries and it includes aerial work and flying instruction;
- “Authority” means the Tanzania Civil Aviation Authority (TCAA) established by section 4 of the Act;
- “business plan” means a detailed description of the air carrier’s intended commercial activities for the period in question, in particular in relation to the development and investments to be carried out, including the financial and economic implications of these activities;
- “Chicago Convention” means the Convention on International Civil Aviation concluded at Chicago on 7th December 1944;
- “Director General” means the Director General of the Authority appointed under section 13 of the Act;
- “enforcement officer” means any person appointed as an enforcement officer under regulation 54 of these Regulations;
- “Fair Competition Tribunal” means the Fair Competition Tribunal established by section 83 of the Fair Competition Act, 2003;
- “flight” means a departure from a specified airport towards a specified destination airport;
- “foreign aircraft” means an aircraft registered elsewhere than in the United Republic;
- “Internal Review Committee” means the Committee appointed by the Authority pursuant to section 27 of the Act;
- “licensing authority” means the Tanzania Civil Aviation Authority Board;
- “management account” means a detailed statement of income and costs for the period in question including a breakdown between air transport related and other activities as well as between pecuniary and non – pecuniary elements;

Tanzania Civil Aviation (Licensing of Air Services)

“operating authorisation” means a limited authorisation issued to a foreign air carrier by the Authority to a specific undertaking, permitting it to carry out carriage by air of passengers, mail or cargo;

“provisional licence” means a licence granted under regulation 23 of these Regulations;

“scheduled air service” means one of a series of flights possessing all of the following characteristics -

- (a) it is performed by aircraft for the transport of passengers, cargo and mail for remuneration, in such a manner, that on each flight, seats are available for individual purchase by members of the public (either directly from the air carrier or from its authorized agents);
- (b) it is operated so as to serve traffic between the same two or more airports, either -
 - (i) according to published timetable; or
 - (ii) with flights so regular or frequent that they constitute a recognizably systematic series;

"short-term operating authorisation " means an operating authorisation in force for a period not exceeding seven days;

“undertaking” means any natural person or legal person, who is providing air services with an intention of making profit or not.

**PART II
LICENSING OF INTERNAL AIR SERVICES**

Internal air
services to
be licenced

3.-(1) No undertaking shall use an aircraft within the United Republic for the provision of any air service except under and in accordance with the terms of a licence granted by the licensing authority under these Regulations to that undertaking.

(2) An undertaking meeting the requirements of these Regulations shall be entitled to receive a licence which does not confer in itself any rights, specific routes or market.

(3) Without prejudice to subregulation (2), undertaking established in the United Republic shall not be permitted to carry by air, passengers, mail or cargo for remuneration or hire within the United Republic unless the undertaking has been granted a licence by the licensing authority.

Granting
of
licence

4.-(1) No undertaking shall be granted a licence by the licensing authority unless -

- (a) its principal place of business and its registered office are located in the United Republic, and

Tanzania Civil Aviation (Licensing of Air Services)

- (b) its main business is air transport in isolation or combined with any other commercial operation of aircraft or repair and maintenance of aircraft.

(2) Ownership of aircraft shall not be a condition for granting or maintenance of a licence but the licensing authority shall require, in relation to air carriers licensed by it that they have one or more aircraft at their disposal, through ownership or any form of lease arrangement.

Insurance coverage

5. An air carrier shall be insured to cover liability in case of accidents, in particular in respect of passengers, luggage, cargo, mail and third parties.

Air Operator Certificate

6.-(1) The granting and validity at any time of a licence shall be dependent upon the possession of a valid Air Operator Certificate (AOC) specifying the activities covered by the licence and complying with the criteria established in the air navigation regulations in force.

(2) For the purpose of ensuring safety and liability standards an air carrier using an aircraft from another undertaking shall obtain prior approval for the operation from the Authority.

(3) The conditions of the approval shall be part of the lease agreement between the parties.

(4) The Authority shall not approve agreements in respect of lease aircraft with crew to an air carrier to which it has granted a licence unless safety standards equivalent to those imposed under sub regulation (1), (2) and (3) are met.

Conditions attached to licences for internal air services

7.-(1) The licensing authority may attach to a licence any condition which it considers desirable in the public interest, in the interest of safety or in order to prevent un-economic competition; and without prejudice to the generality of the foregoing, may impose the following conditions -

- (a) that the aircraft to be operated under the licence shall or shall not be used over specified routes or in specified areas;
- (b) that certain classes or descriptions of passengers or goods shall or shall not be carried;
- (c) that passengers or goods shall be carried between specified places;
- (d) that intermediate landings may or shall be made at specified places for the purpose of landing or loading passengers or goods;
- (e) that the schedule of air services from time to time approved by the licensing authority shall be observed
- (f) as to the number and type of aircraft to be used;

Tanzania Civil Aviation (Licensing of Air Services)

- (g) limiting the loading of an aircraft over the whole or any portion of the route on which it is to be operated;
- (h) specifying any charges that may be made for the air services;
- (i) as to the protection and preservation of the environment.

(2) It shall be a condition of every licence that the holder of the licence and any person having a financial interest in the business of the holder of the licence shall refrain from stipulating that any person shall refuse booking facilities to any other holder of a licence or shall grant such facilities to such other holder only on onerous terms.

Application
for licence

8.-(1) An undertaking applying for the first time must be able to demonstrate to the reasonable satisfaction of the licensing Authority that it can meet -

- (a) at any time its actual and potential obligations, established under realistic assumptions, for a period of 12 months from the start of operations;
- (b) its fixed and operational costs incurred from operations according to its business plan and established under realistic assumptions, for a period of six months from the start of operations, without taking into account any income from its operations.

(2) For the purpose of sub-regulation (1), each applicant shall submit a feasibility study showing the viability of the project and a business plan for the first year of operation which shall -

- (a) detail the applicant's financial links with any other commercial activities in which the applicant is engaged either directly or through related undertakings
- (b) provide all relevant information, in particular the data referred to in Part A of the First Schedule.

(3) Every application for a licence shall be made to the licensing authority on a relevant form referred to in the Fifth Schedule to these Regulations, to be obtained on demand and shall contain the particulars set out in the Second Schedule to these Regulations.

(4) Every application for a licence shall be signed by the person applying for the licence and if made by any corporate body or partnership firm shall be signed by a person duly authorised in that behalf by such body or a partner of the partnership firm as the case may be.

(5) Every application for a licence, shall be sent to the licensing authority so as to reach it on a date not less than 60 days, before the date of determination.

Tanzania Civil Aviation (Licensing of Air Services)

(6) Where an application is made to the licensing authority for a licence to remain in force for a period not exceeding seven days, and the licensing authority is satisfied that it is in the public interest that the application should be determined with expedition, it may so determine the application and grant a licence accordingly; and the provisions of these Regulations as to the publication of particulars of applications, and making of objections and representations, shall not in that case apply.

(7) A copy of every application shall be available for inspection at the office of the licensing authority until the application has been determined but any information contained in such application as to the financial resources of the applicant shall not be available for such inspection.

Publication
of
application
for licences

9. The licensing authority shall, within 7 days after the deadline set for submission of applications for a licence other than applications for a short-term licences cause to be published in the manner prescribed under regulation 42, a notice containing the particulars of all applications as follows -

- (a) the name and address of applicant;
- (b) scheduled air service -
 - (i) places between which the air service is to operated;
 - (ii) names of the regular stage stopping places for the purpose of taking or setting down passengers or goods;
 - (iii) times and frequency of air service;
 - (iv) type of load to be carried;
 - (v) date for air service to commence;
 - (vi) period for which the licence is required
- (c) charter and aerial work other than scheduled air service and instruction -
 - (i) types of work to be carried out and the areas in which it is proposed to operate each type of service;
 - (ii) date for air service to commence;
 - (iii) period for which licence is required,

and specify a date, not less than 14 days after the publication of the notice, by which any representations or objections with regard to the applications must be made to the licensing authority.

Objection
to
licences

10.-(1). Every representation or objection with regard to an application for a licence shall be made in writing and signed by the representor or objector, stating the specific grounds on which it is based and specifying desired conditions to be attached to the licence if granted.

Tanzania Civil Aviation (Licensing of Air Services)

(2) Where the representation or objection is made by corporate body or partnership firm, it shall be signed by a person duly authorized in that behalf by such body, or a partner of the partnership firm as the case may be.

(3) A copy of every representation or objection shall be sent by the person making the same to the applicant for the licence at the same time as it is sent to the licensing authority.

Sanction of
the licensing
authority

11. Every application for a licence or a variation of a licence and every representation and objection thereto made in accordance with the provisions of regulation 10 shall be considered by the licensing authority at a public hearing.

Grant and
duration of
licences

12.-(1) The licensing authority may grant licences in accordance with the provisions of these Regulations and such licences shall, subject to the provisions of regulations 15 and 39, continue in force for such period, not exceeding two years in the case of an initial issue of a licence or five years in the case of a subsequent licence from the date on which the licence is expressed to take effect, as may be specified by the licensing authority.

(2) Where on the date of the expiration of a licence, an application has been made for the grant of a new licence in substitution for the existing licence held by the applicant, such existing licence shall continue in force until such application has been determined.

Matters to be
taken into
account

13. In exercising its discretion under regulation 12 the licensing authority shall have regard to the following matters –

- (a) the existence of other air services in the area through which the proposed air service is to be operated;
- (b) the possibility of air transport in that area;
- (c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators;
- (d) the period for which such services have been operated by the applicant or by other operators;
- (e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency;
- (f) the financial resources of the applicant;
- (g) the type of aircraft proposed to be used on the service;
- (h) the competence of the applicant, having regard to his

Tanzania Civil Aviation (Licensing of Air Services)

previous conduct and experience, his equipment, organization, staffing, maintenance and other arrangements, to secure the safe operation of aircraft of the types specified in the application on flights of the description and for the purposes so specified, and the licensing authority shall also take into consideration any objections or representations duly made in accordance with the provisions of regulation 10.

Reasons
for
decision

14. In any case in which the licensing authority refuses to grant or amend a licence, or grant or amends a licence which differs from the licence or amendment for which application has been made, or imposes conditions to which the applicant objects or grants a licence despite an objection, the Licensing Authority shall, if required by applicant or objector to do, state in writing the reasons for its decision upon the payment of an appropriate fee by the applicant or objector.

Revocation
or
suspension
of a licence

15.-(1) A licence may be revoked or suspended by the licensing authority on the ground that -

- (a) the licence holder has been convicted of an offence against regulation 52 and 53 in respect of his licence; or
- (b) any condition, subject to which the licence was granted, has not been complied with ; or
- (c) the licence holders' financial resources have ceased to be adequate or that he is no longer competent to secure the safe conduct of his aircraft operations.

(2) Before revoking or suspending any licence, the licensing authority shall give 28 days notice in writing to the holder stating the grounds upon which it is proposed to revoke or suspend the licence.

(3) the licensing authority shall not revoke or suspend the licence unless satisfied that -

- (a) there are facts constituting the offence against regulation 52 or regulation 53;
- (b) there are failures on the part of the holder to comply with the conditions attached to every licence by virtue of regulation 7(2) and regulation 30.

(4) In any case where a licence is revoked or suspended the licensing authority shall, if required by the holder of the licence to do so, state in writing the reasons for its decision.

Publication
of
decision

16. Particulars of the decisions of the licensing authority on publication shall -

- (a) contain on application for licences the following -
 - (i) the name and address of applicant;

Tanzania Civil Aviation (Licensing of Air Services)

- (ii) the name and date of the newspaper in which notice of the application was published;
 - (iii) such particulars as will enable the application to be identified;
 - (iv) an indication whether the licence was granted as applied for granted with modifications (the modifications to be stated) or refused;
- (b) on revocation or suspension of a licence contain the following -
- (i) the name and address of applicant;
 - (ii) such information as will enable the licence to be identified, and in the case of a scheduled air service the places and regular stage stopping places to be stated;
 - (iii) the date from which revocation or suspension takes effect and, in the case of suspension, the period of the suspension;
 - (iv) the ground on which the licence has been revoked or suspended.

PART III
LICENSING OF INTERNATIONAL AIR SERVICES

Scheduled
international
air services

17.-(1) An air carrier whose principal place of business is in a State, other than the United Republic shall not operate a scheduled air service to, from or across the United Republic unless there is in force an operating authorization for that air service issued by the licensing authority in accordance with regulation 20(1).

(2) An air carrier whose principal place of business is within the United Republic shall not operate a scheduled air service between the United Republic and any State unless the licensing authority has designated in writing that air carrier as being the air carrier authorized to operate that service in accordance with the provisions of an air service agreement or arrangement in force between the United Republic and the State concerned, and the air carrier has in addition been issued with an international air carrier licence in accordance with regulation 18 .

International
air carrier
licence

18.-(1) An application for an international air carrier licence shall contain the particulars set out under paragraph 1 of Second Schedule to these Regulations and shall be accompanied by an appropriate application fee.

(2) In the case of foreign based applicant for an international

Tanzania Civil Aviation (Licensing of Air Services)

air carrier licence shall, he shall furnish the Authority with a copy of the air operator's certificate from the State of the operator and Operations Manual from the State of the operator containing complete instructions as to the conduct of flight operations in respect of the licence being sought.

(3) Where the licensing authority is satisfied that the applicant for an international air carrier licence conforms to and complies with the terms and conditions of the relevant agreement or arrangement referred to under regulation 17(2) and the Authority has advised the licensing authority that he has approved the Operations Manual referred to in sub-regulation (2) of this regulation the licensing authority shall on payment by the applicant of an appropriate fee forthwith issue such applicant with an international air carrier licence in such form as the licensing authority determines.

Suspension,
amendment
or cancel-
lation of
international
air carrier
licence

19. The licensing authority may amend, suspend or revoke an international air carrier licence where -

- (a) the holder thereof or any aircraft operated by him fails to comply with any provision of these Regulations, any law relating to civil aviation in force or the terms of such licence; or
- (b) the air carrier fails to conform to or comply with any term or condition of the relevant agreement referred to under regulation 17 .

Operating
authoriza-
tion

20.-(1) The licensing authority shall on request, issue to an air carrier referred to under sub-regulation (1) of regulation 17 an operating authorization in the event that -

- (a) there is in force between the United Republic and the State in which the air carrier has its principal place of business, an air service agreement or arrangement in accordance with which scheduled air services may be operated to, from or across the United Republic;
- (b) the air carrier has been designated in accordance with the provisions of the relevant agreement or arrangement; and
- (c) the licensing authority is satisfied that the air carrier conforms to and complies with the terms and conditions of the relevant agreement or arrangement.

(2) An operating authorization shall remain valid only while the relevant agreement or arrangement remains in force and the licensing authority may amend, suspend or revoke the operating authorization only in accordance with the terms and conditions of that agreement or arrangement.

Non-
scheduled
flights

21.-(1) An aircraft on a non scheduled flight which possesses the nationality of a Contracting State may, subject to observance of the terms of the Chicago Convention and the provisions of any law of the United Republic, fly in transit non-stop across the United Republic, land in the United Republic for non-traffic purpose, without the necessity of obtaining a licence.

(2) Where an aircraft which possesses the nationality of a Contracting State makes a non-scheduled flight into the United Republic it shall not take on or discharge passengers, cargo or mail in the United Republic except in accordance with a licence issued under the provisions of these Regulations.

(3) An air carrier whose principal place of business is within the United Republic shall not operate any non-scheduled air service between the United Republic and any other State except under and in accordance with the terms of a licence granted by the licensing authority to that air carrier.

(4) The licensing authority shall cause to be published in an aeronautical information publication the procedure to be followed and the particulars such as that set out in Fourth Schedule to be supplied by applicants for a licence referred to in sub-regulation (2) and a copy thereof shall be placed on the Public Register.

(5) In considering an application for a licence referred to in sub-regulation (2) and under regulation 22(1) the licensing authority shall have regard to -

- (a) the public interest;
- (b) the need to provide reasonable protection for the operators of scheduled air services between the United Republic and other States so as to ensure the maintenance of regular air services for the carriage of passengers, cargo and mail between the United Republic and other States; and
- (c) any resolution or decision of the International Civil Aviation Organization or of the International Air Transport Association that has been approved by the licensing authority and is relevant to the matter.

(6) The licensing authority in granting a licence referred to under sub-regulation (2) or (3) may attach such conditions thereto as it deems fit.

(7) Notwithstanding anything in the provisions of these Regulations, where it appears to the Authority that an aircraft which possesses the nationality of a Contracting State is intended in the course of a non-scheduled flight over the United Republic, to proceed over regions which are without adequate air navigation facilities, the Authority may, if considers it necessary in the interest of safety, direct that the aircraft follow an established air route or that the flight shall

Tanzania Civil Aviation (Licensing of Air Services)

be conducted in accordance with such conditions as may require and the aircraft shall comply with such direction.

Non-scheduled flights by foreign aircraft not possessing nationality of a Contracting State

22.-(1) A foreign aircraft which does not possess the nationality of a Contracting State shall not make a non - scheduled flight to, from or across the United Republic except in accordance with the provisions of a licence issued under these Regulations and the fulfilment of the conditions set out in the Fourth Schedule.

(2) In granting a licence under sub-regulation (1) the licensing authority may impose such conditions and requirements to the flight as it thinks fit including such conditions and requirements as it considers necessary to ensure compliance with the general principles contained in the Chicago Convention and the aircraft shall comply with such conditions and requirements.

PART IV
GENERAL PROVISIONS RELATING TO LICENCES

Provisional licence

23.-(1) The licensing authority may, if it thinks fit, pending the determination of an application for a licence, grant to the applicant a provisional licence which shall remain in force until the application is determined.

(2) The licensing authority may also grant a provisional licence pending financial reorganization of the air carrier provided safety is not at risk.

Amendment of licences

24.-(1) The licensing authority may, during the currency of a licence, on its own motion or on the application of the holder of the licence, amend, revoke any of the terms or conditions of the licence or add any new terms and conditions which it may consider necessary in the public interest.

(2) The licensing authority shall give to the holder of the licence, and in the case of a licence issued under Part II of these Regulations, to every other person who in its opinion is likely to be affected, at least twenty eight days notice of its intention to exercise any power conferred on it by sub-regulation (1).

Supply of information

25.-(1) An air carrier shall notify in advance to the licensing Authority -

- (a) plans for operation of a new scheduled service or a non-scheduled service to a new route not previously served
- (b) change in the scale of its activities;
- (c) any intended mergers or acquisitions;
- (d) within fourteen days of any change in the ownership of

Tanzania Civil Aviation (Licensing of Air Services)

any single shareholding which represents 10% or more of the total share holding of the air carrier or its parent or ultimate holding company.

(2) The submission of a 12-month business plan two months in advance of the period to which it refers shall constitute sufficient notice under this sub-regulation for the purpose of changes to current operations or circumstances which are included in that business plan.

(3) Where the licensing authority deems the changes notified under subregulation (2) to have a significant bearing on the finances of the air carrier, it shall require the submission of revised business plan incorporating the changes in question and covering, at least, a period of 12 months from its date of implementation of the changes, as well as all the relevant information, including the data referred to in **Part B of the First Schedule**, to assess whether the air carrier can meet its existing and potential obligations during that period of 12 months.

(4) The licensing authority shall take a decision on the revised business plan not later than three months after all the necessary information has been submitted to it.

(5) Within three months after the closure of every financial year, an air carrier shall provide to the licensing authority the audited accounts relating to the previous financial year.

(6) At any time upon request, a licensed air carrier shall provide to the licensing authority, the information relevant for the purpose of sub-regulation (3) and in particular, the data referred to in **Part C of the First Schedule**.

(7) When the information requested is not supplied within the time limit fixed by the licensing authority, or supplied in incomplete form or the air carrier has not otherwise demonstrated that it meets the requirements of these Regulations, the licensing authority may suspend any market access rights air routes to which the air carrier is entitled to.

Validity
of a
licence

26.-(1) A licence shall be valid as long as the air carrier meets the obligations of these Regulations.

(2) When the holder of a licence has ceased operations for six months or has not started operations for six months after the granting of a licence, the licensing authority shall decide whether the licence should be resubmitted for approval.

(3) In relation to air carrier licensed in the United Republic, the licensing authority shall decide whether the licence shall be resubmitted for approval in case of change in one or more elements affecting the legal situation of the undertaking and, in particular, in case of mergers or takeovers. The air carrier in question may continue its operations unless the licensing authority decides that safety is at risk, stating the reasons.

Tanzania Civil Aviation (Licensing of Air Services)

Insolvency

27. An air carrier against which insolvency or similar proceedings are opened shall not be permitted by the licensing authority to retain its licence if the licensing authority is convinced that there is no realistic prospect of a satisfactory financial reconstruction within a reasonable time.

Transitional arrangement

28.-(1) Notwithstanding regulation 3(1), licences in force in the United Republic at the date of entry into force of these Regulations shall remain valid, subject to laws on the basis of which they were granted, until they are cancelled, annulled, expired or otherwise replaced; during which periods the air carriers holding such licences shall make the necessary arrangements to conform with all the requirements of these Regulations.

(2) For the purpose of these Regulations, carriers holding licences shall be deemed to include carriers legitimately operating with a valid Air Operator Certificate at the date of entry into force of these Regulations but without holding such licences.

Form of licences and operating authorizations

29. A licence and an operating authorization shall be in such form, as the licensing authority considers suitable to meet the requirements of any particular application approved by the licensing authority.

Conditions attached to licences

30.-(1) A holder of a licence shall at all times be able, on request, to demonstrate to the licensing authority that he meets the requirements of these Regulations.

(2) It shall be a condition of every licence that the requirements of any law relating to aviation, any air traffic control procedures and fair competition rules for regulated services for the time being in force in the United Republic shall be complied with at all times during the currency of the licence.

Transfer of licences

31.-(1) A licence shall not be transferred or assigned.

(2) In the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence the person for the time being carrying on that business shall -

- (a) make an application for a new license within 14 days make an application for a new licence;
- (b) be entitled to perform the air service authorized by the licence subject to the conditions and the obligations thereof until the application is determined.

(3) For the purpose of this regulation, transfer of a controlling interest in business is assumed to include transfer of the operating licence.

Tanzania Civil Aviation (Licensing of Air Services)

Confidential information

32. Nothing in these Regulations shall require a disclosure by applicant for a licence to any person, other than the licensing authority, of information as to his financial resources, and any such information received by the licensing authority from an applicant shall be treated as confidential material or information.

Licence includes provisional licences

33. Any reference to a licence in regulation 3, 7, 31, 32, 36, 37 or 42 shall be construed as including references to a provisional licence.

Continuing benefits

34. Nothing in these Regulations shall be treated as conferring upon the holder of a licence or upon any other person, any right to the continuance of any benefits arising from the provision of these Regulations or from any licence granted there under or from any conditions attached to any such licence.

Licence holder's aircraft to carry mails

35-(1) The holder of a licence shall perform all such reasonable services as any postal licensee may from time to time require in regard to the conveyance of mail (and of any persons who may be in charge thereof) upon air service operated under the licence.

(2) The remuneration for any service performed in pursuance of this regulation shall be as may from time to time be determined by agreement between the postal licensee and the licence holder.

Returns

36.-(1) The holder of licence or operating authorization shall make monthly returns in writing to the licensing authority giving, in respect of the month to which the return relates, the particulars set out in Third Schedule to these Regulations with regard to all air services authorized by the licence or operating authorization.

(2) The returns shall be made on a form to be obtained on application to the licensing authority, and shall be sent to the licensing authority not later than one month after the expiration of the month to which the returns relates.

Production of licence

37. The holder of a licence shall produce such licence for examination if required to do so by the licensing authority or any person in that behalf authorized, or by any police officer of or above the rank of Sub-Inspector or by any person duly authorized by the licensing authority in that behalf, but may elect whether to produce it at an aerodrome used in connection with air service authorized by the licence or at the Authority's head office.

Surrender and cancellation of licences

38.-(1) In the event of the holder of a licence ceasing to operate the air service authorized thereby, he shall forthwith notify the licensing authority and return the licence to it for cancellation.

(2) Wherein the event of death, incapacity, bankruptcy,

Tanzania Civil Aviation (Licensing of Air Services)

sequestration or liquidation of the holder of a licence or to the appointment of a receiver or manager or trustee in the relation to the business of the holder, he ceases to operate the air service authorized by the licence, then if the business of the holder is being carried on by some other person, that person shall forthwith notify the licensing authority and, unless an application has been made within 14 days for a new licence, shall return the licence to it for cancellation.

(3) A licence may at any time be surrendered by the holder to the licensing authority for cancellation if during the currency of a licence the holder applies for a new licence in substitution for the current licence for cancellation on the date from which the new licence is expressed to take effect.

(4) Where a licence ceases to have effect, otherwise than by the effluxion of time, or is suspended or revoked the holder thereof shall within 14 days after a notice to that effect has been delivered to him personally or sent to him by registered post at the address shown in his application or last notified in accordance with regulation 42, send or deliver the licence to the licensing authority for retention during the time of suspension or for cancellation as the case may be, and the licensing authority shall on the removal of a suspension return the licence to the holder.

Loss or
destruction
of a licence

39.-(1) Where a licence has been lost, destroyed or defaced the holder thereof shall forthwith notify the licensing authority which shall, if satisfied that it has been so lost, destroyed or defaced, issue a duplicate, so marked and the duplicate so issued shall have the same effect as the original licence.

(2) In the case of a licence that has been defaced, the duplicate shall be so issued only after surrender of the original to the licensing authority.

Change of
name or
address of
licencee

40. The holder of a licence shall, if he changes his name or address during the currency of the licence, notify such change to the licensing authority within 14 days after the date of such change and shall, at the same time, send or deliver the licence to the licensing authority; and the licensing authority shall thereupon endorse upon the licence the licence holder's new name or address and return the licence to him forthwith.

Records

41.-(1) The licensing authority shall keep on a Public Register, a record of all applications for licences showing whether the licence was granted or refused, and an entry shall be made in such record whenever a licence is revoked or suspended or expires by the affluxion of time and the record shall contain such particulars as will enable the application to be identified and shall show -

(a) the date from which any licence is expressed to operate;

Tanzania Civil Aviation (Licensing of Air Services)

- (b) the date on which it is expressed to expire;
- (c) any conditions attached to the licence under the provisions of these Regulations;
- (d) in the case of a scheduled air service, the terminal places and intermediate landing places to which the application relates;
- (e) in the case of an air service other than a scheduled air service, a detailed description of the type of such air service and the area of operation.

(2) In this regulation, the term licence shall be deemed to include operating authorization.

Publication
of notices,
etc

42. Where under these Regulations it is provided that the licensing authority shall cause to be published a notice, publication for such notice shall be made in the local press and a copy thereof shall be placed in the Public Register.

Application
and licence
fees

43.-(1) There shall be paid in respect of and together with any application for a licence or a variation of licence an appropriate application fee.

(2) There shall be paid in respect of the grant or variation of any licence an appropriate fee for each year or part of a year of the term for which the licence is expressed to remain in force.

(3) Refund of any fees paid in respect of an application for or grant of a licence shall not be made whether on withdrawal of the application or surrender of the licence or otherwise.

PART V
REVIEW OF DECISIONS OF THE LICENSING AUTHORITY
AND APPEALS

Review
of
decisions

44.-(1) Any undertaking aggrieved by a decision made under delegated powers of the Authority, in respect of application or any grant of licence, may apply to the Authority to review the decision in whole or in part in accordance with section 27 of the Act.

(2) An undertaking that has made representations or objections only in respect of an application shall not be considered to be an undertaking aggrieved.

(3) This regulation shall not apply to licences, operating authorizations, or applications made under Part III of these Regulations.

Application
for review of
a decision

45.-(1) An application for review of a decision shall be signed by or on behalf of any person aggrieved by a decision in respect of which an application for review lies under regulation 44 and shall be delivered to the Internal Review Committee within 14 days after the receipt of the record of the decision in question and shall be accompanied by an appropriate fee.

(2) A copy of the application for review referred to in sub-regulation (1) of this regulation and a written invitation to make submissions on the application shall be served by the Internal Review Committee to the following persons -

- (a) the Minister;
- (b) all persons who make submissions to the Authority in relation to the decision under review or who have otherwise indicated to the Authority an interest in the decision;
- (c) the Consumer Consultative Council; and
- (d) any other persons who the Committee considers should receive notice of the application.

(3) For the purpose of section 27(5) of the Act, the Internal Review Committee shall cause to be served upon any applicant who has given notice in accordance with sub-regulation (1) of this regulation and on each of the parties referred to under sub-regulation (2) a notice of the date, time and place of the hearing of the application and such notice shall be served not less than 21 days before the hearing date.

(4) For the purpose of every such application for review the licensing authority shall furnish to the Internal Review Committee a copy of the record of proceeding including any notes of evidence taken by the licensing authority in connection with the subject matter of the application for review.

Tanzania Civil Aviation (Licensing of Air Services)

Sittings of
Internal
Review
Committee

46.-(1) Every sitting of the Internal Review Committee shall be held in public and at such place as it deems convenient.

(2) The Internal Review Committee may, in the course of the hearing of any particular application for review order that the hearing or any part thereof shall be held in camera.

(3) The Internal Review Committee may make an order prohibiting the publication of any report or description of the proceedings, or any part thereof in any application for review except on the publication of the names and description of the parties to the application of review, or particulars of any licence relevant to the application.

Hearing of
application
for review

47.-(1) Any party to an application for review or person who has been heard in connection with such publication, shall have the right to be heard by the Internal Review Committee in considering an application.

(2) A party who did not exercise his right to be heard in respect of the application, shall not have right to be heard by the Internal Review Committee unless he has served on it and on all other parties to such application at least ten days' notice of his wish to be heard by the Internal Review Committee, stating his reason for wishing to be heard and has obtained the Internal Review Committee's consent to his being so heard.

(3) Any party to an application for review may appear in person or be represented by any other person whom he may have duly authorized for that purpose.

(4) Any party to an application may produce to the Internal Review Committee evidence, additional to that received by the licensing authority if such a party has served the parties to the appeal within 10 days' notice of his intention setting forth the substance for such new evidence, and any such party and any such new evidence shall be subject to examination before the Internal Review Committee by any other party to the application.

(5) The Internal Review Committee shall not admit such evidence when it is shown to its satisfaction that such evidence was not available or would not have been obtained by reasonable diligence at the time of the original application made under Part II of these Regulations.

(6) The Internal Review Committee, may require the licensing authority, to amplify or explain the reasons for any decision subject to the application for review and the amplification or explanation shall be in writing and shall be served on all parties to such appeal.

(7) The Internal Review Committee may receive as evidence any statement, document, information or matter that may in its

Tanzania Civil Aviation (Licensing of Air Services)

opinion assist it to deal effectually with the matters before it, whether or not the same would be otherwise admissible in a court of law.

Determina-
tion of the
application
for review

48.-(1) Upon the completion of the hearing, of an application for review, the Internal Review Committee may submit to the Authority a recommendation to -

- (a) dismiss the application;
- (b) set aside the original decision and make a different decision;
- (c) vary the decision; or
- (d) set aside the decision and delegate the matter to a Committee or one or more members or officers of the Authority for a fresh decision without directions as to ways in which that decision will be made.

(2) In determining the application basing on the recommendation by the Internal Review Committee, the Authority, may either confirm, vary or dismiss the decision on the subject under review, by vote of the majority of its members.

Appeal to the
Competition
Tribunal
against
decisions of
the Authority

49.-(1) Any undertaking aggrieved by the decision of the Internal Review Committee or any other decision made in connection to the purpose of these Regulations may appeal to the Fair Competition Tribunal.

(2) Any undertaking aggrieved by decision made by the Internal Review Committee shall have a right of appeal on a matter of law only from the whole or any part of any decision of the licensing authority in respect of any licence or application under these Regulations.

PART VI
MISCELLANEOUS PROVISIONS

Offences
and
penalties

50. Any person who uses an aircraft in contravention of the provisions of regulations 3, 17, 21 or 22 of these Regulations shall -

- (a) in the case of an aircraft on an internal air service, be guilty of an offence and shall be liable on conviction for the first offence to a fine of not less than the equivalent in Tanzania shillings of United States dollars one thousand and for the second offence or subsequent offences to a fine not less than the equivalent in Tanzania shillings of United States dollars five thousand, or in default of payment thereof to imprisonment for a term not exceeding two years;
- (b) in the case of an aircraft on an international air service, be guilty of an offence and liable on conviction for the first offence to a fine of not less than the equivalent in Tanzania shillings of United States dollar two thousand and for the second offence or subsequent offences to a fine not less than the equivalent in Tanzania shillings of United States dollars seven thousand, or in default of payment thereof to imprisonment for a term not exceeding two years.

Evidence
and
proof

51. In any proceedings for an offence under the Regulations -

- (a) where it is proved that passengers or cargo were carried on any aircraft that fact shall, in the absence of proof to the contrary, be sufficient evidence that an air service was carried on by means of that aircraft;
- (b) any licence may be proved by the production of a copy of the licence certified to be correct by authorised person

Tanzania Civil Aviation (Licensing of Air Services)

whose signature shall be judicially noticed.

False
information

52.-(1) Any person who knowingly supplies any false or misleading information touching any matter which is material to any application or review to the licensing authority or to any member, or employee of the Authority, or to the Authority shall be guilty of an offence and shall be liable to a fine not exceeding the equivalent in Tanzania shillings of United States dollars seven hundred.

2) In the case of a second or subsequent offence that person shall be liable to a fine not exceeding the equivalent in Tanzania shillings of United States dollars one thousand or in default of payment thereof to imprisonment for a term not exceeding two years.

Contra-
ven-
tion of
Regulations
or conditions
of a licence

53.-(1) Any person who contravenes or fails to comply with any of the provisions of these Regulations or of any terms or conditions of a licence granted under the provisions of these Regulations shall be guilty of an offence and, except as otherwise provided for in these Regulations, shall be liable to a fine not exceeding the equivalent in Tanzania shillings of United States dollars one hundred.

(2) In the case of a second or subsequent offence that person shall be liable to a fine not exceeding the equivalent in Tanzania shillings of United States dollars five hundred or, in default of payment thereof, to imprisonment for a term not exceeding two years.

Tanzania Civil Aviation (Licensing of Air Services)

(3) In the case of the holder of licence granted under these Regulations, any penalty imposed under the provisions of this regulation shall be without prejudice to powers of revocation or suspension of such licence by the licensing authority, under regulations 15 and 19.

Appointment
and powers
of enforce-
ment officers

54. There shall be appointed enforcement officers for the purpose of securing compliance with the provisions of these Regulations and any terms or conditions attached to a licence.

General
powers

55.-(1) An enforcement officer may at anytime and on production required of his authority -

- (a) enter and inspect any premises of any air carrier on which he has reasonable cause to believe that the business of an air carrier is being carried on in contravention of these Regulations, and may -
 - (i) examine and take copies of any books, accounts and documents found in those premises relating to or appearing to relate to the business of an air carrier;
 - (ii) seize any books of accounts or documents found on those premises which he has reasonable grounds to believe contain evidence of an offence under these Regulations;
 - (iii) question who appears to him to be engaged in, or carrying on, or employed in the business of an air carrier on those premises on any matter concerning the application of or compliance with these Regulations or any terms or conditions attached to a licence;
- (c) board or detain an aircraft or recall an aircraft already in flight and search such aircraft if he has reasonable grounds to suspect that the aircraft is being used in contravention of these Regulations or that it contains any matter which may be used as evidence in respect of an offence under these Regulations.
- (d) require by notice in writing, any person who appears to him to be engaged in or carrying on, the business of an air carrier to produce to him at such time and place as he may specify in the notice any books of accounts and documents and relating to the business of an air carrier;

(2) For the purpose of sub regulation (1)(a) and (c) of this regulation any travel agent or tour operator dealing in tickets for air travel shall be construed as constituting an air carrier.

Tanzania Civil Aviation (Licensing of Air Services)

Procedure on
detention or
recall of
aircraft

56.-(1) Where an enforcement officer detains an aircraft or recalls an aircraft already in flight he shall, unless he is of opinion that, due to the nature of the offence, the aircraft is likely to be allowed to proceed on its flight within a period not exceeding three hours, immediately report such detention or recall to the Authority.

(2) An enforcement officer shall not detain an aircraft for more than three hours from the time of its intended departure or from the time of landing after being recalled unless such longer detention has been authorized by the Authority.

(3) On receipt of a report under this regulation the Authority may, pending further investigation, order the detention of the aircraft for 28 days or allow the aircraft to proceed on its flight whether or not an offence has been committed in respect thereof.

(4) The Authority may, in writing, delegate to any person any of his powers under sub-regulation (1) and (3) of this regulation.

Repeal
G.N. No. ...
of 1985

57. The Tanzania Licensing of Air Services Regulations, 1985 are hereby repealed.

FIRST SCHEDULE

(Made under Regulation 8(2)(b))

PART A

INFORMATION TO BE PROVIDED BY A FIRST-TIME APPLICANT
FROM A FINANCIAL FITNESS POINT OF VIEW:

1. The most recent internal management accounts and, if available, audited accounts for the previous financial year.
2. A projected balance sheet, projected profit and loss account and projected cash flow statements for the first five years.
3. The basis for projections on expenditure and income figures for such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges insurance, traffic or revenue among others.
4. Details of the start up costs incurred in the period from submission of application to commencement of operations and an explanation of how they were financed.
5. Detail of existing and projected sources of finance.
6. Detail of shareholders, including the name, nationality and type and number of shares held, with the supporting documents such as the Articles of Association. If part of a group of undertaking, information on the relationship between them.
7. Details of the financing of aircraft purchase or lease; in the case of leasing, the lease agreement.

PART B

(Made under Regulation 25(3))

INFORMATION TO BE PROVIDED FOR THE ASSESSMENT OF THE
CONTINUING FINANCIAL FITNESS OF EXISTING LICENSE HOLDERS
INTENDING TO MAKE CHANGES:

1. The most recent audited statements of accounts for the previous financial year or in their absence provisional statements of accounts.
2. Precise details of all proposed changes such as change of type of service, proposed takeover or merger, modifications in share capital, changes in shareholders and all proposed changes in structure or activities with a significant bearing on finances.
3. A projected balance sheet, projected profit and loss account and projected cash flow statements for the next twelve months.
4. Past and projected expenditure and income figure for such items as fuel, fares and rates, salaries, maintenance depreciation, exchange rate fluctuations, airport charges, insurance, traffic or revenue forecasts among others.
5. Details of the financing of aircraft purchase or leasing, in the case of leasing, the lease agreement.

PART C

(Made under Regulation 25(6))

INFORMATION TO BE PROVIDED FOR ASSESSMENT OF THE
CONTINUING FINANCIAL FITNESS OF EXISTING LICENSE HOLDERS

1. Audited statements of accounts not later than six months after the end of the relevant period and in their absence, the provisional statement of accounts.
2. A projected balance sheet, projected profit and loss account and projected cash flow statement for the following year.
3. Past and projected expenditure and income figures for such items as fuel, fares and rates, salaries, maintenance, depreciation, exchange rate fluctuations, airport charges, insurance, traffic or revenue forecast among others.

SECOND SCHEDULE

(Made under Regulations 8(3) and 18(1))

PARTICULARS TO BE FURNISHED IN CONNECTION WITH AN
APPLICATION FOR A LICENCE:

1. Scheduled Air Service

The following particulars shall be provided by the applicant -

- (a) name and address of applicant;
- (b) names of places between which the air service is to be operated;
- (c) names of the regular stage stopping places for the purpose of taking on or setting down passengers, or goods;
- (d) times and frequencies of air service;
- (e) number and type or types of aircraft to be used;
- (f) type of load to be carried;
- (g) maximum and minimum fares to be charged to passengers or goods in respect of the total journey or any portion of the journey for which separate charges are made;
- (h) date of commencement of air service;
- (i) period for which licence is required;
- (j) where air service is already in operation;
 - (i) period for which the air service has been operated;
 - (ii) details as per monthly return for period of operation or last twelve months whichever is less.
- (k) list of other air services operated by the applicant at the time of application.
- (l) particulars of any working arrangement with any other company operating an air service;
- (m) particulars of any financial interests which any other person providing passenger transport facilities, or controlling the business of any person who provides such facilities, has in the business of the applicant;
- (n) particulars of any financial interests which the applicant has in any other undertaking providing passenger transports facilities or controlling the business of any person who provides such facilities;
- (o) the nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability shall provide the following -
 - (i) the nominal and issued capital;

Tanzania Civil Aviation (Licensing of Air Services)

- (ii) the names and nationality of the directors;
 - (iii) the names and state of incorporation of any other companies holding shares in the applicant's business;
 - (iv) the names and state of incorporation of any subsidiary companies of the applicant.
- (p) particulars of the statements of accounts of the applicant's business during the last 12 months, as required by the licensing authority.

2. Charter and Aerial Work, other than Scheduled Air Service and Flying Instruction.

The following particulars shall be provide by the applicant -

- (a) name and address of applicant;
- (b) numbers and types of aircraft and engines to be used;
- (c) types of services to be carried out; the areas in which the proposed services will operate and place at which each type of service is to be based;
- (d) maximum charges to be made for such type of service;
- (e) date of commencement of air service;
- (f) period for which licence is required;
- (g) if air service is already in operation -
 - (i) the period for which the air service has been operated;
 - (ii) details as per monthly return for period operation or last twelve months whichever is less;
- (h) list of other air services operated by the applicant at the time of application;
- (i) particulars of business arrangements with other air service companies;
- (j) particulars of any financial interests which any other person providing instructional facilities, or controlling the business of any person who provides such facilities, has in the business of the applicant;
- (k) particulars of any financial interests which the applicant has in any undertaking providing instructional facilities or controlling the business of any person who provides such facilities;
- (l) the nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability shall provide the following -
 - (i) the nominal and issued capital;
 - (ii) the names and nationality of the directors;

Tanzania Civil Aviation (Licensing of Air Services)

- (iii) the names and state of incorporation of any other companies holding shares in the applicant, business;
- (iv) the names and state of incorporation of any subsidiary companies of the applicant.
- (m) particulars of the statements of accounts of the applicant's business during the last twelve months as required by the licensing authority.

3. Flying Instruction -

The following particulars shall be provided by the applicant-

- (a) the name and address of applicant;
- (b) the numbers and type of aircraft and engines to be used;
- (c) the types of instruction to be carried out; places where it is proposed to operate; and place at which the service is to be based;
- (d) maximum charges to be made for each type of instruction;
- (e) date of commencement of air service;
- (f) period for which licence is required;
- (g) if air service is already in operation -
 - (i) period for which air service has been operated;
 - (ii) details as per monthly return for period of operation or last twelve months, whichever is less.
- (h) list of other air services operated by the applicant at the time of applications
- (i) particulars of business arrangements with other air service companies;
- (j) particulars of any financial interests which any other person providing instructional facilities, or controlling the business of any person who provides such facilities, has in the business of the applicant;
- (k) particulars of any financial interests which the applicant has in any other undertaking providing instructional facilities or controlling the business of any person who provides such facilities;
- (l) the nature of the person making the application, whether an individual partnership firm or corporate body, public or private, with or without limited liability shall provide the following:-
 - (i) the nominal and issued capital;
 - (ii) the names and nationality of the directors;
 - (iii) the names and state of incorporation of any other companies holding shares in the applicant's business;
 - (iv) The names and state of incorporation of any subsidiary companies of the applicant.

Tanzania Civil Aviation (Licensing of Air Services)

- (m) particulars of the statements of accounts of the applicant's business during the last twelve months as required by the licensing authority.

THIRD SCHEDULE

(Made under Regulation 36)

PARTICULARS TO BE GIVEN BY HOLDERS OF LICENCES AND
OPERATING AUTHORIZATIONS IN MONTHLY RETURNS EXCEPT
WHERE OTHERWISE SPECIFIED

1. Scheduled Air Services

The following particulars shall be provided by the applicant -

- (a) a list of the service numbers of all flights operated giving the names of the places between which services are operated, the names of the regular staging points on the route, the type of aircraft used and the number of flights operated by each type;
- (b) passengers should be stated in numbers, distances in kilometres, goods and mail in kilograms;
- (c) copy of the current timetable;
- (d) for services operated under an International Air carrier Licence or an Operating Authorization for each service number -
 - (i) total passengers, goods and mail, terminating and in transit, arriving in the United Republic by point of discharge within the United Republic (showing in addition the point of uplift of passengers outside the United Republic for each point of discharge);
 - (ii) total passengers, goods and mail, originating and in transit, departing from the United Republic by point of uplift within the United Republic (showing in addition the point of discharge of passengers outside the United Republic for each point of uplift);
 - (iii) in transit passengers at each staging point in the United Republic on international services not included above i.e. those whose airports uplift and discharge are both within the United Republic;

Tanzania Civil Aviation (Licensing of Air Services)

- (iv) total number of passenger seats offered and the number filled, on flights arriving in or departing from the United Republic;
 - (v) total capacity of commercial cargo offered and the weight carried on flights arriving in or departing from the United Republic;
 - (vi) total passengers, goods and mail carried only within the United Republic by points of uplift and discharge separately for traffic between each airport in each direction;
- (e) for services operated under an International Air carrier Licence and on sectors not wholly within the United Republic -
- (i) for each staging point outside the United Republic the passengers, goods and mail uplifted, each by points of discharge: and the passengers, goods and mail in transit.
 - (ii) for each sector -
 - (aa) the total passenger-kilometres performed; and
 - (bb) the total cargo kilometres available and performed;
 - (cc) available seat kilometres.
- (f) for services operated under a domestic licence the following shall be submitted for each period of one month commencing 1st January each year or for such periods as shall be determined from time to time -
- (i) by service number -
 - (aa) the total passenger-kilometres performed; and
 - (bb) the total cargo kilometres available and performed;
 - (cc) available seat kilometres.
 - (ii) the passengers, goods and mail carried in each direction, between all combinations of staging points.

2. Charter, Aerial Work and Non-Scheduled Flights

The following particulars shall be provided by the applicant -

- (a) numbers and type or types of aircraft and engines operated during the month, actual dates of any changes made to be given;
- (b) average daily serviceability of aircraft;
- (c) total number of kilometres flown on each class of work;
- (d) total number of flights made on each class of work;

Tanzania Civil Aviation (Licensing of Air Services)

- (e) passenger kilometres and total number of passengers carried;
- (f) ton-kilometres and total weight of goods carried;
- (g) number of flights commenced but not completed, giving cause.
- (h) total number of requests for air service made;
- (i) total number of requests for air service made which were not accepted giving reasons;
- (j) number of pilots, navigators, radio operators, flight engineers, cabin crew, photographers, surveyors, pesticide applicators, calibration engineers among others; and
- (k) copy of current schedule of charges for air service.

3. Flying Instruction

The following particulars shall be provided by the applicant -

- (a) the number and types of aircraft and engines operated during the month, the actual dates of any changes to be given;
- (b) the average daily serviceability of aircraft;
- (c) the total number of hours flown -
 - (i) dual instruction;
 - (ii) solo; and the total number of hours of non-flying instruction, per type of instruction;
- (d) the total number of flights made: (a) dual instruction. (b) solo;
- (e) the number of instructors employed and their salaries by grade;
- (f) a copy of the current schedule for instructional charges;
- (g) the total number of pupils under instruction, according to the class of pilot licence for which instruction is being given;
- (h) the total number of pilot licences, per class, gained during the month;
- (i) the total number of pilot licences, per class, held by pupils or members of the club;
- (j) the total number of pupils or members.

FOURTH SCHEDULE

(Made under Regulation 22)

**PARTICULARS TO BE FURNISHED IN CONNECTION WITH AN
APPLICATION FOR A LICENCE TO OPERATE AN INTERNATIONAL
NON-SCHEDULED SERVICE**

The following particulars shall be provided by the applicant -

- (a) name of operator;
- (b) address of operator;
- (c) ownership structure which shall include -
 - (i) the nominal and issued capital;
 - (ii) the names and nationality of the directors;
 - (iii) the names and state of incorporation of any other companies holding shares in the applicant's business;
 - (iv) the names and state of incorporation of any subsidiary companies of the applicant.
- (d) recent audited statements of accounts or where not present provisional statements of accounts;
- (e) type of flight (e.g. Inclusive Tours);
- (f) type of aircraft;
- (g) registration marks;
- (h) date and place of origin of flight;
- (i) complete route itinerary, including dates and times,
- (j) name of Captain and number of members of crew
- (k) number of passengers and freight details;
- (l) name of charterer;
- (m) address of charterer;
- (n) name of local agent, if any;
- (o) full details of passengers and freight to be uplifted or set down in United Republic and details of the cost to the charterer.

FIFTH SCHEDULE

(Made under Regulation 8(3))

FORMS TO BE FILLED

The following forms shall be filled by an applicant for a license to be issued by the licensing authority -

**THE TANZANIA AIR SERVICES LICENSING AUTHORITY
THE TANZANIA CIVIL AVIATION ACT 2003 AND THE LICENSING OF
AIR SERVICES REGULATIONS 2006**

**APPLICATION FOR A LICENCE TO OPERATE AN AIR SERVICE INTO
WITHIN AND OUT OF THE UNITED REPUBLIC OF TANZANIA**

TASLA FORM I

When completed this form should be sent in Duplicate to the Director General of Civil Aviation, P.O. Box 2819 Dar es Salaam, Tanzania. The form should be accompanied by an application fee of Shs. or US Dollars before completing the Form, the applicant is requested to read it carefully and endeavour to answer all the questions.

**PART A
GENERAL INFORMATION**

1. Particulars of the Applicant

- (a) Name of applicant:
- (b) Nationality of the Applicant:
- (c) Registered Office:
- (d) Company Registration No:
- (d) Date of Incorporation:
- (e) Operating or Business Name:
- (f) Main Company's Business:

Tanzania Civil Aviation (Licensing of Air Services)

Telephone Number:

(h) Fax Number:

(i) E-mail address:

5. State the type of service applied for (i.e. whether Scheduled Air Service, Non-Scheduled Air Service (Air Charter Service), Aerial Work Service, Flying Instructions, etc):
.....
6. List all other air services operated by the applicant at the time of this application and give the relevant licence numbers:
.....
7. Enumerate particulars of working arrangements that the applicant has with any other company operating an air service (excluding financial particulars see part B, below):
.....

PART B:

**FINANCIAL PARTICULARS – SEE REGULATIONS 8(2) AND 25 OF
THE TANZANIA CIVIL AVIATION LICENSING OF AIR SERVICES
REGULATIONS**

8. State particulars of any financial interest that any other person providing transport facilities or controlling the business of any person providing such facilities may have in the business of the applicant:
.....
.....
9. State particulars of any financial interest which the Applicant has in any other undertaking providing air transport facilities or controlling the business of:
.....
.....
10. State the nature of the person making the application (whether an individual or a partnership of a corporate body, public or private, with or without limited liability):
.....
.....
11. Where the applicant is body corporate (public or private) give the following information:
 - (a) Authorized share capital TShs or USD:

Tanzania Civil Aviation (Licensing of Air Services)

(b) Shares issued:

(i) Cash:
.....
.....

(ii) Other than cash (state details)
.....
.....
.....

(c) Names and nationality of all the Directors, with details of Shares, Debentures or Loan Capital (in percentage)

.....
.....
.....
.....

(d) Where the applicant is a subsidiary of another company, give the name of the parent company with information as in paragraphs 2 to 4 of above:

.....
.....
.....
.....

(e) Beginning and Ending of a Financial Year:

(f) Period covered by the latest audited accounts submitted to the Authority:

.....
.....
.....
.....

12. Where the applicant is an individual or a partnership:

(a) State his or owner's name (s) in full, private address and Citizenship:

.....
.....
.....
.....

(b) State their financial resources and the value of assets:

.....
.....
.....

.....

**PART C:
STAFFING, ORGANISATION AND TECHNOLOGY
TRANSFER**

13. State the number of staff usually employed. The total number of Tanzanian citizens, should be given in each case -
- (a) Aircrew Including Flight Engineers but excluding Cabin Staff:
 - (b) Ground Engineering Staff:
 - (c) Other Staff:
14. State whether and how the Government's policies on technology transfer are being or have been implemented
-

**PART D:
TERMS AND CONDITIONS OF EMPLOYMENT**

15. State whether the terms and conditions of employment of persons you employ conform to those of the United Republic:
-
-
-
-

**PART E:
EXPERIENCE**

16. Give particulars of any experience in air transport operations or any other relevant experience of the Directors and other Senior Employees of the Company:
-
-
-

**PART F:
AIRCRAFT AND EQUIPMENT**

17. State the makes/types and numbers of all aircraft operated during the last three years and the geographical areas served.
.....
.....
.....
.....
18. State the makes, types and numbers of aircraft which you employ or intend to employ in the air services applied for, giving particulars of ownership and capacity of each aircraft:
.....
.....
.....
.....

**PART G:
LIABILITY FOR LOSS OR DAMAGE**

19. State the nature and extent of provisions made against liability in respect of death, injury, loss or damage to persons or property which may occur in connection with aircraft operated by the applicant
.....
.....
.....
20. State what provision has been made, either by way of insurance or other means, to meet third party liabilities on the ground.
.....
.....
.....

**PART H:
TO BE COMPLETED IN RESPECT OF SCHEDULED AIR SERVICES**

21. Where the applicant is applying for a licence to operate a scheduled air service: (Use separate sheet if necessary) -
- (a) Spell out the routes to be served, enumerating all the points on the routes and the sectors over which traffic rights are required.
.....
.....

- (b) Give the times and frequencies for each service to be operated on the routes specified in paragraph 21 (a) above

.....
.....
.....

- 22. Give the particulars required under Second Schedule, paragraph 1 to the Tanzania Civil Aviation Licensing Air Services Regulations, 2006 for each type of service operated during the period of operation or for the last twelve months, whichever is less:

.....
.....
.....
.....

**PART I:
TO BE COMPLETED IN RESPECT OF AIR SERVICES
OTHER THAN SCHEDULED AIR SERVICE AND FLYING INSTRUCTIONS**

- 23. Where the application is for a licence to operate air services other than a scheduled air service or flying instructions:

- (a) State the types of work to be performed and the geographical areas in which it is proposed to operate each type of service:

.....
.....
.....
.....

- (b) Give the particulars required under Second Schedule, paragraph 2 to the Tanzania Licensing of Air Service Regulations 2006 for each type of service operated during the period of operation or for the last twelve months, whichever is less:

.....
.....
.....

**PART J:
TO BE COMPLETED IN RESPECT OF FLYING INSTRUCTIONS**

- 24. Where the application is for a licence to carry out Flying Instruction.

Tanzania Civil Aviation (Licensing of Air Services)

- (a) State the type and nature of the instruction to be carried out and the places the proposed service is to be operated.

.....
.....
.....

- (b) the particulars required under Second Schedule, paragraph 3 to the Tanzania Civil Aviation Licensing Air Services Regulations, 2005 for each type of service or for the last twelve months, whichever is the less:

.....
.....
.....
.....

**PART K:
TO BE COMPLETED IN RESPECT OF ALL APPLICATIONS**

25. State type and volume of traffic (passengers, cargo etc) expected to be carried on each separate service (Please provide Business Plan/Feasibility Study and Financial Statement):

.....
.....
.....

26. State the operational cost (Block hour cost) for each aircraft to be deployed

.....
.....
.....

27. State the fares and rates to be charged and the manner in which they are to be determined:

.....
.....
.....
.....

28. Where the application is for a new licence, give the date when service is intended to commence, and the period for which the licence is required:

.....
.....
.....

29. Where the licence is required for continuation of substitution of an existing air service licence, give:

(a) Licence Number.

.....
.....

(b) Period for which required.

.....
.....

(c) Expiry date.

.....
.....

30. State whether the applicant has satisfied himself that adequate aerodrome and other ground facilities are already available for use for the proposed type of

Tanzania Civil Aviation (Licensing of Air Services)

aircraft at all places to be served. Answer YES or NO). Where the answer is NO, state the deficiencies:

.....
.....
.....
.....
.....

31. Give concise indication of the existing or potential need for the proposed service.

.....
.....
.....
.....
.....

32. Give particulars of any capital expenditure incurred, financial commitment made or commercial agreement concluded by the applicant in respect of the proposed air service:

.....
.....

DECLARATION:

I the undersigned, hereby apply for an air service licence as described in this application and I declare that to the best of my knowledge and belief, the statements given in this application and in, the attachment hereto are true in every respect.

I enclose herewith a crossed Cheque/Bankers Draft for USD. in payment of the application fee.

Dated this: day of 200

Signatory's name in Block Letters:

Signature:

Position: On behalf of

.....

NOTE: This application form duly filled, must reach the Licensing Authority on a date not less than 60 days before the date of determination.

FOR OFFICIAL USE ONLY:

Date received:
Date published:
Date for objections or representations:
Application received and checked by date
Receipt number:
Decision of the Licensing Authority:

TANZANIA AIR SERVICES LICENSING AUTHORITY

**THE TANZANIA CIVIL AVIATION ACT 2003, AND THE LICENSING
OR AIR SERVICES REGULATIONS, 2006**

TASLA FORM II

**APPLICATION FOR A LICENCE TO OPERATE AN INTERNATIONAL
NON-SCHEDULED PASSENGER SERVICE**

When completed this form should be sent in Duplicate to the Director General of Civil Aviation, P.O. Box 2819 Dar es Salaam, Tanzania. The form should be accompanied by an application fee of Shs./US Dollars
Before completing the Form, the applicant is requested to read it carefully and endeavour to answer all the questions.

**PART A:
GENERAL INFORMATION**

1. Particulars of the Applicant -

- (e) Name of applicant:
- (f) Nationality of the Applicant:
- (g) Registered Office:
- (h) Company Registration No:
- (d) Date of Incorporation:
- (e) Operating or Business Name:
- (f) Main Company's Business:
- (g) Telephone Number:
- (h) Fax Number:
- (i) E-mail address:

2. Name and Address of Aircraft Owner

-
.....
3. Name and Address of Charterer:
-
.....
.....
4. Type and Registration of Aircraft:
-
.....
.....

PART B: FINANCIAL PARTICULARS

5. State particulars of any financial interest that any other person providing transport facilities or controlling the business of any person providing such facilities may have in the business of the applicant:
-
.....
.....
.....
6. State particulars of any financial interest which the Applicant has in any other undertaking providing air transport facilities or controlling the business of:
-
.....
.....
7. Share holding:
- (a) Authorized share capital USD
- (b) Shares issued:
- (i) Cash:
-
.....
.....
- (ii) Other than cash (state details):
-
.....

Tanzania Civil Aviation (Licensing of Air Services)

- (c) Names and nationality all the Directors, with details of Shares, Debentures or Loan Capital (in percentage):
.....
.....
- (d) Where the applicant is a subsidiary of another company, give the following particulars with respect to the parent company -
 - (i) Name:
 - (ii) Registration No:
 - (iii) Date of Incorporation:
 - (iv) Main Business:
 - (v) Company's Address:
 - (v) Telephone Number:
 - (vi) Fax Number:
 - (vii) E-mail address:
- (e) Beginning and Ending of the Financial Year (attach most recent audited accounts or where not available, provide Provisional accounts).

**PART C:
EXPERIENCE**

- 8. Give particulars of the experience of the applicant in air transport operation.
.....
.....
.....

**PART D:
LIABILITY FOR LOSS OR DAMAGE**

- 9. State the nature and extent of provisions made against liability in respect of death, injury, loss or damage to persons or property which may occur in connection with aircraft operated by the applicant (Attach Insurance cover)
.....
.....

10. State what provision has been made, either by way of insurance or other means, to meet third party liabilities on the ground.

.....
.....
.....

**PART E:
OPERATIONS**

- 11 Complete route itinerary for Inclusive Tour Charter Flight including dates and timing in GMT:

.....
.....
.....

12. Estimated number of passengers to be embarked disembarked at each point on the route (Attach route viability study for the proposed sectors):

.....
.....
.....

13. Provide evidence (in English Language); that adequate provision has been made either by way of insurance or other means to meet third party liabilities on the surface as well as your liability as a carrier:

.....
.....
.....

14. Where the application is for a licence to operate an Inclusive Tour Charter flight (ITC) furnish the following information:

(i) Type of Tour (e.g. game viewing, hunting, etc);

(ii) Minimum price payable by each passenger, giving costs of air transportation, hotel accommodation, surface transportation;

(iii) Name of hotel (s) where passengers are booked:

.....
.....
.....

(iv) Duration of tour:

(v) Name of Captain and number of Crew members:
.....
.....

(vi) Any other relevant information:
.....
.....
.....

15. Where the application is for a licence to operate a passenger charter other than an ITC, furnish the following information -

(a) Type of charter (e.g. Affinity Group Charter, Student Charter, Common Interest Group Charter).
.....
.....
.....
.....

(b) Minimum price payable by each passenger:
.....
.....
.....

(c) In the case of Affinity Group Charter:

(i) Name of group or association:
.....
.....
.....

(ii) Copy of the constitution of the group in which the passengers belong:

(iv) Membership list in alphabetical order indicating number and date of issue of membership card:

DECLARATION:

I, the undersigned, hereby apply for an air service licence as described in this application and I declare that to the best of my knowledge and belief, the

Tanzania Civil Aviation (Licensing of Air Services)

statements given in this application and in the attachments hereto are true in every respect.

I enclose herewith a crossed cheque/Bankers Draft for USD. in payment of the application fee.

Dated this.....day of 200.....

Signature:

Signatory's Name in block letters:

Position:

On behalf of

NOTE: This application form duly filled, must reach the Licensing Authority on a date not less than 60 days before the date of determination.

FOR OFFICIAL USE ONLY:

Date received:
Date checked:
Checked by:
Receipt Number:
Decision of the Licensing Authority:

TANZANIA AIR SERVICES LICENSING AUTHORITY

THE TANZANIA CIVIL AVIATION ACT 2003 AND LICENSING OF AIR SERVICE REGULATIONS, 2006

APPLICATION FOR A LICENCE TO OPERATE AN INTERNATIONAL NON SCHEDULED CARGO SERVICE

TASLA FORM III

When completed this form should be sent in Duplicate to the Director General of Civil Aviation, P.O. Box 2819 Dar es Salaam, Tanzania. The form should be accompanied by an application fee of TShs/US Dollars Before completing the Form, the applicant is requested to read it carefully and endeavour to answer all the questions.

**PART A:
GENERAL INFORMATION**

1. Particulars of the Applicant:

- (i) Name of applicant:
- (j) Nationality of the Applicant:
- (k) Registered Office:
- (l) Company Registration No:
- (d) Date of Incorporation:
- (e) Operating or Business Name:
- (f) Main Company's Business:
- (g) Telephone Number:
- (h) Fax Number:
- (i) E-mail address:

**PART B:
FINANCIAL PARTICULARS**

2. State particulars of any financial interests that any other person providing transport facilities or controlling the business of any person providing such facilities may have in the business of the applicant:
.....
.....
3. State particulars of any financial interest which the Applicant has in any other undertaking providing air transport facilities:
.....
.....
4. Share holding:
 - (a) Authorized share capital USD:
 - (b) Shares issued:
 - (i) Cash:
.....
.....
 - (ii) Other than cash (state details):
.....
 - (c) Names and nationality of all the Directors, with details of Shares, Debentures or Loan Capital (in percentage):
.....
.....
 - (d) If the applicant is a subsidiary of another company, give the following particulars with respect to the parent company information:
 - (i) Name:
 - (ii) Registration No:
 - (iii) Date of Incorporation:
 - (iv) Main Business:

- (v) Address:
- (v) Telephone Number:
- (vi) Fax Number:
- (vii) E-mail address:
- (m) Beginning and Ending of the Financial Year:
(Attach most recent audited accounts or if not available, provide Provisional accounts).

**PART C:
EXPERIENCE**

- 5. Give particulars of the experience of the applicant in air transport operation:
.....
.....
.....
.....
.....

**PART D:
LIABILITY FOR LOSS OR DAMAGE**

- 6. State the nature and extent of provisions made against liability in respect of death, injury, loss or damage to persons or property which may occur in connection with aircraft operated by the applicant (Attach Insurance cover)
.....
.....
.....
- 7. State what provision has been made, either by way of insurance or other means, to meet third party liabilities on the ground:
.....
.....

**PART E:
OPERATIONS**

8. State the type and Registration Marks of Aircraft to be deployed:
State place of origin of flight:
.....
.....
.....
9. State place of origin of flight:
10. Complete route itinerary (including dates and timings in GMT)
.....
.....
11. Give name(s) of Captain(s) and number of Crew :
.....
.....
12. Provide Freight details to be carried:
.....
.....
13. Give Name and Address of Local Agent, if any :
.....
14. Name and Address of Charter:
.....
15. Details of costs of the charter and attach route viability study:
.....
.....
16. State the period for which the licence required
.....
.....

DECLARATION:

I, the undersigned, hereby apply for an air service licence as described in this application and I declare that to the best of my knowledge and belief, the statements given in this application and in the attachments hereto are true in every respect.

I enclose herewith a crossed cheque/Bankers Draft for USD.
..... in payment of the application fee.

Dated this day of
200

Signature:

Signatory's Name in block letters:

Position:

On behalf of

NOTE: This application form duly filled, must reach the Licensing Authority on a date not less than 60 days before the date of determination

FOR OFFICIAL USE ONLY:

Date received:
Date checked:
Checked by:
Receipt Number:
Decision of the Licensing Authority

Dar es Salaam,
9th May, 2006

(Signed)
BASIL P. MRAMBA,
Minister for Infrastructure Development