

Statutory Instrument 70 of 2023.

[CAP. 13:16

Civil Aviation (Personnel Licencing) (Amendment) Regulations,  
2023 (No. 1)

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IT is hereby notified that the Minister of Transport and Infrastructural Development has, in terms of section 79 of the Civil Aviation Act [*Chapter 13:16*], made the following regulations:—

1. These regulations may be cited as the Civil Aviation (Personnel Licencing) (Amendment) Regulations, 2023 (No. 1).

2. Section 2 of The Civil Aviation (Personnel Licencing) Regulations, 2019, published in Statutory Instrument 176 of 2019 (“hereinafter called the principal regulations”), is amended—

(a) by the repeal and substitution of the following definitions—

““Command and control (C2) link” means the data link between the remotely piloted aircraft and the remote pilot station for the purposes of managing the flight;

“competency” means a dimension of human performance that is used to reliably predict successful performance on the job. A competency is manifested and observed through behaviours that mobilise the relevant knowledge, skills and attitudes to carry out activities or tasks under specified conditions;

“sign a maintenance release (to)” means to certify that maintenance work has been completed satisfactorily in accordance with appropriate airworthiness requirements, by issuing the maintenance release referred to in Annex 6 (in the case of a release not issued by an approved maintenance organisation) or Annex 8 (in the case of a release issued by an approved maintenance organisation);

(b) by the insertion of the following definitions—

“Adopted competency” means A group of competencies with their associated description and performance criteria adopted from ICAO competency framework

- that an organisation uses to develop competency-based training and assessment for a given role;
- “Appropriate airworthiness requirements” means the comprehensive and detailed airworthiness codes established, adopted or accepted by a contracting state for the class of aircraft, engine or propeller under consideration;
- “Commercial air transport operation” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;
- “Competency-based training and assessment” means training and assessment that are characterised by a performance orientation, emphasis on standards of performance and their measurement, and the development of training to the specified performance standards;
- “Competency standard” means a level of performance that is defined as acceptable when assessing whether or not competency has been achieved;
- “conditions” means anything that may qualify a specific environment in which performance will be demonstrated;
- “credit” means recognition of alternative means or prior qualifications;
- “detect and avoid” means the capability to see, sense or detect conflicting traffic or other hazards and take the appropriate action;
- “Flight procedures trainer” means flight simulation training device;
- “Flight simulator” means flight simulation training device;
- “ICAO competency framework” means a competency framework, developed by ICAO, is a selected group of competencies for a given aviation discipline. Each competency has an associated description and observable behaviours;

“monitoring” means a cognitive process to compare an actual to an expected state;

“Observable behaviour (OB)” means a single role-related behaviour that can be observed and may or may not be measurable;

“Pilot flying (PF)” means the pilot whose primary task is to control and manage the flight path. The secondary tasks of the PF are to perform non-flight path related actions (radio communications, aircraft systems, other operational activities, etc.) and to monitor other crew members;

“Pilot monitoring (PM)” means the pilot whose primary task is to monitor the flight path and its management by the PF. The secondary tasks of the PM are to perform non-flight path related actions (radio communications, aircraft systems, other operational activities, etc.) and to monitor other crew members;

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

3. Section 118 of the principal regulations is repealed and replaced by the following—

*“Privileges, limitations and conditions of an Aircraft Maintenance Engineer’s licence*

118. (1) Subject to compliance with the requirements specified in this regulation, the privileges of the holder of an AMEL shall include certifying aircraft or parts of the aircraft as airworthy after an authorised repair, modification or installation of an engine, accessory, instrument, or item of equipment, and to sign a maintenance release following inspection, maintenance operations or routine servicing.

(2) The privileges of the holder of an aircraft maintenance licence specified this regulation shall be exercised only in respect of—

- (a) aircraft as are entered on the licence in their entirety either specifically or under broad categories; or
- (b) airframes and engines and aircraft systems or components entered on the licence either specifically or under aircraft avionic systems or components

entered on the licence either specifically or under broad categories.

(3) The AMEL licence holder is familiar with all the relevant information relating to the maintenance and airworthiness of the particular aircraft for which the licence holder is signing a Maintenance Release, or such airframe, engine, aircraft system or component and aircraft avionic system or component which the licence holder is certifying as being airworthy; and

(4) Within the preceding 24 months, the licence holder has either had experience in the inspection, servicing or maintenance of an aircraft or components in accordance with the privileges granted by the licence held for not less than six months, or has met the provision for the issue of a licence with the appropriate privileges, to the satisfaction of the Authority.

(5) The scope of the privileges of the licence holder in terms of the complexity of the tasks to which the certification relates shall be in accordance with this part.

(6) Details of the certification privileges should be endorsed on or attached to the licence, either directly or by reference to another document issued by the Authority.”.

4. Section 152 of the principal regulations is amended by the repeal of subsection (2) and substitution of the following—

“(2) Where the Authority suspects that an applicant made a false declaration the Authority may—

- (a) suspend the applicant for a period not exceeding 90 days; and
- (b) require the applicant to give a written explanation within 7 days; and
- (c) conduct an investigation; and
- (d) furnish the applicant with the findings of the investigations and require him or her to respond within 7 days; and
- (e) may withdraw the suspension or revoke the licence and give reason.”.

5. Section 192 of the principal regulations is amended by the deletion of subsection (2).

6. Section 195 of the principal regulations is amended by the deletion of subsection (7).

7. Section 197 of the principal regulations is amended by the deletion of subsection (3).

8. The principal regulations are amended by the repeal of section 198 and substitution of the following—

*“Offences and penalties*

198. Any person who contravenes any section of these regulations shall be liable to a penalty as specified in the Civil Aviation (General Procedures and Enforcement) Regulations published in statutory instrument 253 of 2018.”.

9. The Thirty-Fourth Schedule of the principal regulations is amended by the insertion of section 8 as follows—

“10. Class or type rating:

- (a) To revalidate a class or type rating that has expired for 12 months or less, the holder shall pass the skill test applicable to the pilot licence for the aircraft class or type rating sought.
- (b) To revalidate an expired class or type rating that has expired for more than 12 months, the holder shall—
  - (i) have an endorsement in his or her logbook or training record from an authorised instructor that the applicant has been found competent in the following areas, as appropriate to the pilot licence and for the aircraft class or type rating sought—
    - A. Aeronautical knowledge areas;
    - B. Areas of operation;
  - (ii) pass the skill test applicable to the pilot licence for the aircraft class or type rating sought.”.

