

G 6872G
S. 09621

NOT AVAILABLE FOR LOAN



SWAZILAND GOVERNMENT GAZETTE

VOL. LIII]

MBABANE, Friday, JULY 17th, 2015

[No. 80

CONTENTS

No.

Page

CORRIGENDUM

Civil Aviation (Airworthiness) Regulations, 2011 Notice, 2015 542

The Appointment of Members of The District Farm Dwellers Tribunal Notice, 2015 544

ADVERTISEMENTS 525

PART C - LEGAL NOTICE

96. The Appointment of a Senior Motor Vehicle Examiner Notice, 2015 S1

98. The Appointment of Acting Assistant Registrar I Notice, 2015 S2

99. The Appointment of Acting Attorney General Notice, 2015 S3

100. Establishment and Appointment of Valuation Court Members for Pigg's Peak Notice, 2015 S4

101. Establishment and Appointment of Valuation Court Members for Ezulwini Notice, 2015 S5

102. Establishment and Appointment of Valuation Court Members for Siteki Notice, 2015 S6

REG. NO.	TITLE	PART
37	Aircraft, engine and propeller log books	A
38	Maintenance, rebuilding, and modification records	A
39	Description of overhaul and rebuilding records	A
40	Approval for return to service	A
47	Use and retention of certificates and records	B
49	Enforcement directions	A

M. MNDawe
PRINCIPAL SECRETARY

CORRIGENDUM

THE FARM DWELLERS CONTROL ACT
(Act No. 12 of 1982)

THE APPOINTMENT OF MEMBERS OF THE DISTRICT FARM
DWELLERS TRIBUNAL NOTICE, 2015
(Under Section 7)

Legal Notice No. 38 of 2015 is corrected in Section 2 under **MANZINI DISTRICT FARM DWELLERS TRIBUNAL** by deleting the name "**Esaw Khumalo**" and replacing it with the name "**Solomon Khumalo**"

WENDY NDLELA
CROWN COUNSEL

LEGAL NOTICE NO. 108 OF 2011

CIVIL AVIATION AUTHORITY ACT, 2009
(Act No. 10 of 2009)

CIVIL AVIATION AUTHORITY (AIR OPERATOR CERTIFICATION AND
ADMINISTRATION) REGULATIONS, 2011
(Under Section 104)

ARRANGEMENT OF REGULATIONS

PART I
PRELIMINARY

1. Citation and commencement.
2. Interpretation.
3. Application

PART II
AIR OPERATOR CERTIFICATE (AOC)

4. Compliance with an air operator certificate
5. Application for an air operator certificate
6. Issuance of air operator certificate
7. Contents of air operator certificate.
8. Duration and renewal of an air operator certificate
9. Amendment of an air operator certificate
10. Access for inspection
11. Conducting tests and inspections

PART III
AIR OPERATOR CERTIFICATION AND
CONTINUED VALIDITY

12. Base of operations
13. Management personnel required for commercial air transport operations
14. Qualification of personnel
15. Company procedures indoctrination
16. Quality system
17. Submission and revision of policy and procedure manuals

18. Retention and maintenance of personnel and other records
19. Inspection of personnel and other records
20. Flight recorders records
21. Aircraft record
22. Authorized aircraft
23. Dry leasing of foreign registered aircraft.
24. Aircraft interchange
25. Wet-leasing of aircraft
26. Emergency evacuation demonstration
27. Demonstration flights
28. Facilities
29. Operations schedule

PART IV

AOC FLIGHT OPERATIONS MANAGEMENT

30. Operations manual
31. Training programmes
32. Aircraft operating manual
33. AOC holder's journey log
34. Designation of PIC
35. Required cabin crew members
36. Carriage of special situation passengers
37. Cockpit check procedure
38. Minimum equipment list and configuration deviation list
39. Performance planning manual
40. Performance data control system
41. Aircraft loading and handling manual
42. Mass and balance data control system
43. Cabin crew member manual

- 44. Passenger briefing cards
- 45. Aeronautical data control system.
- 46. Route guide and aeronautical charts
- 47. Weather reporting sources
- 48. De-icing and anti-icing programme
- 49. Flight supervision and monitoring system.
- 50. Flight following system for charter flights operations
- 51. Communications facilities
- 52. Routes and areas of operation
- 53. Enroute navigational facilities
- 54. Flight safety documents systems
- 55. Safety management

PART V
AOC MAINTENANCE REQUIREMENTS

- 56. Maintenance responsibility
- 57. Approval and acceptance of AOC maintenance systems
- 58. Maintenance control manual
- 59. Maintenance management
- 60. Quality system: maintenance
- 61. Technical logbook
- 62. Technical logbook entries
- 63. Maintenance records
- 64. Release to service or maintenance section records of the technical logbook
- 65. Modification or repairs to aircraft
- 66. Aircraft maintenance programme
- 67. Maintenance, preventive maintenance and modifications

PART VI
AOC SECURITY MANAGEMENT

- 68. Security requirements
- 69. Security training programmes
- 70. Reporting acts of unlawful interference
- 71. Aircraft search procedure checklist
- 72. Security of the flight crew compartment

PART VII
AOC DANGEROUS GOODS MANAGEMENT

- 73. Approval to transport dangerous goods
- 74. Compliance with Technical Instructions
- 75. Limitations on the transport of dangerous goods
- 76. Classification of dangerous goods
- 77. Packing
- 78. Labelling and marking
- 79. Dangerous goods transport document
- 80. Acceptance of dangerous goods
- 81. Inspection for damage, leakage or contamination
- 82. Removal of contamination
- 83. Loading restrictions
- 84. Provision of information
- 85. Training programmes
- 86. Dangerous goods incident and accident reports

PART VIII
GENERAL

- 87. Possession of the licence
- 88. Drug and alcohol testing and reporting
- 89. Inspection of licences and certificates
- 90. Change of name

- 91. Change of address
- 92. Replacement of documents
- 93. Certificate suspension and revocation.
- 94. Use and retention of documents and records
- 95. Reports of violation
- 96. Enforcement of directions
- 97. Aeronautical user fees
- 98. Application of Regulations to Government and visiting forces, etc.
- 99. Extra-territorial application of Regulations

PART IX
OFFENCES AND PENALTIES

- 100. Contravention of Regulations
- 101. Offences and penalties

PART X
EXEMPTION

- 102. Requirements for application
- 103. Substance of the request for exemption

Review, publication and issue or denial of the exemption

- 104. Initial review by the Authority
- 105. Evaluation of the request

PART XI
TRANSITION AND SAVINGS

- 106. Transition and savings

FIRST SCHEDULE	:	Operations Manual
SECOND SCHEDULE	:	Aircraft Operating Manual
THIRD SCHEDULE	:	Cabin Crew Manual
FOURTH SCHEDULE	:	Flight Safety Documents System
FIFTH SCHEDULE	:	Maintenance Control Manual
SIXTH SCHEDULE	:	Penalties

PART I
PRELIMINARY

In exercise of the powers conferred by section 104 of the Civil Aviation Authority Act, 2009, the Minister of Public Works and Transport makes the following regulations-

Citation and commencement

1. These regulations may be cited as the Civil Aviation Authority (Air Operator Certification and Administration) Regulations, 2011, and shall come into force on the date of publication in the Gazette.

Interpretation

2. In these regulations, unless the context otherwise requires, words or expressions used in the Act have the same meaning as in these Regulations, and-

“accountable manager” means the manager who has corporate authority for ensuring that all operations and maintenance activities required by the air operator certificate (AOC) holder can be financed and carried out to the highest degree of safety standards required by the Authority;

“aerial work” means an aircraft operation in which an aircraft is used for specialized services including, but not limited to, agriculture, construction, photography, surveying, observation and patrol, search and rescue and aerial advertisement;

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

“aeronautical product” means an aircraft, aircraft engine, propeller or subassembly, appliance, material, part or component to be installed thereon;

“aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“aircraft” means a machine that derives support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface;

“aircraft component” means any assembly, item component, part of an aircraft up to and including a complete engine or any operational or emergency equipment;

“aircraft interchange” means an arrangement between two air operators in which the aircraft of the first air operator is crewed by the crew of the second operator at an interchange point linking their respective routes where operational control is transferred to the second operator for the period of the interchange;

“aircraft technical log” means a document carried on board an aircraft for recording defects and malfunctions discovered during operation and for recording details of all maintenance carried out whilst the aircraft is operating between scheduled visits to the base maintenance facility; it also contains operating information relevant to flight safety and maintenance data that the operating crew needs to know;

“aircraft type” means all aircraft of the same basic design;

“airframe” means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces, including rotors but excluding propellers and rotating airfoils of a powerplant and landing gear of an aircraft and their accessories and controls;

“air operator certificate (AOC)” means a certificate authorizing an operator to carry out specified commercial air transport operations;

“air traffic control (ATC)” means a service that promotes the safe, orderly, and expeditious flow of air traffic at aerodromes and during the approach, departure and en route environments;

“air traffic control (ATC) facility” means a building holding the persons and equipment responsible for providing ATC services;

“approved training organization (ATO)” means an organization established to conduct aviation training courses as approved by the Authority;

“appliance” means an instrument, mechanism, equipment, part, apparatus, appurtenance or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft and is not part of an airframe, powerplant or propeller;

“approved maintenance organization (AMO)” means an organization approved to perform specific aircraft maintenance activities by the Authority;

“approved standard” means a manufacturing, design, maintenance or quality standard approved by the Authority;

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

“article” means any item, including but not limited to an aircraft, airframe, engine, propeller, appliance, accessory, assembly, subassembly, system, subsystem, component, unit, product or part;

“Authority” means the Civil Aviation Authority established under the Civil Aviation Authority Act;

“avionics” means the electronics and electrical systems on aircraft and spacecraft such as the navigation, communications, flight data and control systems;

“balloon” means a non-power-driven lighter-than-air aircraft;

“cabin crew member manual” means a manual containing procedures, instructions and guidance for use by cabin crew members in the execution of their duties;

“calibration” means a set of operations, performed in accordance with a definite documented procedure, that compares the measurement performed by a measurement device or working standard for the purpose of detecting and reporting or eliminating by adjustment errors in the measurement device, working standard or aeronautical product tested;

“cargo aircraft” means any aircraft carrying goods or property but not passengers; in this context the following are not considered to be passengers-

- (a) a crew member;
- (b) an employee of an operator permitted by and carried in accordance with the instructions contained in the operations manual;
- (c) an authorized representative of the Authority; and
- (d) a person with duties in respect of a particular shipment on board;

“certificate of release to service” means a certification made by an appropriately licensed or approved personnel relating to aircraft maintenance work that the work has been completed in a satisfactory manner in accordance with the requirements of the applicable regulations and Standards;

“check pilot” means a pilot approved by the Authority who has the appropriate training, experience and demonstrated ability to evaluate and certify to the knowledge and skills of other pilots;

“Contracting State” means a State that is signatory to the Convention on International Civil Aviation (Chicago Convention);

“course” means a programme of instruction to obtain a license, rating, qualification, authorization or currency;

“dangerous goods incident” means an occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; any occurrence relating to the transport of dangerous goods which seriously jeopardizes an aircraft or its occupants is deemed to constitute a dangerous goods incident;

“dangerous goods transport document” means a document specified by the ICAO Technical Instructions for the Safe Transportation of Dangerous Goods by Air, and completed by the person who offers dangerous goods for air transport and contains information about those dangerous goods;

“dry lease” means a contractual arrangement where the leased aircraft is operated by flight crew members of the lessee;

“facility” means a physical plant, including land, buildings and equipment, which provide the means for the performance of maintenance, preventive maintenance or modifications of any article;

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

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

“flight plan” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

“flight safety documents system” means a set of inter-related documentation established by the operator, compiling and organizing information necessary for flight and ground operations and comprising, as a minimum, the operations manual and the maintenance control manual of the operator;

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

“freight container” means an article of transport equipment for radioactive materials, designed to facilitate the transport of such materials, either packaged or unpackaged, by one or more modes of transport;

“glider” means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces, which remain fixed under given conditions of flight;

“ground handling” means services necessary for arrival of aircraft at, and departure from, an airport, other than air traffic services;

“handling agent” means an agency which performs on behalf of the operator some or all of the latter’s functions including receiving, loading, unloading, transferring or other processing of passengers or cargo;

“heavier-than-air aircraft” means an aircraft deriving its lift in flight chiefly from aerodynamic forces;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axis;

“holdover time” means the estimated time de-icing or anti-icing fluid will prevent the formation of frost or ice and the accumulation of snow on the protected surfaces of an aircraft; holdover time begins when the final application of de-icing or anti-icing fluid commences and expires when the de-icing or anti-icing fluid applied to the aircraft loses its effectiveness;

“inspection” means the examination of an aircraft or aircraft component to establish conformity with a standard approved by the Authority;

“instrument approach” means an approach procedure prescribed by the Authority having jurisdiction over the aerodrome;

“interchange agreement” means a leasing agreement which permits an air carrier to dry lease and take or relinquish operational control of an aircraft to or from another air operator at an airport for a limited duration;

“journey log” means a form signed by the pilot in command of each flight that records the registration of the aircraft, crew member names and duty assignments, the type of flight, and the date, place and time of arrival and departure;

“lighter-than-air aircraft” means an aircraft supported chiefly by its buoyancy in the air;

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

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

“major modification” means a type design change not listed in the aircraft, engine or propeller specifications that might appreciably affect the mass and balance limits, structural strength, performance, powerplant operation, flight characteristics or other qualities affecting airworthiness or environmental characteristics or that will be embodied in the product according to non-standard practices;

“major repair” means a repair of an aeronautical product that might appreciably affect the structural strength, performance, powerplant, operation flight characteristics or other qualities affecting airworthiness or environmental characteristics or that will be embodied in the product using non-standard;

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

“modification” means a change to the type design of an aircraft or aeronautical product which is not a repair;

“night” means the time between 15 minutes after sunset and 15 minutes before sunrise, sunrise and sunset being determined at surface level and includes any time between sunset and sunrise when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of 4,572 metres;

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

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

“operational flight plan” means the plan of the operator for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes or heliports concerned;

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

“operations specifications” means a document that contains terms, authorizations, conditions and limitations that facilitate the Authority’s administration of the AOC by ensuring that the Authority and the certificate holder have a mutual and clear understanding of how the certificate holder will conduct its operations;

“overhaul” means the restoration of an aircraft or aircraft component using methods, techniques and practices acceptable to the Authority, including disassembly, cleaning and inspection as permitted, repair as necessary, and reassembly; and testing in accordance with approved standards and technical data or in accordance with current standards and technical data acceptable to the Authority, which have been developed and documented by the state of design, holder of the type certificate, supplemental type certificate or a material, part, process or appliance approval under parts manufacturing authorization (PMA) or technical standard order (TSO);

“over-pack” means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for transport;

“packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function and to ensure compliance with the packing requirements;

“pilot in command (PIC)” means the pilot responsible for the operation and safety of the aircraft during flight time;

“pre-flight inspection” means the inspection carried out before flight to insure that the aircraft is fit for the intended flight;

“propeller” means a device for propelling an aircraft that has blades on a powerplant driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation and it includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of powerplants;

“proper shipping name” means the name to be used to describe a particular article or substance in all shipping documents and notifications and where appropriate, on packaging;

“repair” means the restoration of an aircraft or aircraft component to a serviceable condition in conformity with an approved standard;

“rest period” means a period free of all restraint, duty or responsibility for a flight crew member of an AOC holder conducting commercial air transport operations;

“safety programme” means an integrated set of regulations and activities aimed at improving safety;

“safety management system” means a systematic approach to managing safety, including the necessary organization structures, accountabilities, policies and procedures;

“satellite” means a satellite ATO at a location other than primary location of the ATO;

“secondary standards” means a standard maintained by comparison with a primary standard;

“signature” means an individual’s unique identification used as a means of authenticating a maintenance record entry or maintenance record; a signature may be hand-written, electronic or any other form acceptable to the Authority;

“state of design” means the Contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft or the State which approved the design of an aeronautical product or appliance;

“state of manufacture” means the Contracting State, under whose authority an aircraft was assembled, approved for compliance with the type certificate and all extant supplemental type certificates, test flown and approved for operation; the state of manufacture may also be the state of design;

“state of origin” means the state in which dangerous goods were first loaded on an aircraft;

“state of registry” means the Contracting State on whose registry an aircraft is entered;

“substance” means alcohol, sedatives, hypnotics, anxiolytics, hallucinogens, opioids, cannabis, inhalants, central nervous system stimulants such as cocaine, amphetamines and similarly acting sympathomimetics, phencyclidine or similarly acting arylcyclohexylamines and other psychoactive drugs and chemicals;

“substance abuse” refers to-

- (a) the use of a substance in a situation in which that use was physically hazardous, if there has been at any other time an instance of the use of a substance also in a situation in which that use was physically hazardous;

- (b) a verified positive drug test result acquired under an anti-drug programme or internal programme of the Swaziland government; or
- (c) misuse of a substance that the Authority, based on case history and qualified medical judgment relating to the substance involved, makes the applicant unable to safely perform the duties or exercise the privileges of the certificate applied for or held or may reasonably be expected, for the maximum duration of the medical certificate applied for or held, to make the applicant unable to perform those duties or exercise those privileges;

“substance dependence” means a condition in which a person is dependent on a substance, other than tobacco or ordinary xanthine-containing (e.g., caffeine) beverages, as evidenced by increased tolerance; manifestation of withdrawal symptoms; impaired control of use; or continued use despite damage to physical health or impairment of social, personal or occupational functioning;

“technical instructions” means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284-AN/905), including the supplement and any addendum, approved and published by decision of the Council of the ICAO;

“technical log” means a document carried on an aircraft that contains information to meet ICAO requirements; a technical log contains two independent sections- a journey record section and an aircraft maintenance record section;

“training programme” means a programme that consists of courses, courseware, facilities, flight training equipment and personnel necessary to accomplish a specific training objective; it may include a core curriculum and a specialty curriculum;

“training to proficiency” means the process of the check pilot administering each prescribed manoeuvre and procedure to a pilot as necessary until it is performed successfully during the training period;

“unit load device” means a type of aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

“wet lease” means a contractual arrangement where the leased aircraft is operated by flight crew members of the lessor;

“working standard” means a calibrated standard that is used in the performance of maintenance or calibrations in any work area for the purpose of forming the basis for product acceptance or for making a finding of airworthiness approval for return to service to an aircraft or aircraft component; a working standard may be maintained by comparison with primary standards, secondary standards, reference standards or transfer standards, as appropriate but shall not to be used to test, measure or calibrate other working standards or measurement devices.

Application

3. (1) These Regulations apply to air operators carrying passengers, cargo or mail for remuneration or hire whose principal place of business or permanent residence is located in Swaziland.

(2) Except where specifically noted, these Regulations shall apply to all commercial air transport operations by air operator certificate a holder for which Swaziland is the state of the operator.

PART II

AIR OPERATOR CERTIFICATE (AOC)

Compliance with an air operator certificate

4. (1) An operator shall not engage in commercial air transport operations unless that operator holds a valid air operator certificate (AOC) issued by the Authority.

(2) An AOC referred to in sub-regulation (1) shall authorize the operator to conduct commercial air transport operations in accordance with the conditions and limitations that may be specified in the AOC.

(3) The issue of an AOC by the Authority shall be dependent upon the operator demonstrating an adequate organization, method of control and supervision of flight operations, training programme and maintenance arrangements consistent with the nature and extent of the operations specified.

Application for an air operator certificate

5. (1) An operator applying to the Authority for an AOC shall submit an application-

(a) on a form and manner prescribed by the Authority; and

(b) containing any other information the Authority requires the applicant to submit.

(2) Except for the operations manual specified in regulation 30 and the maintenance control manual specified in regulation 58 which shall be submitted at least 90 days before the date of intended operation, an applicant shall make the application for an initial issue or reissue of an AOC at least 60 days before the date of the intended operation.

Issuance of air operator certificate

6. (1) The Authority may issue an air operator certificate (AOC) to an applicant if the applicant-

(a) has a principal place of business and it is registered in Swaziland;

(b) meets the applicable regulations and standards for the holder of an AOC;

(c) is properly qualified and adequately staffed and equipped to conduct safe operations in commercial air transport and maintenance of the aircraft;

(d) holds a valid air service licence issued under the Civil Aviation Authority (Licensing of Air Services) Regulations; and

(e) has met any other requirements as specified by the Authority.

(2) The Authority may refuse to issue an air operator certificate if-

(a) the applicant does not meet the requirements specified in sub-regulation (1);

(b) the applicant previously held an AOC which was revoked;

(c) the applicant is not suitable by reason of previous conduct and experience to properly maintain an AOC; or

- (d) an individual who has previously contributed to the circumstances that caused the revocation of an AOC obtains a substantial ownership in the applicant organization or is employed in a position specified by these Regulations.

Contents of air operator certificate

7. (1) An air operator certificate (AOC) certificate shall consist of-
 - (a) a certificate for public display issued by the Authority; and
 - (b) operation specifications containing the terms and conditions applicable to the certificate.
- (2) The certificate specified in (1) sub-regulation (a) shall contain-
 - (a) a certificate number specifically assigned to the AOC;
 - (b) name and location of the main place of business of the AOC; and
 - (c) date of issue and period of validity.
- (3) Operation specifications shall contain-
 - (a) a certificate number specifically assigned to the AOC;
 - (b) a description of the type of operations authorized;
 - (c) the type of aircraft authorized for use;
 - (d) the authorized areas of operations; and
 - (e) other special authorizations, approvals and limitations issued by the Authority in accordance with the standards which are applicable to the operations and maintenance conducted by the AOC holder.

Duration and renewal of an air operator certificate

9. (1) An air operator certificate (AOC) issued by the Authority shall be valid for 12 months from the date of issue or renewal, unless a shorter period is specified by the Authority or-
 - (a) the Authority amends, suspends, revokes or otherwise terminates the certificate;
 - (b) an AOC holder surrenders the certificate to the Authority; or
 - (c) the Authority establishes that the air operator has suspended operations for more than 60 continuous days; or
 - (d) the AOC holder notifies the Authority of the suspension of operations.
- (2) Where the Authority suspends an air operator certificate, the AOC holder shall return that certificate to the Authority.
- (3) An application for renewal of an AOC shall be made on a form prescribed by the Authority not later than 60 days before the certificate expires.

- (4) An applicant for an AOC which has expired shall make an initial application.

Amendment of an air operator certificate

9. (1) The Authority may amend an air operator certificate (AOC) if the-

- (a) Authority determines that the amendment is necessary for the safety in commercial air transport and in public interest; or
- (b) AOC holder applies for an amendment, and the Authority determines that the amendment is necessary for safety in commercial air transport and in the public interest.

(2) Where the Authority stipulates in writing that an emergency exists requiring the immediate amendment of the AOC in the public interest with respect to safety in commercial air transportation, that amendment is effective on the date the AOC holder receives notice of the amendment.

(3) An AOC holder shall operate in accordance with the amendment unless it is subsequently withdrawn.

(4) An amendment stipulated by the Authority, other than an emergency amendment, shall become effective 30 days after notice is issued to the AOC holder.

(5) An amendment proposed by the AOC holder shall be made at least 30 days prior to the intended date of any operation under that amendment.

(6) No person shall perform a commercial air transport operation for which an AOC amendment is required, unless that person has received notice of approval from the Authority.

Access for inspection

10. (1) An air operator certificate (AOC) holder shall for the purpose of inspection-

- (a) grant the Authority unrestricted access to any of its organizations, facilities and aircraft;
- (b) ensure that the Authority is granted unrestricted access to any organization or facilities that it has contracted for services associated with commercial air transport operations and maintenance for services; and
- (c) grant the Authority unrestricted access to the cockpit of an aircraft during flight operations.

(2) An AOC holder shall provide to the Authority a forward seat of an observer on the aircraft of the AOC holder from which the actions and conversations of the flight crew may be easily observed.

(3) Where the seat specified in sub-regulation (2) is not suitable for purposes of inspection, the suitability of the seat location and the ability to monitor crew member actions, conversations and radio communications shall be determined by the Authority.

Conducting tests and inspections

11. (1) The Authority shall conduct surveillance on the air operator certificate (AOC) holder to ensure continued eligibility to hold an AOC and associated approvals.

(2) An AOC holder shall allow the Authority to conduct tests and inspections, at any time or place, to determine whether the AOC holder is complying with the applicable laws, regulations and the terms and conditions of the AOC.

(3) An AOC holder shall make available at its principal base of operations the current-

- (a) AOC and its operation specifications;
- (b) operations and maintenance manuals; and
- (c) a list that includes the location and individual positions responsible for each record, document and report required to be kept by the AOC holder under the applicable regulations or standards.

(4) Upon failure by an AOC holder to make available to the Authority upon request, any document, certificate or report, the Authority may suspend the AOC or any of its operation specifications.

PART III AIR OPERATOR CERTIFICATION AND CONTINUED VALIDITY

Base of operations

12. (1) An air operator certificate (AOC) holder shall maintain a principal base of operations in Swaziland.

(2) An AOC holder shall submit written notification to the Authority, to establish or change the location of a principal base of operation at least 30 days before the proposed change.

Management personnel required for commercial air transport operations

13. (1) An air operator certificate (AOC) holder shall have an accountable manager, acceptable to the Authority, with authority to ensure that all operations and maintenance activities are financed and carried out to the highest safety standards required by the Authority.

(2) When conducting commercial air transport operations, the AOC holder shall have qualified personnel, with proven competence in civil aviation, available and serving in the following positions or their equivalent-

- (a) Director of Operations;
- (b) Chief Pilot;
- (c) Director of Maintenance;
- (d) Quality Manager; and
- (e) Director of Safety.

(3) For the purposes of sub-regulation (2) "competency in civil aviation" means that an individual has a technical qualification and management experience acceptable to the Authority for the position served.

(4) The Authority may approve positions, other than those listed, if the AOC holder shows that it can perform the operation safely under the direction of fewer or different categories of management personnel due to the-

- (a) kind of operations involved;
- (b) number of aircraft used; and
- (c) area of operation.

(5) An AOC holder shall-

- (a) state in the general policy provisions of the operations manual required by these Regulations, the duties, responsibilities, and authority of personnel required under sub-regulation (2);
- (b) list in the manual, the names and business addresses of the individuals assigned to those positions; and
- (c) notify the Authority within 10 days of any change in personnel or any vacancy in any position listed.

(6) An AOC holder shall make arrangements to ensure continuity of supervision if operations are conducted in the absence of any required management personnel.

(7) Required management personnel shall be contracted to work sufficient hours, to ensure that the management functions of the AOC holder are fulfilled.

(8) A person serving in a required management position for an AOC holder shall not serve in a similar position for any other AOC holder, unless an exemption is issued by the Authority.

Qualification of personnel

14. (1) An accountable manager shall possess the following qualifications-

- (a) a background in the management of commercial air transport operations;
- (b) knowledge of these Regulations and other regulations and materials published by the Authority that are applicable to flight operations and aircraft maintenance; and
- (c) knowledge of the operations and aircraft maintenance requirements of the air operator certificate (AOC) holder.

(2) The minimum qualifications for a director of operations are-

- (a) an airline transport pilot licence; and
- (b) 3 years experience as PIC in commercial air transport operations of large aircraft.

(3) The minimum qualifications for a chief pilot are-

- (a) an airline transport pilot licence with the appropriate ratings for at least one of the aircraft used in the operations of the AOC holder;

- (b) 3 years experience as PIC in commercial air transport operations; and
 - (c) a commercial pilot licence with instrument rating in lieu of the airline transport pilot licence if the PIC requirements for the operations conducted require only a commercial pilot licence.
- (4) The minimum qualifications for a director of maintenance are-
- (a) a licensed maintenance engineer with appropriate airframe, powerplant and avionics ratings; and
 - (b) three years experience in maintaining the same category and class of aircraft used by the AOC holder including one year in the capacity of returning aircraft to service.
- (5) The minimum qualifications for a quality manager are-
- (a) a technically qualified person in the field of aircraft maintenance or flight or ground operations;
 - (b) at least three years experience in the field of aircraft maintenance, flight or ground operations; and
 - (c) shall have successfully completed training in quality management recognized by the Authority.
- (6) The minimum qualifications for director of safety are-
- (a) a technically qualified person in the field of aircraft maintenance or flight operations;
 - (b) at least 5 years experience in the field of aircraft maintenance or flight operations; and
 - (c) shall have successfully completed training in safety management systems course recognized by the Authority.
- (7) An AOC holder may approve the employment of a person who does not meet the appropriate qualification or experience if the Authority issues an exemption upon finding that that person has comparable experience and can effectively perform the required management functions.

Company procedures indoctrination

15. (1) No person shall serve nor shall any air operator certificate (AOC) holder use a person as a quality manager or a director of maintenance unless that person has completed the company indoctrination curriculum approved by the Authority, which shall include a complete review of the operations manual and maintenance control manual procedures pertinent to their duties.

(2) An AOC holder shall ensure that the quality manager and the director of maintenance undergo company indoctrination training that covers the following areas-

- (a) organization of an AOC holder, scope of operation and maintenance, and administrative practices as applicable to their assignments and duties;

- (b) appropriate provisions of these Regulations and other applicable regulations and guidance materials;
- (c) AOC holder policies and procedures; and
- (d) appropriate portions of the operations and maintenance control manuals of the AOC holder.

Quality system

16. (1) An air operator certificate (AOC) holder shall establish a quality system and designate a quality manager to monitor compliance with, and adequacy of, procedures required to ensure safe operational practices and airworthy aircraft.

(2) Compliance monitoring in accordance with sub-regulation (1) shall include a feedback system to the accountable manager to ensure corrective action as necessary.

(3) An AOC holder shall ensure that each quality system established as required by sub-regulation (1) includes a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with all applicable requirements, standards and procedures.

(4) The quality system, and the quality manager specified in sub-regulation (1) shall be acceptable to the Authority.

(5) An AOC holder shall describe the quality system in all relevant documentation.

(6) Notwithstanding sub-regulation (1), the Authority may accept the appointment of two quality managers, one for operations and one for maintenance, if the AOC holder has designated one quality management unit to ensure that the quality system is applied uniformly during the entire operation.

Submission and revision of policy procedure manuals

17. (1) A person who develops and maintains a manual required by these Regulations shall ensure that the manual-

- (a) includes instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities safely;
- (b) is in a form that is easy to revise and contains a system which allows personnel to determine the current revision status of each manual;
- (c) has a date of the last revision on each revised page;
- (d) is not contrary to any applicable Laws of Swaziland and the operations specifications of the air operator certificate (AOC) holder; and
- (e) includes a reference to the appropriate civil aviation regulations.

(2) No person shall implement any policy or procedure for flight operations or airworthiness functions prior to approval or acceptance by the Authority as appropriate.

(3) An AOC holder shall submit the proposed policy or procedure to the Authority at least 30 days prior to the date of intended implementation.

Retention and maintenance of personnel and other records

18. (1) An air operator certificate (AOC) holder shall maintain current records detailing the qualifications and training of all its employees and the employees of contractors involved in the operational control, flight operations, ground operations and maintenance of the air operator.

(2) An AOC holder shall maintain records for a minimum period of 2 years for employees performing crew member or flight dispatch duties in sufficient detail to determine whether the employee meets the experience and qualification requirements for duties in commercial air transport operations.

(3) An AOC holder shall retain the following records for the period specified-

- (a) flight and duty records, 2 years;
- (b) flight crew records, 2 years;
- (c) fuel and oil records, 3 months;
- (d) completed load manifests, 6 months;
- (e) mass and balance records, 6 months;
- (f) dispatch releases, 6 months;
- (g) flight plans, 6 months;
- (h) passenger manifests, 6 months;
- (i) weather reports, 6 months;
- (j) journey logs, 2 years; and
- (k) aircraft technical logbook, 2 years.

Inspection of personnel and other records

19. (1) An air operator certificate (AOC) holder shall, whenever called upon to do so by an authorised person-

- (a) produce for the inspection of that person all records referred to in regulation 18; and
- (b) furnish to that person all information that person may require, in connection with the records and produce, for, the inspection by that person, all log-books, certificates, papers and other documents which that person may reasonably require to examine for the purpose of determining whether the records are complete or of verifying the accuracy of their contents.

(2) The AOC holder shall, at the request of any person in respect of whom that person is required to keep records as specified above, furnish to that person or to any operator of aircraft for the purpose of commercial air transport by whom that person may subsequently be employed, particulars of any qualifications obtained by such person while in the service of the AOC holder.

Flight recorders records

20. (1) An air operator certificate (AOC) holder shall retain-

- (a) the most recent flight data recorder calibration, including the recording medium from which this calibration is derived; and
- (b) the flight data recorder correlation for one aircraft of any group of aircraft operated by the AOC holder-
 - (i) that are of the same type;
 - (ii) on which the model flight recorder and its installation are the same; and
 - (iii) on which there is no difference in type design with respect to the original installation of instruments associated with the recorder.

(2) In the event of an accident or incident that requires immediate notification to the Authority, the AOC holder shall remove and keep recorded information from the cockpit voice recorder and flight data recorder for at least 60 days or if requested by the Authority, for a longer period.

Aircraft record

21. (1) An air operator certificate (AOC) holder shall maintain a current list of each aircraft it operates and shall send a copy of the list to the Authority, as well as any change to the list, prior to the intended change.

(2) An aircraft of another AOC holder operated under an interchange agreement shall be incorporated in the current list of aircraft required by sub-regulation (1).

Authorized aircraft

22. (1) An air operator certificate (AOC) holder shall not operate an aircraft in commercial air transport unless that aircraft-

- (a) has an appropriate current airworthiness certificate;
- (b) is in an airworthy condition; and
- (c) meets the applicable airworthiness requirements for the operations the AOC holder intends to carry out, including those related to identification and equipment.

(2) No person shall operate any specific type of aircraft in commercial air transport until it has completed satisfactory initial certification, which includes the issue of an AOC listing that type of aircraft.

(3) No person shall operate additional or replacement aircraft of a type for which it is currently authorized unless that person can show that the aircraft has been approved by the Authority for inclusion in the fleet of the AOC holder.

Dry leasing of foreign registered aircraft

23. (1) An air operator certificate (AOC) holder may dry-lease a foreign-registered aircraft for commercial air transport as authorized by the Authority.

(2) An AOC holder shall not operate a foreign registered aircraft unless-

- (a) there is in existence a current agreement between the Authority and the state of registry that, while the aircraft is operated by the Swazi AOC holder, the Regulations governing the issue of the Swazi AOC and its operation specification shall apply;
- (b) there is in existence a current agreement between the Authority and the state of registry that-
 - (i) while the aircraft is operated by the AOC holder, the airworthiness regulations of the state of registry are applicable; or
 - (ii) if the state of registry agrees to transfer some or all of the responsibility for airworthiness to the Authority under Article 83bis of the Chicago Convention, the Civil Aviation Authority (Airworthiness) Regulations shall apply to the extent agreed upon by the Authority and the State of Registry;
 - (iii) the agreement acknowledges that the Authority shall have unrestricted access to the aircraft at any place and any time.

(3) Pursuant to sub-regulation (2), an AOC holder may operate a foreign registered aircraft for a period not exceeding 6 consecutive months.

(4) The total number of dry leased aircraft shall be such that an AOC holder will not be predominantly dependent on foreign registered aircraft.

(5) A person who wishes to operate a dry leased aircraft shall provide the Authority with the following information-

- (a) the aircraft type and serial number;
- (b) the name and address of the registered owner;
- (c) the State of Registry and registration marks;
- (d) the certificate of airworthiness and statement from the registered owner that the aircraft fully complies with the airworthiness requirements of the State of Registry;
- (e) the name, address and signature of the lessee who shall be responsible for the operational control of the aircraft under the lease agreement, including a statement that the lessee fully understands the responsibilities under the applicable regulations;
- (f) a copy of the lease and maintenance agreement;
- (g) the duration of the lease; and
- (h) any other information as the Authority deems necessary.

(6) A Swazi AOC holder may dry lease an aircraft registered in another contracting State for the purpose of commercial air transportation if the following conditions are met-

- (a) the aircraft carries an appropriate airworthiness certificate issued, in accordance with Annex 8, to the Chicago Convention by the State of Registry and meets the aircraft registration and marking requirements of that state;

(b) the aircraft is of a type design which complies with all of the requirements that would be applicable to that aircraft were it registered in Swaziland, including the requirements which shall be met for the issue of a certificate of airworthiness including type design conformity, conditions for safe operation, and the noise, fuel venting and engine emission requirements;

(c) the aircraft is maintained according to an approved maintenance programme; and

(d) the aircraft is operated by Swaziland licensed flight crew employed by the Swazi AOC holder.

(7) An AOC holder operating a dry leased aircraft shall have operational control of that aircraft.

(8) An AOC holder shall provide satisfactory evidence that the aircraft has been deleted from the AOC of the lessor before the Authority lists the aircraft on the AOC of the lessee.

(9) An AOC holder engaged in the dry leasing of aircraft shall make the dry lease agreement explicit concerning the maintenance programme and minimum equipment list (MEL) to be followed during the lease period.

(10) Where the lease arrangement is determined to be a dry lease involving aircraft that possess valid certificates of registration and airworthiness issued by the state of registry, and the dry lease is acceptable to the Authority, operations specifications shall be developed by the AOC holder containing at least the following-

(a) the names of the parties to the lease agreement and the duration of the agreement;

(b) the nationality and registration marks of each aircraft involved in the agreement;

(c) the type of aircraft to be used;

(d) the area of operation; and

(e) the regulations applicable to the operation.

Aircraft interchange

24. (1) An air operator certificate (AOC) holder shall not interchange aircraft with another AOC holder without the approval of the Authority.

(2) Prior to operating an aircraft under an interchange agreement, the AOC holder shall show that-

(a) the procedures for the interchange operation conform with safe operating practices;

(b) the required crew members and flight operations officers meet approved training requirements for the aircraft and equipment to be used and are familiar with the communications and dispatch procedures to be used;

(c) the maintenance personnel meet the approved training requirements for the aircraft and equipment, and are familiar with the maintenance procedures to be used;

(d) the flight crew members and flight operations officers meet approved appropriate route and airport qualifications;

- (e) the aircraft to be operated is essentially similar to the aircraft of the AOC holder with whom the interchange is effected; and
- (f) the arrangement of flight instruments and controls that are critical to safety are essentially similar, unless the Authority determines that the AOC holder has adequate training programmes to ensure that any potentially hazardous dissimilarity are safely overcome by flight crew familiarization.

(3) An AOC holder operating an aircraft under an interchange agreement shall include the pertinent provisions and procedures of the agreement in its manuals.

(4) An AOC holder shall-

- (a) amend its operations specifications to reflect an interchange agreement; and
- (b) comply with the applicable regulations of the state of registry of an aircraft involved in an interchange agreement while the AOC holder has operational control of that aircraft.

Wet-leasing of aircraft

25. (1) A holder of an air operator certificate (AOC) issued under these Regulations may enter into a wet-lease arrangement with another air operator subject to the approval of the Authority and any terms, conditions or limitations imposed by the Authority.

(2) Where a holder of an AOC issued under these Regulations enters into a wet lease arrangement, the AOC holder shall maintain operational control of the leased aircraft and crew and the AOC holder shall demonstrate how it will maintain operational control to the satisfaction of the Authority.

(3) The AOC holder shall apply to the Authority for approval of the wet lease.

(4) In support of its application for approval for a net lease, the AOC holder shall provide the Authority with the following information-

- (a) the aircraft type and serial number;
- (b) the name and address of the registered owner;
- (c) the details of the crew members;
- (d) the state of registry and registration marks;
- (e) the certificate of airworthiness and statement from the registered owner that the aircraft fully complies with the airworthiness requirements of the state of registry;
- (f) the name, address and signature of the AOC holder responsible for the operational control of the aircraft under the lease agreement, including a statement that the AOC holder fully understands the responsibilities under the applicable regulations;
- (g) a copy of the lease and maintenance agreement;
- (h) the duration of the lease; and
- (i) any other information as the Authority deems necessary.

(5) The operations specifications of an AOC holder engaged in a wet lease operation shall contain the following information-

- (a) the names of the parties to the agreement and the duration of the agreement;
- (b) the make, model, series, serial number, nationality and registration marks of each aircraft referred to in the agreement;
- (c) the kind of operation;
- (d) the expiration date of the lease agreement;
- (e) a statement specifying the party deemed by the Authority to have operational control; and
- (f) any other item, condition or limitation the Authority deems necessary.

Emergency evacuation demonstration

26. (1) An air operator certificate (AOC) holder shall not use an aircraft type and model with total seating capacity of 44 and above in commercial air transport passenger-carrying operations unless the AOC holder has first conducted, for the Authority, an actual full capacity emergency evacuation demonstration for the configuration in 90 seconds or less.

(2) The full capacity actual demonstration referred to in sub-regulation (1) may not be required, if the AOC holder applies to the Authority for an exemption with evidence that-

- (a) a satisfactory full capacity emergency evacuation for the aircraft to be operated was demonstrated during the aircraft type certification or during the certification of another air operator; and
- (b) there is an engineering analysis, which shows that an evacuation is still possible within the 90 second standard, if the aircraft of the AOC holder configuration differs with regard to number of exits or exit type or number of cabin crew member or location of the cabin crew member.

(3) Where an AOC holder requests for an exemption under sub-regulation (2) and the exemption is approved, the AOC holder shall conduct a partial emergency evacuation and ditching evacuation, observed by the Authority, that demonstrates the effectiveness of the emergency training and evacuation procedures of the crew members of the AOC holder.

(4) Where a full capacity demonstration is not required, an AOC holder shall not use an aircraft type and model in commercial air transport passenger-carrying operations unless the AOC holder has first demonstrated to the Authority that its available personnel, procedures and equipment shall provide sufficient open exits for evacuation in 15 seconds or less.

(5) An AOC holder shall not use an aircraft in extended overwater operations unless the AOC holder has first demonstrated to the Authority that it has the ability and equipment to efficiently carry out its ditching procedures.

(6) An AOC holder shall apply to the Authority for approval to conduct the emergency evacuation demonstration at least 30 days before the intended date of the emergency evacuation demonstration.

- (7) A cabin crew member to be used in the emergency evacuation demonstrations shall-
- (a) be selected at random by the Authority;
 - (b) have completed the Authority-approved training programme of the AOC holder for the type and model of aircraft; and
 - (c) have passed the drills and competence check on the emergency equipment and procedures.
- (8) To conduct a partial emergency evacuation demonstration, the assigned cabin crew members of the AOC holder shall, using the line operating procedures of the AOC holder-
- (a) demonstrate the opening of 50 percent of the required floor-level emergency exits and 50 percent of the required non-floor-level emergency exits, whose opening by a cabin crew member is defined as an emergency evacuation duty and deployment of 50 percent of the exit slides, selected by the Authority; and
 - (b) prepare for use those exits and slides within fifteen seconds.
- (9) To conduct the ditching evacuation demonstration, the assigned cabin crew members of the AOC holder shall-
- (a) demonstrate their knowledge and use of each item of required emergency equipment;
 - (b) prepare the cabin for ditching within 6 minutes after the intention to ditch is announced;
 - (c) remove each life raft from storage, one of which as selected by the Authority shall be launched and properly inflated or one slide life raft properly inflated; and
 - (d) enter the raft, which shall include all required emergency equipment and completely set it up for extended occupancy.

Demonstration flights

27. (1) An air operator certificate (AOC) holder shall not operate an aircraft type in commercial air transport unless the AOC holder first conducts demonstration flights to the satisfaction of the Authority.

(2) An AOC holder shall not operate an aircraft in a designated special area or using a specialized navigation system unless the AOC holder conducts a demonstration flight to the satisfaction of the Authority.

(3) The demonstration flights required under sub-regulation (1) shall be conducted in accordance with the regulation applicable to the type of operation and aircraft type used.

(4) An AOC holder shall conduct demonstration flights for each type of aircraft, including aircraft materially altered in design, and for each kind of operation the AOC holder intends to conduct.

(5) An AOC holder shall conduct demonstration flights of at least-

- (a) 100 total hours of flight time, unless the Authority determines that a satisfactory level of proficiency has been demonstrated in fewer hours;

- (b) 5 hours of night time, if night flights are to be authorized;
- (c) 5 instrument approach procedures under simulated or actual instrument weather conditions, if IFR flights are to be authorized; and
- (d) entry into a representative number of en-route airports, as determined by the Authority.

(6) No person shall carry passengers in an aircraft during demonstration flights, except those required to make the demonstration flight and those designated by the Authority.

(7) The Authority shall determine the necessity and extent of demonstration flights for AOC holders operating aircraft of less than 5,700 kg.

Facilities

28. (1) An air operator certificate (AOC) holder shall maintain operational and airworthiness support facilities at the principal base of operation of the AOC holder, appropriate for the area and type of operation.

(2) An AOC holder shall arrange appropriate ground handling facilities necessary to ensure the safe servicing and loading of its aircraft at each airport used.

Operations schedule

29. (1) In establishing flight operations schedules, an air operator certificate holder shall-

- (a) allow enough time for the proper servicing of aircraft at intermediate stops; and
- (b) consider the prevailing winds en route and cruising speed for the type of aircraft.

(2) The cruising speed referred to in sub-regulation (1) shall not be more than that resulting from the specified cruising output of the engines.

PART IV AIR OPERATOR CERTIFICATE FLIGHT OPERATIONS MANAGEMENT

Operations manual

30. (1) An air operator certificate (AOC) holder shall issue to the crew members and persons assigned operational control functions, an operations manual as set out in the First Schedule.

(2) The operations manual referred to in sub-regulation (1) shall be amended or revised as is necessary to ensure that the information contained in the manual is kept up to date and all amendments or revisions shall be issued to all personnel that are required to use the operations manual.

(3) An AOC holder shall submit to the Authority a copy of the entire operations manual of the AOC holder for the time being in force or parts of of the manual as the Authority may specify.

(4) An AOC holder shall make any amendments or additions to the operations manual as the Authority may require for the purpose of ensuring the safety of the aircraft or of persons or cargo carried on the aircraft, and of the safety, efficiency or regularity of air navigation.

(5) The operations manual issued under sub-regulation (1) shall contain the overall, general company policies and procedures regarding the flight operations it conducts.

(6) An AOC holder shall prepare and keep current an operations manual which contains the AOC holder's procedures and policies for the use and guidance of its personnel.

(7) An AOC holder shall issue the operations manual, or pertinent portions, together with all amendments and revisions, to all personnel that are required to use it.

(8) An AOC holder shall not provide for use of its personnel in commercial air transport any operations manual or its part, which has not been reviewed and found acceptable or approved for the AOC holder by the Authority.

(9) An AOC holder shall ensure that the contents and structure of the operations manual are in accordance with these Regulations and includes at least subjects designated by the Authority that are applicable to the area and type of operations of the AOC holder.

(10) The operations manual may be published in parts, as a single document, or as a series of volumes.

(11) An AOC holder may design an operations manual to be more restrictive than the requirements of the Authority.

Training programmes

31. (1) An air operator certificate (AOC) holder shall ensure that all operations personnel are properly instructed in their duties and responsibilities and the relationship of the duties to the operation as a whole.

(2) An AOC holder shall have training programmes approved by the Authority containing the general training, checking, standardization and record keeping policies as specified in the First Schedule.

(3) An AOC holder shall have a training curriculum approved by the Authority prior to using the training curriculum for the purpose of qualifying a crew member or person performing operational control functions, for duties in commercial air transport.

(4) An AOC holder shall submit to the Authority any revision to an approved training programme and shall receive approval of the revision from the Authority before that revision can be effected.

(5) The training programmes specified in sub-regulation (2) shall be described in detail either in the operations or in a training manual, which would form part of the operations manual but may be issued as a separate volume.

Aircraft operating manual

32. (1) A holder or applicant for an air operator certificate (AOC) shall submit proposed aircraft operating manual for each type and variant of aircraft operated, containing the normal, abnormal and emergency procedures relating to the operation of the aircraft for approval by the Authority.

(2) An aircraft operating manual shall-

- (a) be based upon the data of the aircraft manufacturer for the specific aircraft type and variant operated by the AOC holder and shall include specific operating parameters, details of the aircraft systems and of the check lists to be used applicable to the operations of the AOC holder that are approved by the Authority;
 - (b) be designed so as to observe human factors principles; and
 - (c) be issued to the flight crew members and persons assigned operational control functions to each aircraft operated by the AOC holder.
- (3) A holder or applicant for an AOC shall submit and maintain an aircraft operating manual containing as a minimum the information specified in the Second Schedule.

Journey log of AOC holder

33. (1) An air operator certificate (AOC) holder shall maintain a journey log containing the following information for each flight-

- (a) aircraft nationality and registration marks;
- (b) date of the flight;
- (c) name(s) of crew members;
- (d) duty assignments of crew members;
- (e) place of departure;
- (f) place of arrival;
- (g) time of departure;
- (h) time of arrival;
- (i) duration of flight;
- (j) purpose of flight;
- (k) incidents, and observations, if any; and
- (l) signature of the pilot in command.

(2) The Authority may waive the requirement of sub-regulation (1) if the relevant information is available in the aircraft technical logbook referred to in regulation 61.

(3) An AOC holder shall ensure that all entries in the journey log are made concurrently and are permanent in nature.

Designation of PIC

34. An air operator certificate holder shall, for each commercial air transport operation, designate, in writing, one pilot as the pilot in command.

Required cabin crew members

35. (1) An air operator certificate (AOC) holder shall schedule, and the pilot in command shall ensure that the minimum number of required cabin crew members are on board passenger-carrying flights.

(2) The number of cabin crew members may not be less than the minimum prescribed by the Authority in the operations provisions of the AOC holder or the following, whichever is greater-

- (a) in the case of an aircraft with a total seating capacity of 20 to 50 passengers, one cabin crew member;
- (b) in the case of an aircraft with a total seating capacity of not more than 200, the number of cabin crew members carried on that flight shall be not less than one cabin crew member for every 50, or a fraction of 50 passengers carried;
- (c) in the case of an aircraft with a total seating capacity of more than 200, the number of cabin crew members carried on the flights shall be not less than half the number of the main exits in the aircraft, and in addition, when more than 200 passengers are carried, one additional cabin crew member for every 25 or a fraction of 25, of passengers above two hundred.

(3) Where the number of cabin crew members specified in sub-regulation (2), calculated in accordance with that sub-regulation exceeds the number of main exits in the aircraft, it shall be sufficient compliance with this regulation if the number of cabin crew members carried is equal to the number of main exits in the aircraft.

(4) Where passengers are on board a parked aircraft, the minimum number of cabin crew members shall be half of the number required for the flight operation, but in any case a minimum of one cabin crew member or another person qualified in the emergency evacuation procedures for the aircraft.

(5) Where one-half of the cabin crew members specified in sub-regulation (1) would result in a fractional number, the tally of requisite cabin crew members may be rounded down to the next whole number.

(6) Notwithstanding the preceding provisions of this regulation, the Authority may give a direction to an AOC holder requiring the AOC holder to include among the crew, whenever the aircraft is flying for the purpose of commercial air transport operations, at least one cabin crew notwithstanding that the aircraft may be carrying fewer than 20 passengers.

Carriage of special situation passengers

36. An air operator certificate (AOC) holder shall not allow the transportation of special situation passengers, except-

- (a) as otherwise provided in the operations manual procedures of the AOC holder; and
- (b) with the knowledge and concurrence of the pilot in command.

Cockpit check procedure

37. (1) An air operator certificate (AOC) holder shall issue to each flight crew member and make available on each aircraft at each flight crew member position, the cockpit checklist procedures approved by the Authority appropriate for the type and variant of aircraft.

(2) An AOC holder shall ensure that approved procedures include each item necessary for flight crew members to check for safety before starting engines, taking off or landing and for engine and systems abnormalities and emergencies.

(3) An AOC holder shall ensure that the checklist procedures are designed so that a flight crew member shall not need to rely upon their memory for items to be checked.

(4) An AOC holder shall make the approved procedures readily available in the cockpit of each aircraft and the flight crew shall be required to follow them when operating the aircraft.

Minimum equipment list and configuration deviation list

38. (1) An air operator certificate (AOC) holder shall provide for the use of the flight crew members, maintenance personnel and persons assigned operational control functions during the performance of their duties, minimum equipment list (MEL) approved by the Authority.

(2) The MEL shall be specific to the aircraft type and variant and shall contain the circumstances, limitations and procedures for release or continuance of flight of the aircraft with inoperative components, equipment or instruments.

(3) An AOC holder may provide for the use of flight crew, maintenance personnel and persons assigned operational control functions during the performance of their duties a configuration deviation list (CDL) specific to the aircraft type if one is provided and approved by the state of design.

(4) The operations manual of an AOC holder shall contain procedures that acceptable to the Authority for operations in accordance with the CDL requirements.

Performance planning manual

39. (1) An air operator certificate holder shall provide for the use of the flight crew members and persons assigned operational control functions during the performance of their duties, a performance planning manual acceptable to the Authority.

(2) The performance planning manual shall be specific to the aircraft type and variant and shall contain adequate performance information to accurately calculate the performance in all normal phases of flight operation.

Performance data control system

40. (1) An air operator certificate (AOC) holder shall have a system approved by the Authority, for obtaining, maintaining and distributing to appropriate personnel current performance data for each aircraft, route and airport that the AOC holder uses.

(2) The system specified in sub-regulation (1) approved by the Authority shall provide current obstacle data for departure and arrival performance calculations.

Aircraft loading and handling manual

41. (1) An air operator certificate (AOC) holder shall provide for the use of the flight crew members, ground handling personnel and persons assigned operational control functions during the performance of their duties, an aircraft handling and loading manual acceptable to the Authority.

(2) The loading manual shall be specific to the aircraft type and variant which contains the procedures and limitations for servicing and loading of the aircraft.

Mass and balance data control system

43. An air operator certificate (AOC) holder shall have a system, approved by the Authority for obtaining, maintaining and distributing to appropriate personnel current information regarding the mass and balance of each aircraft operated by that AOC holder.

Cabin crew member manual

43. (1) An air operator certificate (AOC) holder shall issue to the cabin crew members for use during the performance of their duties, a cabin crew member manual acceptable to the Authority.

(2) The cabin crew member manual shall contain the operational policies and procedures applicable to cabin crew members and the carriage of passengers.

(3) An AOC holder shall issue to the cabin crew member a manual specific to the aircraft type and variant, containing at least the information set out in the Third Schedule as well as details of normal, abnormal and emergency procedures and the location and operation of emergency equipment.

(4) The manuals specified in sub-regulation (3) may be combined into one manual for use by cabin crew members.

Passenger briefing cards

44. (1) An air operator certificate (AOC) holder shall carry on each passenger-carrying aircraft, in convenient locations for the use of each passenger, printed briefing cards supplementing the oral briefing and containing-

- (a) diagrams and methods of operating the emergency exits;
- (b) other instructions necessary for use of the emergency equipment; and
- (c) information regarding the restrictions and requirements associated with sitting in an exit seat row.

(2) An AOC holder shall ensure that each card contains information that is pertinent only to the type and variant of aircraft used for that flight.

(3) An AOC holder shall, at each exit seat, provide passenger information cards that include the following information in the English language-

- (a) functions required of a passenger in the event of an emergency in which a crew member is not available to assist-
 - (i) locate the emergency exit;
 - (ii) recognize the emergency exit opening mechanism;
 - (iii) comprehend the instructions for operating the emergency exit;
 - (iv) operate the emergency exits;

- (v) assess whether opening the emergency exit will increase the hazards to which passengers may be exposed;
 - (vi) follow oral directions and hand signals given by a crew member;
 - (vii) stow or secure the emergency exit door so that it will not impede use of the exit;
 - (viii) assess the condition of an escape slide, activate the slide, and stabilize the slide after deployment to assist others in getting off the slide;
 - (ix) pass expeditiously through the emergency exit; and
 - (x) assess, select, and follow a safe path away from the emergency exit;
- (b) a requirement that a passenger identify themselves to allow reseating if that passenger-
- (i) cannot perform the emergency functions stated in the information card;
 - (ii) has a condition that will prevent that passenger from performing the functions;
 - (iii) may suffer bodily harm as the result of performing one or more of those functions;
 - (iv) does not wish to perform those functions; or
 - (v) lacks the ability to read, speak or understand the language or the graphic form in which instructions are provided by the AOC holder;
- (c) a statement that whenever a crew member identifies a passenger who does not meet the requirements specified in paragraph (b), the crew member shall reseat the passenger.

Aeronautical data control system

45. (1) An air operator certificate (AOC) holder shall have a system approved by the Authority for obtaining, maintaining and distributing to appropriate personnel current aeronautical data for each route and airport used.

(2) An AOC holder shall provide the following aeronautical data for each airport used-

- (a) airports-
 - (i) facilities;
 - (ii) navigational and communications aids;
 - (iii) construction affecting takeoff, landing, or ground operations; and
 - (iv) air traffic service facilities;
- (b) runways, clearways and stopways-
 - (i) dimensions;
 - (ii) surface;
 - (iii) marking and lighting systems; and

- (iv) elevation and gradient;
- (c) displaced thresholds-
 - (i) location;
 - (ii) dimensions; and
 - (iii) takeoff or landing or both;
- (d) obstacles-
 - (i) those affecting takeoff and landing performance computations; and
 - (ii) controlling obstacles;
- (e) instrument flight procedures-
 - (i) departure procedure;
 - (ii) approach procedure; and
 - (iii) missed approach procedure;
- (f) special information-
 - (i) runway visual range measurement equipment; and
 - (ii) prevailing winds under low visibility conditions.

Route guide and aeronautical charts

46. (1) An air operator certificate (AOC) holder shall provide for the use of the flight crew members and persons assigned operational control function during the performance of their duties, a route guide and aeronautical charts approved by the Authority.

(2) The route guide and aeronautical charts shall be current and appropriate for the proposed types and areas of operations to be conducted by the AOC holder.

Weather reporting sources

47. (1) An AOC holder shall use sources approved by the Authority for the weather reports and forecasts used for decisions regarding flight preparation, routing and terminal operations.

(2) Where an AOC holder carries out passenger carrying operations on a published schedule, the AOC holder shall have an approved system for obtaining forecasts and reports of adverse weather phenomena that may affect safety of flight on each route to be flown and airport to be used.

(3) An AOC holder may use the following sources of weather reports for flight planning or controlling flight movement-

- (a) the National Meteorological Service;
- (b) a Swaziland-operated automated surface observation station, so long as the station reports all required items for a complete surface aviation weather report;

- (c) a Swaziland-operated supplemental aviation weather reporting station;
- (d) observations made by aerodrome control towers;
- (e) a Swaziland-contracted weather observatory;
- (f) any active meteorological office operated by a foreign state which subscribes to the standards and practices contained in the Chicago Convention and the annexes under the Convention;
- (g) for flight operations which use military airports as departure, destination, alternate or diversion airports, any military weather reporting sources approved by the Authority;
- (h) near-real time reports such as pilot reports, radar reports, radar summary charts and satellite imagery reports made by commercial weather sources or other sources specifically approved by the Authority; or
- (i) an AOC holder operated and maintained weather reporting system approved by the Authority.

De-icing and anti-icing programme

48. (1) An air operator certificate (AOC) holder planning to operate an aircraft in conditions where frost, ice, or snow may reasonably be expected to stick on to the aircraft shall-

- (a) use only aircraft adequately equipped for such conditions;
- (b) ensure flight crew is adequately trained for such conditions; and
- (c) have an approved ground de-icing and anti-icing programme.

(2) Contents of the ground de-icing and anti-icing programme shall include a detailed description of-

- (a) the method used to determine that conditions are such that frost, ice or snow may reasonably be expected to stick on to the aircraft and that ground de-icing and anti-icing operational procedures shall be effected;
- (b) the person responsible for deciding that ground de-icing and anti-icing operational procedures shall be effected;
- (c) the procedures for implementing ground de-icing and anti-icing operational procedures; and
- (d) the specific duties and responsibilities of each operational position or group responsible for getting the aircraft safely airborne while ground de-icing and anti-icing operational procedures are in effect.

(3) The programme of the AOC holder shall include procedures for flight crew members to increase or decrease the determined holdover time in changing conditions.

- (4) The holdover time shall be supported by data acceptable to the Authority.

(5) Where the maximum holdover time is exceeded, takeoff shall be prohibited unless at least one of the following conditions exists-

- (a) a pre-takeoff contamination check is conducted outside the aircraft within 5 minutes prior to beginning take off to determine that the wings, control surfaces, and other critical surfaces, as defined in the programme of the certificate holder, are free of frost, ice or snow;
- (b) it is otherwise determined by an alternate procedure, approved by the Authority and in accordance with the approved programme, of the AOC holder that the wings, control surfaces and other critical surfaces are free of frost, ice or snow; or
- (c) the wings, control surfaces and other critical surfaces are de-iced again and a new holdover time is determined.

Flight supervision and monitoring system

49. (1) An air operator certificate (AOC) holder who conducts scheduled operations shall have an adequate system approved by the Authority for proper dispatching and monitoring of the progress of the scheduled flights.

(2) The dispatch and monitoring system shall have enough dispatch centres, adequate for the operations to be conducted, located at points necessary to ensure adequate flight preparation, dispatch and in-flight contact with the scheduled flight operations.

(3) Where an AOC holder conducts scheduled operations, the AOC holder shall provide enough qualified operations officers at each dispatch centre to ensure proper operational control of each flight.

Flight following system for charter flight operations

50. (1) An air operator certificate (AOC) holder who conducts charter flight operations shall have a system for providing flight preparation documents and determining the departure and arrival times of its flights at all airports approved by the Authority.

(2) The systems specified in sub-regulation (1) shall have a means of communication by private or available public facilities to monitor the departure and arrival at all airports, including flight diversions.

(3) An AOC holder shall have an approved flight following system established and adequate for the proper monitoring of each flight, considering the operations to be conducted.

(4) The centres established by an AOC holder for flight following shall be located at points necessary to ensure-

- (a) the proper monitoring of the progress of each flight with respect to its departure at the point of origin and arrival at its destination, including intermediate stops and diversions; and
- (b) that the pilot in command is provided with all information necessary for the safety of the flight.

(5) An AOC holder conducting charter operations may arrange to have flight following facilities provided by persons other than the employees of the AOC holder, but in such a case the AOC holder continues to be primarily responsible for the operational control of each flight.

(6) An AOC holder conducting charter operations using a flight following system shall ensure that the system has adequate facilities and personnel to provide the information necessary for the initiation and safe conduct of each flight to-

- (a) the flight crew of each aircraft; and
- (b) the persons designated by the AOC holder to perform the function of operational control of the aircraft.

(7) An AOC holder conducting charter operations shall show that the personnel required to perform the function of operational control are able to perform their duties.

Communications facilities

51. (1) An aircraft of an air operator certificate holder (AOC) shall have two-way radio communications with all air traffic service facilities along the routes and alternate routes to be used.

(2) An AOC holder who conducts scheduled operations shall have rapid and reliable radio communications with all flights over the entire route structure under normal operating conditions.

Routes and areas of operation

52. (1) An air operator certificate (AOC) holder may conduct operations only along routes and within areas for which-

- (a) ground facilities and services, including meteorological services, provided are adequate for the planned operation;
- (b) the performance of the aircraft intended to be used is adequate to comply with minimum flight altitude requirements;
- (c) the equipment of the aircraft intended to be used meets the minimum requirements for the planned operation;
- (d) appropriate and current maps and charts are available;
- (e) where a two-engine aircraft is used, adequate airports are available with the time and distance limitations; and
- (f) where a single-engine aircraft is used, surfaces are available which permit a safe forced landing to be executed in the event of engine failure.

(2) No person shall conduct commercial air transport operations on any route or area of operation unless the operations are in accordance with any restrictions imposed by the Authority.

Enroute navigational facilities

53. (1) An air operator certificate (AOC) holder shall not operate on a proposed route or area that does not have non visual ground aids-

- (a) available over the route for navigating aircraft within the degree of accuracy required for air traffic control; and

(b) located to allow navigation to any regular, provisional, refuelling, or alternate airport, within the degree of accuracy necessary for the operation involved.

(2) Non visual ground aids shall not be required for-

(a) visual flight rules operations; or

(b) operations on route segments where the use of celestial or other specialized means of navigation is approved by the Authority.

Flight safety documents systems

54. (1) An operator shall establish a flight safety documents system, for the use and guidance of operational personnel.

(2) Guidance on the development and organization of a flight safety documents system is provided in the Fourth schedule.

Safety management

55. (1) An air operator certificate (AOC) holder operating an aircraft registered in Swaziland flying for the purpose of commercial air transport shall establish and maintain a safety management system approved by the Authority.

(2) The safety management system referred to in sub-regulation (1) shall-

(a) identify actual and potential safety hazards;

(b) ensure that remedial action necessary to maintain an acceptable level of safety is implemented; and

(c) provide for continuous monitoring and regular assessment of the safety level achieved.

(3) An AOC holder operating an aeroplane registered in Swaziland with a maximum total weight authorized of more than 27,000 kg flying for the purpose of commercial air transport shall include a flight data monitoring programme as part of its safety management system.

(4) A flight data analysis programme shall be non- punitive and contain adequate safeguards to protect the source of the data.

PART V AIR OPERATOR CERTIFICATE MAINTENANCE REQUIREMENTS

Maintenance responsibility

56. (1) An air operator certificate (AOC) holder shall ensure the airworthiness of its aircraft and the serviceability of both operational and emergency equipment by-

(a) carrying out pre-flight inspections;

(b) correcting any defect or damage affecting safe operation of the aircraft to an approved standard, taking into account the minimum equipment list and configuration deviation list if available for the aircraft type;

- (c) carrying out maintenance on the aircraft in accordance with the approved aircraft maintenance programme of the operator;
- (d) analyzing of the effectiveness of the approved aircraft maintenance programme of the AOC holder;
- (e) effecting the provisions of any operational directive, airworthiness directive and any other continued airworthiness requirement made mandatory by the Authority; and
- (f) carrying out modifications in accordance with an approved standard and establishing an embodiment policy for non-mandatory modifications.

(2) An AOC holder shall ensure that the certificate of airworthiness for each aircraft operated remains valid in respect of-

- (a) the requirements specified in sub-regulation (1);
- (b) the expiry date of the certificate of airworthiness; and
- (c) any other maintenance condition specified in the certificate of airworthiness.

(3) An AOC holder shall ensure that the requirements specified in sub-regulation (1) are performed in accordance with procedures approved by or acceptable to the Authority.

(4) An AOC holder shall ensure that the maintenance, preventive maintenance and modification of its aircraft or aircraft component are performed in accordance with its maintenance control manual or current instructions for continued airworthiness, and applicable civil aviation regulations.

(5) An AOC holder may make an arrangement with another person for the performance of any maintenance, preventive maintenance or modifications but shall remain responsible for all work performed under the arrangement.

Approval and acceptance of AOC maintenance system

57. (1) Except for pre-flight inspections, an air operator certificate (AOC) holder shall not operate an aircraft-

- (a) registered in Swaziland unless it is maintained and released to service by an air maintenance organization (AMO) approved in accordance with the Civil Aviation Authority (Approved Maintenance Organization) Regulations;
- (b) of foreign registry unless it is maintained and released to service in accordance with a system approved by the state of registry and is acceptable to the Authority.

(2) The state of registry may transfer some or all its responsibility for foreign registered aircraft operating in Swaziland under an agreement entered into pursuant to Article 83bis of Chicago Convention.

Maintenance control manual

58. (1) An air operator certificate (AOC) holder shall provide to the Authority, and to the state of registry of the aircraft, if different from the Authority, the maintenance control manual of the AOC holder and subsequent amendments, for the use and guidance of maintenance and operational personnel concerned, containing details of the structure of the organization including-

Aircraft maintenance programme

66. (1) The aircraft maintenance programme of an air operator certificate (AOC) holder and any subsequent amendment shall be submitted to the Authority for approval.

(2) In the case of a foreign registered aircraft the maintenance programme shall be approved by the state of registry and may be subsequently accepted by the Authority.

(3) In addition to the requirement of a maintenance programme for aircraft operated by an AOC holder, an aircraft with maximum takeoff mass above 13,310 kg shall include a reliability programme in the maintenance programme.

(4) Where a determination is made by the Authority under sub-regulation (3), an AOC holder shall provide the procedures and information in the maintenance control manual.

(5) An AOC holder shall ensure that each aircraft is maintained in accordance with the approved maintenance programme which shall include-

- (a) maintenance tasks and the intervals in which these are to be performed, taking into account the anticipated utilization of the aircraft;
- (b) where applicable, a continuing structural integrity programme;
- (c) procedures for changing or deviating from paragraphs (a) and (b);
- (d) where applicable, condition monitoring and reliability programme descriptions for aircraft systems, components and engines.

(6) The Authority may amend any operation specifications (ops specs) issued to an AOC holder to permit deviation from provisions of this Part that would prevent the return to service and use of airframe components, engines, appliances and spare parts because the airframe components, engines, appliances and spare parts have been maintained, altered or inspected by persons employed outside Swaziland who do not hold a Swaziland maintenance engineer's licence.

(7) An AOC holder who is granted authority under this deviation shall provide for surveillance of facilities and practices to assure that all work performed on the airframe components, engines, appliances and spare parts specified in sub-regulation (6) is accomplished in accordance with the maintenance control manual of an AOC holder.

(8) Repetitive maintenance tasks that are specified in mandatory intervals as a condition of approval of the type design shall be identified as such.

(9) The maintenance programme shall be based on maintenance programme information made available by the state of design or by the organization responsible for the type design and any additional applicable information, documentation or experience.

(10) No person shall provide for use of its personnel in commercial air transport a maintenance programme or portion of the programme which has not been reviewed and approved for the AOC holder by the Authority.

(11) Approval of the maintenance programme of an AOC holder and any subsequent amendments shall be noted in the operations specifications.

(12) An AOC holder shall have an inspection programme and a programme covering other maintenance, preventive maintenance and modifications to ensure that-

- (a) maintenance, preventive maintenance and modifications are performed in accordance with the maintenance control manual of an AOC holder;
- (b) each aircraft released to service is airworthy and has been properly maintained for operation.

Maintenance, preventive maintenance and modifications

67. An air operator certificate holder may make arrangements with an appropriately rated approved maintenance organization for the performance of maintenance, preventive maintenance or modifications of any aircraft, airframe, aircraft engine, propeller, appliance or component or part as provided in its maintenance programme and maintenance control manual.

PART VI

AIR OPERATOR CERTIFICATE SECURITY MANAGEMENT

Security requirements

68. An air operator certificate holder shall ensure that all appropriate personnel are familiar and comply with the relevant requirements of the national security programmes of Swaziland, for the protection of aircraft, facilities and personnel from unlawful interference.

Security training programme

69. (1) An air operator certificate (AOC) holder shall establish and maintain an approved security training programme which ensures crew members act in the most appropriate manner to minimize the consequences of acts of unlawful interference.

(2) The security training programme specified in sub-regulation (1) shall, as a minimum include-

- (a) determination of the seriousness of any occurrence;
- (b) crew communication and coordination;
- (c) appropriate self-defence responses;
- (d) use of non-lethal protective devices assigned to crew members whose use is authorized by the Authority;
- (e) understanding of behaviour of terrorists so as to facilitate the ability of crew members to cope with hijacker behaviour and passenger responses;
- (f) live situational training exercises regarding various threat conditions;
- (g) flight procedures to protect the aircraft; and
- (h) aircraft search procedures and guidance on least-risk bomb locations where practicable.

(3) An AOC holder shall establish and maintain a training programme to acquaint appropriate employees with preventive measures and techniques in relation to passengers, baggage, cargo, mail, equipment, stores and supplies intended for carriage on an aeroplane so that they contribute to the prevention of acts of sabotage or other forms of unlawful interference.

Reporting acts of unlawful interference

70. Following an act of unlawful interference on board an aircraft the pilot in command (PIC) or in the absence of the PIC, the air operator certificate (AOC) holder shall submit, without delay, a report of that act to the designated local authority and the Authority.

Aircraft search procedures checklist

71. (1) An air operator certificate (AOC) holder shall ensure that there is on board the AOC holder's aircraft, a checklist of the procedures to be followed in searching for a bomb in case of suspected sabotage and for inspecting aircraft for concealed weapons, explosives or other dangerous devices when a well-founded suspicion exists that the aircraft may be the object of an act of unlawful interference.

(2) The checklist referred to in sub-regulation (1) shall be supported by guidance on the appropriate course of action to be taken should a bomb or suspicious object be found and information on the least-risk bomb location specific to the aircraft.

Security of the flight crew compartment

72. (1) Where an aircraft is equipped with a flight crew compartment door, this door shall be capable of being locked and means shall be provided by which cabin crew members can discreetly notify the flight crew in the event of suspicious activity or security breaches in the cabin.

(2) An air operator certificate holder shall ensure that passenger carrying aircraft of a maximum certificated take-off mass in excess of 45 500 Kg or with a passenger seating capacity greater than 60 shall be equipped with an approved flight crew compartment door that is designed to resist penetration by small arms fire and grenade shrapnel, to resist forcible intrusions by unauthorized persons, and be capable of being locked and unlocked from either pilot's station.

(3) Where an aircraft is equipped with a flight crew compartment door in accordance with sub-regulation (2)-

- (a) the door shall be closed and locked from the time all external doors are closed following embarkation until any such door is opened for disembarkation, except when necessary to permit access and egress by authorized persons; and
- (b) means shall be provided for monitoring from the cockpit the entire door area outside the flight crew compartment to identify persons requesting entry and to detect suspicious behaviour or potential threat.

PART VII

AIR OPERATOR CERTIFICATE DANGEROUS GOODS MANAGEMENT

Approval to transport dangerous goods

73. An air operator certificate holder shall not transport dangerous goods unless approved to do so by the Authority and in compliance with the requirements of regulation 74.

Compliance with technical instructions

74. (1) An air operator certificate (AOC) holder shall comply with the provisions contained in the International Civil Aviation Organization Technical Instructions on all occasions when dangerous goods are carried, irrespective of whether the flight is wholly or partly within or wholly outside Swaziland.

(2) Where dangerous goods are to be transported outside Swaziland, the AOC holder shall review and comply with the appropriate variations notified by Contracting States contained in Attachment 3 to the Technical Instructions.

(3) Articles and substances which would otherwise be classified as dangerous goods are excluded from the provisions of this Part, to the extent specified in the Technical Instructions, if they are-

- (a) required to be on board the aircraft for operating reasons;
- (b) carried as catering or cabin service supplies;
- (c) carried for use in flight as veterinary aid or as a humane killer for an animal; or
- (d) carried for use in flight for medical aid for a patient, provided that-
 - (i) gas cylinders have been manufactured specifically for the purpose of containing and transporting that particular gas;
 - (ii) drugs, medicines and other medical matter are under the control of trained personnel during the time when they are in use in the aircraft;
 - (iii) equipment containing wet cell batteries is kept and, when necessary, secured in an upright position to prevent spillage of the electrolyte; and
 - (iv) proper provision is made to stow and secure all the equipment during take-off and landing and at all other times when deemed necessary by the pilot in command in the interests of safety; or
- (v) they are carried by passengers or crew members.

(4) Articles and substances intended as replacements for those specified in sub-regulation (3) (a) may be transported on an aircraft as specified in the Technical Instructions.

Limitations on the transport of dangerous goods

75. (1) An air operator certificate (AOC) holder shall take reasonable measures to ensure that articles and substances that are specifically identified by name or generic description in the Technical Instructions as being forbidden for transport under any circumstances are not carried on any aircraft.

(2) An AOC holder shall take reasonable measures to ensure that articles and substances or other goods that are identified in the Technical Instructions as being forbidden for transport in normal circumstances are transported only when-

- (a) they are exempted by the Contracting States concerned under the provisions of the Technical Instructions; or

- (b) the Technical Instructions indicate they may be transported under an approval issued by the state of origin of the goods.

Classification of dangerous goods

76. An air operator certificate holder shall take all reasonable measures to ensure that articles and substances are classified as dangerous goods as specified in the Technical Instructions.

Packing

77. An air operator certificate holder shall take all reasonable measures to ensure that dangerous goods are packed as specified in the Technical Instructions.

Labelling and marking

78. (1) An air operator certificate (AOC) holder shall take reasonable measures to ensure that packages, overpacks and freight containers are labelled and marked as specified in the Technical Instructions.

(2) Where dangerous goods are carried on a flight which takes place wholly or partly outside Swaziland, the AOC holder shall ensure that labelling and marking are in the English language.

Dangerous goods transport document

79. (1) Except where otherwise specified in the Technical Instructions, an air operator certificate (AOC) holder shall ensure that dangerous goods are accompanied by a dangerous goods transport document.

(2) Where dangerous goods are carried on a flight which takes place wholly or partly outside Swaziland, an AOC holder shall ensure that the English language is used for the dangerous goods transport document.

Acceptance of dangerous goods

80. (1) An air operator certificate (AOC) holder shall not accept dangerous goods for transport unless the package, overpack or freight container has been inspected in accordance with the acceptance procedures as stipulated in the Technical Instructions.

(2) An AOC holder or the handling agent of the AOC holder shall use an acceptance check list which shall-

(a) allow for all relevant details to be checked; and

(b) be in such form as may allow for the recording of the results of the acceptance check by manual, mechanical or computerized means.

Inspection for damage, leakage or contamination

81. An air operator certificate holder shall ensure that-

(a) packages, overpacks and freight containers are inspected for evidence of leakage or damage immediately prior to loading on an aircraft or into a unit load device, as specified in the Technical Instructions;

- (b) a unit load device is not loaded on an aircraft unless the device has been inspected as required by the Technical Instructions and found free from any evidence of leakage from or damage to, the dangerous goods contained in the unit load;
- (c) leaking or damaged packages, overpacks or freight containers are not loaded on an aircraft;
- (d) any package of dangerous goods found on an aircraft and which appears to be damaged or leaking is removed or arrangements made for its removal by an appropriate authority or organization;
- (e) after removal of any leaking or damaged goods, the remainder of the consignment is inspected to ensure it is in a proper condition for transport and that no damage or contamination has occurred to the aircraft or its load; and
- (f) packages, overpacks and freight containers are inspected for signs of damage or leakage upon unloading from an aircraft or from a unit load device and, if there is evidence of damage or leakage, the area where the dangerous goods were stowed shall be inspected for damage or contamination.

Removal of contamination

82. An air operator certificate (AOC) holder shall ensure that-

- (a) any contamination found as a result of the leakage or damage of dangerous goods is removed without delay; and
- (b) an aircraft which has been contaminated by radioactive materials is immediately taken out of service and not returned until the radiation level at any accessible surface and the non-fixed contamination are not more than the values specified in the Technical Instructions.

Loading restrictions

83. An air operator certificate holder shall ensure that-

- (a) dangerous goods are not carried in an aircraft cabin occupied by passengers or in the cockpit, unless otherwise specified in the Technical Instructions;
- (b) dangerous goods are loaded, segregated, stowed and secured on an aircraft as specified in the Technical Instructions; and
- (c) packages of dangerous goods bearing the "Cargo Aircraft Only" label are carried on cargo aircraft and loaded as specified in the Technical Instructions.

Provision of information

84. (1) An air operator certificate (AOC) holder shall ensure that-

- (a) information is provided to enable ground staff to carry out their duties with regard to the transport of dangerous goods, including the actions to be taken in the event of incidents and accidents involving dangerous goods; and
- (b) where applicable, the information referred to in paragraph (a) is also provided to the handling agent.

(2) An AOC holder shall ensure that information is promulgated as required by the Technical Instructions so that passengers are warned as to the types of goods which they are forbidden from transporting on board an aircraft and, where applicable, the handling agent shall ensure that notices are provided at acceptance points for cargo giving information about the transport of dangerous goods.

(3) An AOC holder shall ensure that information is provided in the operations manual to enable crew members to carry out their responsibilities in regard to the transport of dangerous goods, including the actions to be taken in the event of emergencies involving dangerous goods.

(4) An AOC holder shall ensure that the pilot in command is provided with written information on dangerous goods carried on board the aircraft in the manner and form specified in the Technical Instructions.

(5) An AOC holder that is involved in an aircraft incident or accident shall-

- (a) as soon as possible, inform the Authority and the appropriate authority of the State in which the aircraft incident or accident occurred of any dangerous goods carried; and
- (b) on request by the Authority, provide any information required to minimize the hazards created by any dangerous goods carried.

Training programmes

85. (1) An air operator certificate (AOC) holder shall establish, maintain and have approved by the Authority, staff training programmes, as required by the Technical Instructions.

(2) An AOC holder not holding a permanent approval to carry dangerous goods shall ensure that-

- (a) staff who are engaged in general cargo handling have received training to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 1 of Table 1 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and what requests apply to the carriage of such goods by passengers; and
- (b) crew members, passenger handling staff and security staff used by an AOC holder to deal with the screening of passengers and their baggage, have received training which covers as a minimum, the areas identified in Column 2 of Table 1 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify them and what requirements apply to the carriage of such goods by passengers.

TABLE 1

Area of training	Column 1	Column 2
General philosophy	X	X
Limitation on dangerous goods in air transport		X
Package, marking and labelling	X	X

Area of training	Column 1	Column 2
Dangerous goods in passengers baggage	X	X
Emergency procedures	X	X

Note: 'X' indicates an area to be covered.

(3) An air operator certificate (AOC) holder holding a permanent approval to carry dangerous goods shall ensure that-

- (a) staff who are engaged in the acceptance of dangerous goods have received training and are qualified to carry out their duties which covers as a minimum, the areas identified in Column 1 of Table 2 to a depth sufficient to ensure the staff can take decisions on the acceptance or refusal of dangerous goods offered for carriage by air;
- (b) staff who are engaged in ground handling, storage and loading of dangerous goods have received training to enable them to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 2 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and how to handle and load them;
- (c) staff who are engaged in general cargo handling have received training to enable them to carry out their duties in respect of dangerous goods which covers as a minimum, the areas identified in Column 3 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods, how to identify such goods and how to handle and load them;
- (d) flight crew members have received training which covers as a minimum, the areas identified in Column 4 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods and how they should be carried on an aircraft;
- (e) passenger handling staff and security staff used by the operator who deal with the screening of passengers and their baggage and crew members, other than flight crew members, have received training which covers as a minimum, the areas identified in Column 5 of Table 2 to a depth sufficient to ensure that an awareness is gained of the hazards associated with dangerous goods and the requirements that apply to the carriage of such goods by passengers or more generally, their carriage on an aircraft.

TABLE 2

Areas of training	Column 1	Column 2	Column 3	Column 4	Column 5
General philosophy	X	X	X	X	X
Limitations on dangerous goods in the air transport	X	X		X	X
Classification and list of dangerous goods	X	X		X	

Areas of training	Column 1	Column 2	Column 3	Column 4	Column 5
General packing requirements and packing instruction	X				
Packaging specifications marking	X				
Package marking and labeling	X	X	X	X	X
Documentation from the shipper	X				
Acceptance of dangerous goods, including the use of a checklist	X				
Loading, restrictions on loading and segregation	X	X		X	X
Inspections for damage or leakage and decontamination procedures	X	X			
Provision of	X	X		X	
information to the PIC	X			X	X
Dangerous goods in passengers' baggage	X	X	X	X	X
Emergency procedures	X	X	X	X	X
Note: "X" indicates an area to be covered					

(4) An AOC holder shall ensure that-

- all staff who require dangerous goods training receive recurrent training at intervals of not longer than 2 years;
- the records of dangerous goods training are maintained for all staff trained in accordance with the provisions of this regulation; and
- the staff of the handling agent are trained in accordance with the applicable column of Table 1 or Table 2.

Dangerous goods incident and accident report

86. An air operator certificate holder shall report to the Authority-

- (a) dangerous goods incidents and accidents; and
- (b) undeclared or misdeclared dangerous goods discovered in the cargo or passenger baggage within 72 hours of the incident, accident or discovery unless exceptional circumstances prevent reporting within the time stipulated.

PART VIII
GENERAL

Possession of the licence

87. (1) A holder of a licence, certificate or authorization issued by the Authority shall have it in their physical possession or at the work site when exercising the privileges of that licence, certificate or authorization.

(2) A flight crew of a foreign registered aircraft shall hold a valid licence, certificate or authorization and have it in their physical possession or at the work site when exercising the privileges of that licence, certificate or authorization.

Drugs and alcohol testing and reporting

88. (1) A person who performs any function requiring a licence, rating, qualification or authorization prescribed by these Regulations directly or by contract under the provisions of these Regulations may be tested for drug or alcohol usage.

(2) Where the Authority or any person authorized by the Authority wishes to test a person referred to in sub regulation (1) for the percentage by weight of alcohol in the blood or for the presence of narcotic drugs, marijuana or depressant or stimulant drugs or substances in the body and that person-

- (a) refuses to submit to the test; or
- (b) having submitted to the test, refuses to authorize the release of the test results,

the Authority may suspend or revoke the certificate of the air operator certificate (AOC) holder that employs that person.

(3) In determining whether to suspend or revoke the certificate of the AOC holder, the Authority shall consider all relevant factors, including-

- (a) whether the AOC holder had knowledge of the drug or alcohol use;
- (b) whether the AOC holder encouraged the person to refuse the drug or alcohol test;
- (c) whether the AOC holder dismissed the person who failed or refused the drug tests; or (d) the position that person held with the AOC holder.

(4) The Authority shall require the AOC holder to show cause why that person should not be dismissed from the employment of the AOC holder.

(5) A person who is convicted, whether in or outside Swaziland, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation or importation of narcotic drugs, marijuana or depressant or stimulant drugs or substances, shall be dismissed from the employment of the AOC holder.

(6) The Authority may suspend or revoke the certificate of an AOC holder that refuses to dismiss from its employment a person convicted under sub regulation (5).

Inspection of licences and certificates

89. A person who holds a licence, certificate or authorization required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorized by the Authority.

Change of name

90. (1) A holder of a licence, certificate or authorization issued under these Regulations may apply to change the name on a license or certificate.

(2) The holder shall include with any such request-

(a) The current license or certificate; and

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

(3) The Authority may change the licence, certificate or authorization and issue a replacement.

(4) The Authority shall return to the holder the original documents specified in sub-regulation 2(b) and retain copies and return the replaced licence, certificate or authorization with the appropriate endorsement.

Change of address

91. (1) A holder of a certificate or authorization issued under these Regulations shall notify the Authority of the change in the physical and mailing address and shall do so in the case of-

(a) physical address, at least 14 days in advance; and

(b) mailing address, upon the change.

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

Replacement of documents

92. A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if the documents are lost or destroyed.

Certificate suspension and revocation

93. (1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any certificate, approval, permission, exemption, authorization or other document issued, granted or having effect under these Regulations.

(2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend or vary any certificate, approval, permission, exemption or other document issued or granted under these Regulations.

(3) The Authority may, where it considers it to be in the public interest, prevent any person or aircraft from flying.

(4) A holder or any person having the possession or custody of any certificate, approval, permission, exemption or other documents which has been revoked, suspended or varied under these Regulations shall surrender it to the Authority within 14 days from the date of revocation, suspension or variation.

(5) The breach of any condition subject to which any certificate, approval, permission, exemption or any other document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

Use and retention of documents and records

94. (1) No person shall –

- (a) use any certificate, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended or to which that person is not entitled;
- (b) forge or alter any certificate, approval, permission, exemption or other document issued or required by or under these Regulations;
- (c) lend any certificate, approval, permission, exemption or other document issued or required by or under these Regulations to any other person; or
- (d) make any false representation for the purpose of procuring for that person or any other person the grant, issue, renewal or variation of any certificate, approval, permission or exemption or other document.

(2) During the period for which a record is required under these Regulations to be preserved, no person shall mutilate, alter, render illegible or destroy any records or any entry made in the record, required by or under these Regulations to be maintained or knowingly make or procure or assist in the making of, any false entry in any record or wilfully omit to make a material entry in that record.

(3) A record required to be maintained by or under these Regulations shall be recorded in a permanent and indelible material.

(4) No person shall issue any certificate, document or exemption under these Regulations unless that person is authorized to do so by the Authority.

(5) No person shall issue any certificate of the kind referred to in sub-regulation (4) unless that person is satisfied that all statements in the certificate are correct and that the applicant is qualified to hold that certificate.

Reports of violation

95. (1) A person who knows of a violation of the Civil Aviation Authority Act, or any regulation or order issued under the Act shall report it to the Authority.

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

Enforcement of directions

96. A person who fails to comply with any direction given to that person by the Authority or by any authorized person under any provision of these Regulations shall be deemed for the purposes of these Regulations to have contravened that provision.

Aeronautical user fees

97. (1) The Authority may notify the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document, including the issue of a copy or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by or for the purpose of these Regulations or any orders, notices or proclamations made under the Regulations.

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the provisions of sub-regulation (1), the applicant shall be required, before the application is accepted, to pay the fee so chargeable.

(3) If, after that payment has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused, the Authority shall not refund the payment made.

Application of Regulations to Government and visiting forces etc

98. (1) These Regulations shall apply to aircraft, not being military aircraft, belonging to or exclusively employed in the service of the Government and for the purposes of that application, the department or other authority for the time being responsible for management of the aircraft shall be deemed to be the operator of the aircraft and in the case of an aircraft belonging to the Government, to be the owner of the interest of the Government in the aircraft.

(2) Except as otherwise expressly provided, the naval, military and air force authorities and member of any visiting force and property held or used for the purpose of that force shall be exempt from the provision of these Regulations to the same extent as if the visiting force formed part of the military force of Swaziland.

Extra-territorial application of regulations

99. Except where the context otherwise requires, the provisions of these Regulations-

- (a) in so far as they apply, whether by express reference or otherwise, to aircraft registered in Swaziland, shall apply to that aircraft wherever they may be;
- (b) in so far as they apply, whether by express reference or otherwise, to other aircraft, shall apply to that aircraft when they are within Swaziland;
- (c) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything by any person in or by any of the crew of, any aircraft registered in Swaziland, shall apply to those persons and crew, wherever they may be; and

- (d) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything in relation to any aircraft registered in Swaziland by other persons shall, where such persons are citizens of Swaziland, apply to them wherever they maybe.

PART IX

OFFENCES AND PENALTIES

Contravention of regulations

100. A person who contravenes any provision of these Regulations may have a licence, certificate, approval, authorization, exemption or other document revoked or suspended.

Penalties

101. (1) If any provision of these Regulations, orders, notices or proclamations made under these Regulations is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or the PIC is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed to have contravened that provision unless the operator or PIC proves that the contravention occurred without their consent or connivance and that all due diligence was exercised to prevent the contravention.

(2) A person who contravenes any provision specified as an "A" provision in the Sixth Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding fifty thousand Emalangeni for each offence or to imprisonment for a term not exceeding one year or to both.

(3) A person who contravenes any provision specified as a "B" provision in the Sixth Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding one hundred thousand Emalangeni for each offence or to imprisonment for a term not exceeding three years or to both.

(4) A person who contravenes any provision of these Regulations not being a provision referred to in the Sixth Schedule, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand Emalangeni, and in the case of a second or subsequent conviction for a similar offence to a fine not exceeding two hundred thousand Emalangeni.

PART X

EXEMPTIONS

Requirements for application

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

(2) An application for an exemption shall be submitted at least 60 days in advance of the proposed effective date, to obtain timely review.

(3) A request for an exemption shall contain the applicant's-

(a) name;

(b) physical address and mailing address;

- (c) telephone number;
- (d) fax number if available; and
- (e) email address if available.

(4) The application shall be accompanied by a fee specified by the Authority.

Substance of the request for exemption

103. (1) An application for an exemption shall contain the following-

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (f) a detailed description of the alternative means by which the applicant will ensure a level of safety equivalent to that established by the regulation in question;
- (g) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and

(2) Where the applicant seeks emergency processing, the application shall contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency.

(3) The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply for an exemption in a timely fashion.

REVIEW, PUBLICATION AND ISSUE OR DENIAL OF EXEMPTIONS

Initial review by the Authority

104. (1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 102 and 103.

(2) If the application appears on its face to satisfy the provisions of this regulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application in either the Gazette, aeronautical information circular or at least one local daily newspaper for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of regulations 102 and 103 have not been met, the Authority will notify the applicant and take no further action until the applicant corrects the application and re-files it in accordance with these Regulations.

(4) If the request is for emergency relief, the Authority shall publish the application or the decision of the Authority as soon as possible after processing the application.

Evaluation of the request

105. (1) After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the request to include-

- (a) determination of whether an exemption would be in the public interest;
 - (b) a determination, after a technical evaluation of whether the proposal of the applicant would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the technical resources of the Authority, the Authority may deny the exemption on that basis;
 - (c) a determination of whether a grant of the exemption would contravene the applicable ICAO Standards and Recommended Practices; and
 - (d) a recommendation based on the preceding elements, of whether the request should be granted or denied and of any conditions or limitations that should be part of the exemption.
- (2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.
- (3) The summary referred to in sub-regulation (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.
- (4) If the exemption affects a significant population of the aviation community of Swaziland the Authority shall publish the summary in aeronautical information circular.

PART XI
TRANSITION AND SAVINGS

Transition and savings

106. A valid licence, certificate, permit or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain operational until it expires or is revoked, annulled or replaced.

FIRST SCHEDULE
(Regulations 30 (1) AND 31 (2))

OPERATIONS MANUAL

An operations manual shall include each item set forth below which is applicable to the specific operation, unless otherwise approved by the Authority.

OPERATIONS MANUAL

(A) GENERAL

1.0 INTRODUCTION

- 1.1 Purpose and scope of manuals
- 1.2 A statement that the manual complies with all applicable Authority regulations and requirements and with the terms and conditions of the applicable air operator certificate.
- 1.3 A statement that the manual contains operational instructions that are to be complied with by the relevant personnel in the performance of their duties.
- 1.4 List of manuals comprising operations manual
- 1.5 A list and brief description of the various operations manual parts, their contents, applicability and use.
- 1.6 Manuals to be carried on aircraft
- 1.7 Responsibility for manual content
- 1.9 Responsibility for manual amendment
- 1.10 List of effective pages
- 1.11 Distribution of manuals and amendments

2.0 MANAGEMENT ORGANIZATION

- 2.1 A description of the organisational structure including the general company organisation and operations department organisation. The relationship between the operations department and the other departments of the company. In particular, the subordination and reporting lines of all divisions, departments etc., which pertain to the safety of flight operations, shall be shown.
- 2.2 Director of Operations-duties and responsibility;
- 2.3 Chief Pilot-duties and responsibility;
- 2.4 Director of Maintenance-duties and responsibility;
- 2.5 Quality Manager-duties and responsibility; and
- 2.6 Director of Safety-duties and responsibility.
- 2.7 Flying hours for management personnel
- 2.8 A description of the system for supervision of the operation by the AOC holder shall be listed. This description shall show how the safety of flight operations and the qualifications of personnel involved in all such operations are supervised and monitored. In particular, the procedures related to the following items shall be described:
 - (a) Competence of operations personnel; and
 - (b) Control, analysis and storage of records, flight documents, additional information, and safety related data.

- 2.9 A description of any system for promulgating information which may be of an operational nature but is supplementary to that in the operations manual. The applicability of this information and the responsibilities for its promulgation shall be included
- 2.10 A description of the main aspects of the flight safety programme including:
 - (a) Programmes to achieve and maintain risk awareness by all persons involved in flight operations; and
 - (b) Evaluation of accidents and incidents and the promulgation of related information.
- 2.11 A description of the objectives, procedures and responsibilities necessary to exercise operational control with respect to flight safety.
- 2.12 A description of the quality system adopted.

(B) AIRCRAFT OPERATING INFORMATION

1.0 CREW TO BE CARRIED

- 1.1 Composition of crew
- 1.2 Minimum flight crew
- 1.3 Minimum number of cabin crew
- 1.4 Carriage of navigator
- 1.5 Carriage of flight engineer
- 1.6 Crew licenses
- 1.7 For the flight crew, operation on more than one type rating or variant.

2.0 DUTIES OF FLIGHT CREW AND OTHER CREW MEMBER STAFF

- 2.1 Designation of pilot-in-command
- 2.2 Authority of pilot-in-command
- 2.3 Duties of crew members
- 2.4 Briefing of passengers
- 2.5 Necessity of pilots to remain at controls
- 2.6 Co-pilot handling of the aircraft
- 2.7 Refuelling duties/responsibilities
- 2.8 Loading by flight crew

3.0 DUTIES AND RESPONSIBILITIES OF FLIGHT OPERATIONS OFFICER AND OTHER PERSONNEL

3.1 The general principles of mass and centre of gravity including:

- (a) the policy for using either standard and/or actual masses;
- (b) the method for determining the applicable passenger, baggage and cargo mass;
- (c) the applicable passenger and baggage masses for various types of operations and aircraft type;
- (d) general instruction and information necessary for verification of the various types of mass and balance documentation in use;
- (e) last minute changes procedures; and
- (f) seating policy/procedures.

3.2 A description of the handling procedures to be used when allocating seats and embarking and disembarking passengers and when loading and unloading the aircraft. Further procedures, aimed at achieving safety whilst the aircraft is on the ramp, shall be given. Handling procedures shall include:

- (a) sick passengers and persons with reduced mobility;
- (b) permissible size and weight of hand baggage;
- (c) loading and securing of items in the aircraft;
- (d) special loads and classification of load compartments (i.e, dangerous goods, live animals, etc.);
- (e) positioning of ground equipment;
- (f) operation of aircraft doors;
- (g) safety on the ramp, including fire prevention, blast and suction areas;
- (h) start-up, ramp departure and arrival procedures;
- (i) servicing of aircraft;
- (j) documents and forms;
- (k) multiple occupancy of aircraft seats.

3.3 Procedures to ensure that persons who appear to be intoxicated or who demonstrate by manner or physical indications that they are under the influence of alcohol or drugs, except medical patients under proper care, are refused embarkation.

3.4 A description of the de-icing and anti-icing policy and procedures for aircraft on the ground. These shall include descriptions of the types and effects of icing and other contaminants on aircraft while stationary, during ground movements and during take-off. In addition, a description of the fluid types used shall be given including:

- (a) proprietary or commercial names;
- (b) characteristics;
- (c) effects on aircraft performance;
- (d) precautions during usage.

3.5 Specifications for the operational flight plan

4.0 COCKPIT MANAGEMENT

4.1 Pre-flight action by pilot-in-command

4.2 Departure and approach briefing

4.3 Instructions on the clarification and acceptance of ATC clearances, particularly where terrain clearance is involved

4.4 Procedures covering:

- (a) cabin preparation for flight, inflight requirements and preparation for landing including procedures for securing cabin and galleys.
- (b) procedures to ensure that passengers are seated where, in the event that an emergency evacuation is required; they may best assist and not hinder evacuation from the aircraft;
- (c) procedures to be followed during passenger embarkation and disembarkation; and
- (d) procedures for fuelling with passengers on board, embarking, or disembarking.
- (e) smoking on board.
- (f) use of portable electronic equipment and cellular telephones

4.5 The contents, means and timing of passenger briefing.

4.6 Succession to command.

4.7 Normal duties.

4.8 Flight crew - division of duties and procedures during night and IMC instrument approaches and landing operations.

4.9 Flight crew- procedures to be followed in event of incapacitation. Examples of the types of incapacitation and the means for recognising them shall be included.

4.10 Flight crew - acknowledgement of calls during take-off and landing;

4.11 Flight crew - querying of deviations from flight plan;

4.12 Flight crew - consumption of alcohol, narcotics and drugs;

4.13 Flight crew - wearing of harness for take-off and landing;

- 4.14 Flight crew - simulation of emergencies not permitted when carrying passengers;
- 4.15 Crew members - physiological factors;
- 4.16 Operation of radio in aircraft;
- 4.17 Radio checking procedure;
- 4.18 Altimeter checking procedure;
- 4.19 Operation of flight data recorder.
- 4.20 Procedures for the use of cosmic or solar radiation detection equipment and for recording its readings including actions to be taken in the event that limit values specified in the operations manual are exceeded. In addition, the procedures, including ATC procedures, to be followed in the event that a decision to descend or re-route is taken.
- 4.21 All Weather Operations
- 4.22 Use of the Minimum Equipment List and Configuration Deviation List
- 4.23 Procedures and limitations for:
 - (a) training flights;
 - (b) test flights;
 - (c) delivery flights,
 - (d) ferry flights;
 - (e) demonstration flights; and
 - (f) positioning flights, including the kind of persons who may be carried on such flights.
- 4.24 Rules of the air including the ground/air visual codes for use by survivors, description and use of signal aids;
- 4.25 Emergency evacuation procedures;
- 4.26 Procedures in event of pressurization failure.
- 4.27 Procedure for use of ground-air visual signal code by survivors

5.0 FLIGHT TIME LIMITATIONS

- 5.1 Definitions of:
 - (a) flight time;
 - (b) duty period;
 - (c) flying duty period;

- (d) split duty;
- (e) positioning;
- (f) standby duty;
- (g) rest period;
- (h) time-off;
- (i) day;
- (j) local daylight;
- (k) local time;
- 5.2 Requirement of scheme to regulate flight times;
- 5.3 Maximum duty period - two pilot crew- aeroplane;
- 5.4 Maximum duty period - single pilot crew- aeroplane;
- 5.5 Maximum duty period - two pilot crew- helicopter;
- 5.6 Maximum duty period - single pilot crew- helicopter;
- 5.7 Particular cases:
 - (a) extension of duty period by in-flight relief;
 - (b) split duty;
 - (c) positioning (dead-heading);
 - (d) standby duty;
 - (e) travelling time;
 - (f) pilot-in-command's discretion to extend flying dutyperiod.
- 5.8 Minimum rest periods;
- 5.9 Pilot-in-command's discretion to reduce rest period;
- 5.10 Cumulative duty and flying hours;
 - (a) maximum weekly duty hours;
 - (b) maximum monthly duty hours;
 - (c) maximum monthly flying hours;
 - (d) maximum monthly annual flying hours.
- 5.11 Duty cycles and time-off duty;

- (a) normal duty cycles;
- (b) short breaks away from base;
- (c) time off at base.

- 5.12 Records to be maintained for each crew member.
- 5.13 Scheme for regulation of flight times for cabin crew.
- 5.14 Responsibilities of all crew members.

6.0 ADMINISTRATION

- 6.1 General requirements for AOC;
- 6.2 Application for AOC;
- 6.3 Requirement for air transport licence;
- 6.4 Form of certificate;
- 6.5 Renewal of certificate;
- 6.6 Variation of certificate;
- 6.7 Revocation of certificate;
- 6.8 Exits and break-in markings;
- 6.9 Drunkenness in aircraft;
- 6.10 Smoking in aircraft;
- 6.11 Imperilling safety of aircraft;
- 6.12 Stowaways;
- 6.13 Carriage of livestock;
- 6.14 Carriage of dangerous goods;
- 6.15 Carriage of weapons of war;
- 6.16 Carriage of unauthorized persons;
- 6.17 A description of security policies and procedures for handling and reporting crime on board such as unlawful interference, sabotage, bomb threats, and hijacking.
- 6.18 Security instructions and guidance of a non-confidential nature which shall include the authority and responsibilities of operations personnel.
- 6.19 A description of preventative security measures and training.

(Note: Parts of the security instructions and guidance may be kept confidential.)

- 6.20 Vehicle ferry operations;
- 6.21 Provision of navigation flight plan forms;
- 6.22 Provision of pilot-in-command's brief;
- 6.23 Provision of operations library;
- 6.24 Filing airmiss reports;
- 6.25 Procedures for the handling, notifying and reporting of accidents and occurrences. This section shall include -
 - (a) definitions of accidents and occurrences and the relevant responsibilities of all persons involved;
 - (b) the descriptions of which company departments, Authorities or other institutions have to be notified by which means and in which sequence in case of an accident;
 - (c) special notification requirements in the event of an accident or occurrence when dangerous goods are being carried;
 - (d) a description of the requirements to report specific occurrences and accidents;
 - (e) the forms used for reporting and the procedure for submitting them to the Authority shall also be included; and
 - (f) if the AOC holder develops additional safety related reporting procedures for its own internal use, a description of the applicability and related forms to be used.
- 6.26 Allowable deficiencies;
- 6.27 Use of flight plans;
- 6.28 Use of technical log;
- 6.29 Method of deferring defects approved by the Authority;
- 6.30 Carriage of Authority Inspectors.

7.0 STANDARD AND EMERGENCY CHECKLISTS

- 7.1 Drills and checks to be listed in full in the operative manual;
- 7.2 Checks required prior to take-off;
- 7.3 Checks required prior to landing;
- 7.4 Checking/setting ref;
- 7.5 Check of safety altitude before descent;
- 7.6 Emergency drill-items to be covered;
- 7.7 Checklists for two pilot crews;

- 7.8 Checklist for flight engineers
- 7.9 Checklist for single pilot crews;
- 7.10 *Instruction that checklist must be used;*
- 7.11 Requirement for cabin crew to be issued with individual copies of emergency evacuation duties.
- 7.12 *Instructions on the use of autopilot and auto throttle in IMC*

8.0 FUEL FLIGHT PLANNING AND RECORDS

- 8.1 Flight planning formula;
- 8.2 Island reserve;
- 8.3 Rules for replanning in flight;
- 8.4 Effect on fuel consumption of use of ancillary equipment;
- 8.5 Effect on fuel consumption of engine or system failures;
- 8.6 Fuel consumption records in flight (every hour);
- 8.7 Records of uplift and fuel states;
- 8.8 Retention of fuel records:
 - (a) technical logs; and
 - (b) in-flight records.
- 8.9 Retention of fuel records and navigation logs;
- 8.10 Refuelling with passengers on board - special instructions;
- 8.11 Fumes in aircraft;
- 8.12 Jettisoning fuel - special precaution

(C) AREAS, ROUTES AND AERODROMES

1.0 ROUTE OPERATING INFORMATION

- 1.1 Company policy on:
 - (a) flights on and off airways;
 - (b) nomination of alternate aerodromes (heliports);
 - (c) operation of VFR flights; and
 - (d) cancellation of IFR flight plans.

- 1.2 Details of AOC area of operations;
- 1.3 Details of navigation area restrictions;
- 1.4 Procedure or visual signals on intercept
- 1.5 Details of radio area restrictions;
- 1.6 Definition of public transport;
- 1.7 Flight plan/navigation forms - items to be provided for:
 - (a) to be retained for six months; and
 - (b) Exceptions to the above requirement.
- 1.8 Use of prepared navigational flight plans;
- 1.9 Where relevant Long range and ETOPS procedures
- 1.10 Navigation log forms for use by navigators;
- 1.11 Radio equipment required to be carried;
- 1.12 Operation of radio in aircraft;
- 1.13 Procedure for pilot-in-command observing an accident
- 1.14 Radio failure procedures;
- 1.15 Minimum safe altitudes and methods of determining the MSA;
- 1.16 Procedures for operating above 15000 m (49000ft);
- 1.17 Terrain clearance following loss of engine(s);
- 1.18 Minimum aerodrome facilities for approach and landing
- 1.19 Methods for determining aerodrome operating minima;
- 1.20 Documents to be carried on commercial air transport aircraft;
- 1.21 Details of aircraft library and navigation bag;
- 1.22 Flying staff instructions or notices:
 - (a) operational:
 - (b) technical:
 - (c) administration; and
 - (d) time limit after issue.

- 1.23 Requirement to carry life rafts;
- 1.24 Provision and use of oxygen;
- 1.25 Briefing of passengers in use of oxygen;
- 1.26 Noise abatement procedures;
- 1.27 Allowable deficiencies-guidance to pilots-in-command.
- 1.28 Procedures for operating in, and/or avoiding, and reporting potentially hazardous atmospheric conditions including:
 - (a) thunderstorms;
 - (b) icing conditions;
 - (c) turbulence,
 - (d) windshear;
 - (e) jet stream;
 - (f) volcanic ash clouds;
 - (g) heavy precipitation;
 - (h) sand storms;
 - (i) mountain waves; and
 - (j) significant temperature inversions.
- 1.29 Procedure for familiarization with areas, routes and aerodromes
- 1.30 The following operating restrictions:
 - (a) cold weather operations
 - (b) take-off and landing in turbulence
 - (c) low-level wind shear operations
 - (d) cross-wind operations (including tail wind components)
 - (e) high temperature operations
 - (f) high altitude operations.

2.0 AERODROME OPERATING MINIMA

- 2.1 Operating minima to be included for every airfield used regularly in respect of take-off, landing and visual manoeuvring;
- 2.2 Runways NOT to be used to be clearly indicated;

- 2.3 Conditions for commencing a flight and departure contingency procedures;
- 2.4 Conditions for commencing or continuing an approach;
- 2.5 Stabilized approach procedures and limitations on high rates of descend near the surface
- 2.6 Definitions of:
 - (a) decision height;
 - (b) approach to landing;
 - (c) circling approach procedures; and
 - (d) RVR, etc.
 - (e) stabilized approach
- 2.7 Minima for pilots-in-command with limited experience on type;
- 2.8 Take-off and landing when an RVR is reported;
- 2.9 Take-off and landing when RVR is reported from more than one position on the runway;
- 2.10 Instructions concerning landing in shallow fog;
- 2.11 Alternate for each intended destination to be specified;
- 2.12 General guidance concerning selection of alternate aerodrome;
- 2.13 Guidance concerning selection of 'return' alternate;
- 2.14 Instructions concerning the use of return alternate-weather below landing minima;
- 2.15 Minima for aerodromes without approach aids;
- 2.16 Special minima for non-public transport flights;
- 2.17 Special rules for aircraft with performance category C, D or E;
- 2.18 Calculation of in-flight visibility for manoeuvring;
- 2.19 Relationship between RVR and DH;
- 2.20 Conversion of reported MET visibility to RVR; and
- 2.21 Explanatory material on the decoding of MET forecasts and MET reports relevant to the area of operations, including the interpretation of conditional expressions.
- 3.0 PERFORMANCE DATA**
 - 3.1 Simplified Regulated Take Off Mass (RTOM) or landing mass data;
 - 3.2 Calculation of VNO, VNe, etc;

- 3.3 Calculation of V_1 , V_2 and V_{ref} ;
- 3.4 En-route performance, limitations;
- 3.5 Flights over water;
- 3.6 Effect on performance of take-off procedures at particular aerodromes
- 3.7 Effect of noise abatement requirements;
- 3.8 Abnormal pressurization affecting performance;
- 3.9 Definitions of:
 - (a) landing distance;
 - (b) take-off distance; and
 - (c) emergency distance, etc.
- 3.10 Factors arising from runway surface conditions;
 - (a) water;
 - (b) snow and slush;
 - (c) ice; and
 - (d) grass.
- 3.11 Minimum strip width after snow clearance;
- 3.12 Cross-wind limitations;
- 3.13 Maximum wind velocity - light aircraft;
- 3.14 Airworthiness or flight manual approval for above;
- 3.15 Flight manual performance figures;
- 3.16 Compliance with any special handling instructions NOT specified in Certificate of Airworthiness or Flight Manual;
- 3.17 Ferry flights with one engine inoperative;
- 3.18 Handling techniques - one engine inoperative;
- 3.19 Weather and route limitations; and
- 3.20 Fuel consumption.

4.0 TECHNICAL INFORMATION

- 4.1 Airframe loading particulars;

- 4.2 Simplified description of systems;
- 4.3 System pressures;
- 4.4 Fuel system;
- 4.5 Flying controls, etc;
- 4.6 Airframe limitations:
 - (a) VNO;
 - (b) VNE; and
 - (c) VMO/MMO, etc;
- 4.7 Engine - basic details;
- 4.8 Engine limitations;
- 4.9 Engine handling procedures;
- 4.10 Approved types of:
 - (a) fuel;
 - (b) oil;
 - (c) coolant;
 - (d) hydraulic fluid;
 - (e) water/methanol;
 - (f) anti-icing fluid, etc;
- 4.11 Replenishment of all systems;
- 4.12 Refuelling or de-fuelling;
- 4.13 Operating instructions - all systems;
- 4.14 Electrical;
- 4.15 Hydraulic;
- 4.16 Brakes;
- 4.17 Anti-icing;
- 4.18 Oxygen, etc;
- 4.19 Radio equipment - general description;
- 4.20 Radio equipment - operating instructions;

- 4.21 Operating instructions for:
 - (a) auto-pilot;
 - (b) flight director system;
 - (c) flight recorder; and
 - (d) special navigation equipment, etc.
- 4.22 Pre-flight inspections by crew;
 - (a) inverter failure;
 - (b) flight systems failures, etc;
- 4.24 Aircraft handling techniques:
 - (a) following loss of engine;
 - (b) in turbulence; and
 - (c) on slippery surfaces, etc;
- 4.2.5 Safety precautions (no smoking);
- 4.26 Operation with defective fuel tank;
- 4.27 Method of use of oxygen.

(D) TRAINING

- 1.0 Training Syllabi And Checking Programmes
- 1.1 General Requirements.

Training syllabi and checking programmes for all operations personnel assigned to operational duties in connection with the preparation and/or conduct of a flight shall be developed to meet the respective requirements of the Authority. An AOC holder may not use, nor may any person serve in a required crew member capacity or operational capacity unless that person meets the training and currency requirements established by the Authority for that respective position.

1.2 Flight Crew.

The training syllabi and checking programmes for flight crew members shall include:

- (a) a written training programme acceptable to the Authority that provides for initial, transition, difference, and recurrent training, as appropriate, for cockpit crew members for each type of aircraft flown by that crew member. This written training programme shall include both normal and emergency procedures training applicable for each type of aircraft flown by the crew member.
- 4.23 Abnormal drills;

- (b) adequate ground and flight training facilities and properly qualified instructors required to meet training objectives and needs.
- (c) a current list of approved training materials, equipment, training devices, simulators, and other required training items needed to meet the training needs for each type and variation of aircraft flown by the AOC holder.
- (d) adequate numbers of ground, flight, and check pilots to ensure adequate training and flight testing of flight crew members.
- (e) a record system acceptable to the Authority to show compliance with appropriate training and currency requirements.

1.3 Cabin Crew.

The training syllabi and checking programmes for cabin crew members shall include:

- (a) basic initial ground training covering duties and responsibilities.
- (b) appropriate Authority rules and regulations.
- (c) appropriate portions of the AOC holder's operating manual.
- (d) appropriate emergency training as required by the Authority and the AOC holder's operating manual.
- (e) appropriate flight training.
- (f) appropriate recurrent, upgrade, or difference training, as required, to maintain currency in both type and any variance the crew member may be required to work in.
- (g) maintain a training record system acceptable to the Authority to show compliance with all required training.

1.4 All Aircraft Crew.

A written training programme shall be developed for all aircraft crew members in the emergency procedures appropriate to each make and model of aircraft flown in by the crew member. Areas shall include:

- (a) instruction in emergency procedures, assignments, and crew co-ordination.
- (b) individual instruction in the use of onboard emergency equipment such as fire extinguishers, emergency breathing equipment, first aid equipment and its proper use, emergency exits and evacuation slides, and the aircraft's oxygen system including the use of portable emergency oxygen bottles. Cockpit crew members shall also practice using their emergency equipment designed to protect them in case of a cockpit fire or smoke.
- (c) training shall also include instruction in potential emergencies such as rapid decompression, ditching, fire fighting, aircraft evacuation, medical emergencies, hijacking, and disruptive passengers.
- (d) scheduled recurrent training to meet Authority requirements.

1.5 All Operations Personnel.

The training syllabi and checking programmes for all operations personnel shall include:

- (a) training in the safe transportation and recognition of all dangerous goods permitted by the Authority to be shipped by air. Training shall include the proper packaging, marking, labelling, and documentation of dangerous articles and magnetised materials.
- (b) all appropriate security training required by the Authority.
- (c) a method of providing any required notification of an accident or incident involving dangerous good.

1.6 Operations Personnel Other Than Aircraft Crew.

Operations personnel other than aircraft crew (e.g., flight operations officer, handling personnel etc.), a written training programme shall be developed that pertains to their respective duties. The training programme shall provide for initial, recurrent, and any required upgrade training.

PROCEDURES FOR TRAINING ND CHECKING

2.1 Proficiency Checking Procedure

Procedures to be applied in the event that personnel do not achieve or maintain the required standards.

2.2 Procedures Involving the Simulation of Abnormal or Emergency Situations.

Procedures to ensure that abnormal or emergency situations requiring the application of part or all of abnormal or emergency procedures, and simulation of IMC by artificial means, are not simulated during commercial air transportation flights.

3.0 Document Retention

3.1 Documentation to Be Stored and Storage Periods

An AOC holder shall retain all documentation required by appropriate Authority or the Authority of a foreign country in which the AOC holder is operating for the time specified by the respective Authority or for the time period needed to show compliance with appropriate regulations or this operations manual, whichever is longer.

SECOND SCHEDULE

Regulation 36(3)

AIRCRAFT OPERATING MANUAL

1.0 General Information and Units of Measurement

- 1.1 General Information (e.g. aircraft dimensions), including a description of the units of measurement used for the operation of the aircraft type concerned and conversion tables.

2.0 Limitations

2.1 Certification and Operational Limitations

A description of the certified limitations and the applicable operational limitations including:

- (a) certification status;
- (b) an approved-passenger seating configuration for each aircraft type including a pictorial presentation;
- (c) types of operation that are approved (e.g. IFR/VFR, CAT II/III, flights in known icing conditions etc.);
- (d) crew composition;
- (e) operating within mass and centre of gravity limitations;
- (f) speed limitations;
- (g) flight envelopes;
- (h) wind limits including operations on contaminated runways;
- (i) performance limitations for applicable configurations;
- (j) runway slope;
- (k) limitations on wet or contaminated runways;
- (l) airframe contamination; and
- (m) post landing

OPERATING PROCEDURES

3.1 Normal Procedures

The normal procedures and duties assigned to the crew, the appropriate checklists, the system for use of the checklists and a statement covering the necessary co-ordination procedures between flight and cabin crew. The following normal procedures and duties shall be included:

- (a) pre-flight;
- (b) pre-departure and loading;
- (c) altimeter setting and checking;
- (d) taxi, Take-Off and Climb;
- (e) noise abatement;
- (f) cruise and descent;

- (g) approach, landing preparation and briefing;
- (h) VFR approach;
- (i) instrument approach;
- (j) visual approach and circling;
- (k) missed approach;
- (l) normal landing;
- (m) post landing; and
- (n) operation on wet and contaminated runways.

3.2 Specific Cockpit Procedures

- (a) determining airworthiness of aircraft
- (b) obtaining flight release
- (c) initial cockpit preparation
- (d) standard operating procedures
- (e) cockpit discipline
- (f) standard call-outs
- (g) communications
- (h) flight safety
- (i) push-back and towing procedures
- (j) taxi guidelines and ramp signals
- (k) take-off and climb out procedures
- (l) choice of runway
- (m) take-off in limited visibility
- (n) take-off in adverse weather
- (o) use and limitations of weather radar
- (p) use of landing lights
- (q) monitoring of flight instruments
- (r) power settings for take-off
- (s) malfunctions during take-off

- (t) rejected take-off decision
- (u) climb, best angle, best rate
- (v) sterile cockpit procedures
- (w) en route and holding procedures
- (x) cruise control
- (y) navigation log book
- (z) descent, approach and landing procedures
 - (aa) standard call-outs
 - (bb) reporting maintenance problems
 - (cc) how to obtain maintenance and service en route

3.3 Abnormal and Emergency Procedures

The manual shall contain a listing of abnormal and emergency procedures assigned to crew members with appropriate check-lists that include a system for use of the check-lists and a statement covering the necessary co-ordination procedures between flight and cabin crew.

The following abnormal and emergency procedures and duties shall be included:

- (a) crew incapacitation;
- (b) fire and smoke drills;
- (c) unpressurised and partially pressurised flight;
- (d) exceeding structural limits such as overweight landing;
- (e) exceeding cosmic radiation limits;
- (f) lightning strikes
- (g) distress communications and alerting ATC to emergencies;
- (h) engine failure;
- (i) system failures;
- (j) guidance for diversion in case of serious technical failure;
- (k) ground proximity warning;
- (l) TCAS warning;
- (m) windshear; and
- (n) emergency landing/ditching.

(o) aircraft evacuation

(p) fuel Jettisoning and Overweight Landing:

- * General considerations and policy
- * Fuel jettisoning procedures and precautions

(q) emergency Procedures:

- * Emergency decent
- * Low fuel
- * Dangerous goods incident or accident

(r) interception procedures

(s) emergency signal for cabin attendants

(t) communication Procedures

(u) radio listening watch

4.0 Performance Data

4.1 Performance data shall be provided in a form in which it can be used without difficulty.

4.2 Performance material which provides the necessary data to allow the flight crew to comply with the approved aircraft flight manual performance requirements shall be included to allow the determination of-

- (a) take-off climb limits - Mass, Altitude, Temperature;
- (b) take-off field length (dry, wet, contaminated);
- (c) net flight path data for obstacle clearance calculation or, where applicable, take-off flight path;
- (d) the gradient losses for banked climb outs;
- (e) en route climb limits;
- (f) approach climb limits;
- (g) landing climb limits;
- (h) landing field length (dry, wet, contaminated) including the effects of an inflight failure of a system or device, if it affects the landing distance;
- (i) brake energy limits; and
- (j) speeds applicable for the various flight stages (also considering wet or contaminated runways).

4.3 Supplementary Performance Data

Supplementary data covering flights in icing conditions. Any certified performance related to an allowable configuration, or configuration deviation, such as anti-skid inoperative, shall be included.

4.4 Other Acceptable Performance Data

If performance data, as required for the appropriate performance class, is not available in the approved AFM, then other data acceptable to the Authority shall be included. Alternatively, the operations manual may contain cross-reference to the approved data contained in the AFM where such data is not likely to be used often or in an emergency.

4.5 Additional Performance Data.

Additional performance data where applicable including:

- (a) all engine climb gradients;
- (b) drift-down data;
- (c) effect of de-icing/anti-icing fluids;
- (d) flight with landing gear down;
- (e) for aircraft with three or more engines, one engine inoperative ferry flights; and
- (f) flights conducted under the provisions of a configuration deviation list (CDL).

5.0 Flight Planning

5.1 Flight Planning Data

Data and instructions necessary for pre-flight and in-flight planning including factors such as speed schedules and power settings. Where applicable, procedures for engine(s) out operations, ETOPS and flights to isolated airports shall be included.

5.2 Fuel Calculations

The method for calculating fuel needed for the various stages of flight.

6.0 Mass and Balance.

6.1 Calculating Mass and Balance

Instructions and data for the calculation of mass and balance including:

- (a) calculation system (e.g. Index system);
- (b) information and instructions for completion of mass and balance documentation, including manual and computer generated types;
- (c) limiting mass and centre of gravity of the various versions;
- (d) dry operating mass and corresponding centre of gravity or index

7.0 Loading.

7.1 Loading Procedures

Procedures and provisions for loading and securing the load in the aircraft.

7.2 Loading Dangerous Goods

The operations manual shall contain a method to notify the PIC when dangerous goods are loaded in the aircraft.

8.0 Survival and Emergency Equipment Including Oxygen

8.1 List of Survival Equipment to be Carried

A list of the survival equipment to be carried for the routes to be flown and the procedures for checking the serviceability of this equipment prior to take-off. Instructions regarding the location, accessibility and use of survival and emergency equipment and its associated check list(s) shall also be included.

8.2 Oxygen Usage

The procedure for determining the amount of oxygen required and the quantity that is available. The flight profile, number of occupants and possible cabin decompression shall be considered. The information provided shall be in a form in which it can be used without difficulty.

8.3 Emergency Equipment Usage

A description of the proper use of the following emergency equipment:

- (a) life jackets
- (b) life rafts
- (c) medical kits/first aid kits
- (d) survival kits
- (e) emergency locator transmitter (ELT)
- (f) visual signalling devices
- (g) evacuation slides
- (h) emergency lighting

9.0 Emergency Evacuation Procedures

9.1 Instructions for Emergency Evacuation

Instructions for preparation for emergency evacuation including, crew co-ordination and emergency station assignment.

9.2 Emergency Evacuation Procedures

A description of the duties of all members of the crew for the rapid evacuation of an aircraft and the handling of the passengers in the event of a forced landing, ditching or other emergency.

10.0 Aircraft Systems.

10.1 Aircraft Systems

A description of the aircraft systems, related controls and indications and operating instructions.

11.0 Route and Airport Instructions and Information (optional for this manual)

11.1 Instructions and Information

Instructions and information relating to communications, navigation and airports including minimum flight levels and altitudes for each route to be flown and operating minima for each airport planned to be used, including:

- (a) minimum flight level/altitude;
- (b) operating minima for departure, destination and alternate airports;
- (c) communication facilities and navigation aids;
- (d) runway data and airport facilities;
- (e) approach, missed approach and departure procedures including noise abatement procedures;
- (f) communications-failure procedures;
- (g) search and rescue facilities in the area over which the aircraft is to be flown;
- (h) a description of the aeronautical charts that shall be carried on board in relation to the type of flight and the route to be flown, including the method to check their validity;
- (i) availability of aeronautical information and MET services;
- (j) en route COM/NAV procedures, including holding;
- (k) airport categorisation for flight crew competence qualification.

THIRD SCHEDULE

Regulation 43(3)

CABIN CREW MEMBER MANUAL

1.0 General

1.1 Manual record of revision sheet and effective list of pages

- 1.2 How to use the manual
- 1.3 Where to obtain revisions
- 1.4 How to revise the manual
- 1.5 Cabin crew members' responsibilities regarding the manual
- 2.0 Organization
- 2.1 Duties and responsibilities of each airline employee
- 2.2 Focal points for all company procedural and training manuals
- 3.0 Government Regulations and Requirements and Related Company Policies
- 3.1 Routine/normal operating procedures
- 4.0 *Passenger Handling*
- 4.1 Handicapped and disabled passenger
- 4.2 Interference
- 4.3 Current security procedures
- 4.4 Carriage of assist animals versus carriage of pets (company policy)
- 5.0 General Emergency Procedures
- 5.1 Decompression
- 5.2 Procedures for planned and unplanned evacuation on land and in water
 - (a) cabin preparation
 - (b) securing of cabin and galley
 - (c) review of passenger safety procedures and survival equipment
 - (d) brace positions
 - (e) able-bodied passenger briefing and procedures
- 5.3 Brace Positions for Passengers and Crew
 - (a) forward and aft seats
 - (b) high and low density seating
- 5.4 Abnormal Procedures
 - (a) engine torching
 - (b) passenger initiation of evacuation

(c) passenger reporting of unsafe conditions of aircraft or other passengers

5.5 Turbulence

6.0 First Aid

6.1 Illness and Injuries

6.2 Symptoms

6.3 Immediate Treatment

6.4 Universal Precautions

6.5 Bloodborne Pathogens

6.6 Use of Medical Equipment and First Aid Equipment

7.0 Aircraft Specific Sections

(This should include one section for each type of aircraft to include differences within the same type of aircraft).

7.1 Description of Particular Aircraft from Nose to Tail

(a) description

(b) operation

(c) pre-flight of all equipment, including passenger convenience item through emergency equipment, stowage areas and placarding.

7.2 Reporting Procedures of Inoperative Equipment and Emergencies Procedures Specific to Each Aircraft Type

8.0 International Rules/Regulations/Paperwork

FOURTH SCHEDULE
Regulation 54(2)

FLIGHT SAFETY DOCUMENTS SYSTEM

1. INTRODUCTION

1.1 The guidelines in this Schedule address the major aspects of an operator's flight safety documents system development process, with the aim of ensuring compliance with these Regulations.

1.2 The guidelines are based not only upon scientific research, but also upon current best industry practices, with an emphasis on a high degree of operational relevance.

2. Organization

- 2.1 A flight safety documents system shall be organized according to criteria, which ensure easy access to information, required for flight and ground operations contained in the various operational documents comprising the system and which facilitate management of the distribution and revision of operational documents.
- 2.2 Information contained in a flight safety documents system shall be grouped according to the importance and use of the information, as follows:
- (a) time critical information, e.g., information that can jeopardize the safety of the operation if not immediately available;
 - (b) time sensitive information, e.g., information that can affect the level of safety or delay the operation if not available in a short time period;
 - (c) frequently used information;
 - (d) reference information, e.g., information that is required for the operation but does not fall under b) or c) above; and
 - (e) information that can be grouped based on the phase of operation in which it is used.
- 2.3 Time critical information shall be placed early and prominently in the flight safety documents system.
- 2.4 Time critical information, time sensitive information, and frequently used information shall be placed in cards and quick-reference guides.

3.0 Validation

A flight safety documents system shall be validated before deployment, under realistic conditions. Validation shall involve the critical aspects of the information use, in order to verify its effectiveness. Interactions among all groups that can occur during operations shall also be included in the validation process.

4.0 Design

- 4.1 A flight safety documents system shall maintain consistency in terminology and in the use of standard terms for common items and actions.
- 4.2 Operational documents shall include a glossary of terms, acronyms and their standard definition, updated on a regular basis to ensure access to the most recent terminology. All significant terms, acronyms and abbreviations included in the flight documents system shall be defined.
- 4.3 A flight safety documents system shall ensure standardization across document types, including writing style, terminology, use of graphics and symbols, and formatting across documents. This includes a consistent location of specific types of information, consistent use of units of measurement and consistent use of codes.
- 4.4 A flight safety documents system shall include a master index to locate, in a timely manner, information included in more than one operational document.

Note.- The master index must be placed in the front of each document and consist of no more than three levels of indexing. Pages containing abnormal and emergency information must be tabbed for direct access.

4.5 A flight safety documents system shall comply with the requirements of the operator's quality system, if applicable.

5. Deployment

Operators shall monitor deployment of the flight safety documents system, to ensure appropriate and realistic use of the documents, based on the characteristics of the operational environment and in a way which is both operationally relevant and beneficial to operational personnel. This monitoring shall include a formal feedback system for obtaining input from operational personnel.

6. Amendment

6.1 Operators shall develop an information gathering, review, distribution and revision control system to process information and data obtained from all sources relevant to the type of operation conducted, including, but not limited to, the State of the Operator, State of design, State of Registry, manufacturers and equipment vendors.

Note. - Manufacturers provide information for the operation of specific aircraft that emphasizes the aircraft systems and procedures under conditions that may not fully match the requirements of operators. Operators shall ensure that such information meets their specific needs and those of the local authority.

6.2 Operators shall develop an information gathering, review and distribution system to process information resulting from changes that originate within the operator, including:

- (a) changes resulting from the installation of new equipment;
- (b) changes in response to operating experience;
- (c) changes in an operator's policies and procedures;
- (d) changes in an operator certificate; and
- (e) changes for purposes of maintaining cross fleet standardization.

Note.- Operators shall ensure shall ensure that crew coordination philosophy, policies and procedures are specific to their operation.

6.3 A flight safety documents system shall be reviewed:

- (a) on a regular basis (at least once a year);
- (b) after major events (mergers, acquisitions, rapid growth, downsizing, etc.);
- (c) after technology changes (introduction of new equipment); and
- (d) after changes in safety regulations.

6.4 Operators shall develop methods of communicating new information. The specific methods shall be responsive to the degree of communication urgency.

Note: -As frequent changes diminish the importance of new or modified procedures, it is desirable to minimize changes to the flight safety documents system.

- 6.5 New information shall be reviewed and validated considering its effects on the entire flight safety documents system.
- 6.6 The method of communicating new information shall be complemented by a tracking system to ensure currency by operational personnel. The tracking system shall include a procedure to verify that operational personnel have the most recent updates.

FIFTH SCHEDULE

Regulation 58 (4)

MAINTENANCE CONTROL MANUAL

1. Each AOC applicant and AOC holder shall submit and maintain a maintenance control manual containing at least the information set forth below.
2. The manual may be put together in any subject order and subjects combined so long as all applicable subjects are covered.

1.0 Administration and Control of the Maintenance Control Manual

1.1 Introduction

- (a) a statement that the manual complies with all applicable Authority regulations and requirements and with the terms and conditions of the applicable Air Operator Certificate.
- (b) a statement that the manual contains maintenance and operational instructions that are to be complied with by the relevant personnel in the performance of their duties.
- (c) a list and brief description of the various Maintenance Control Manual parts, their contents, applicability and use.
- (d) explanations and definitions of terms and words used in the manual.

1.2 System of Amendment and Revision

- (a) a Maintenance Control Manual shall describe who is responsible for the issuance and insertion of amendments and revisions.
- (b) a record of amendments and revisions with insertion dates and effective dates is required.
- (c) a statement that hand-written amendments and revisions are not permitted except in situations requiring immediate amendment or revision in the interest of safety.
- (d) a description of the system for the annotation of pages and their effective dates.
- (e) a list of effective pages and their effective dates.
- (f) annotation of changes (on text pages and as practicable, on charts and diagrams).
- (g) a system for recording temporary revisions.

- (h) a description of the distribution system for the manuals, amendments and revisions.
- (i) a statement of who is responsible for notifying the Authority of proposed changes and working with the Authority on changes requiring Authority approval.

2.0 General Organisation

2.1 Corporate commitment by the AOC

2.2 General information:

- (a) brief description of organization
- (b) relationship with other organizations
- (c) fleet composition - Type of operation
- (d) line station locations

2.3 Maintenance management personnel:

- (a) Accountable Manager
- (b) nominated Post holder
- (c) maintenance co-ordination
- (d) duties and responsibilities
- (e) organization chart(s)
- (f) manpower resources and training policy

2.4 Notification procedure to the Authority regarding changes to the maintenance arrangements locations, personnel, activities or approval.

3.0 Maintenance Procedures

3.1 Aircraft logbook utilization and MEL application

3.2 Aircraft maintenance programme-development and amendment.

3.3 Time and maintenance records, responsibilities, retention

3.4 Accomplishment and control of mandatory continued airworthiness information (Airworthiness Directives)

3.5 Analysis of the effectiveness of the maintenance programme

3.6 Non-mandatory modification embodiment policy

3.7 Major modification standards

3.8 Defect reports

- (a) analysis
- (b) liaison with manufacturers and Regulatory Authorities
- (c) deferred defect policy

3.9 Engineering activity

3.10 Reliability programmes

- (a) airframe
- (b) propulsion
- (c) components

3.11 Pre-flight inspection

- (a) preparation of aircraft for flight
- (b) sub-contracted Ground Handling functions
- (c) security of Cargo and Baggage loading
- (d) control of refuelling, Quantity/Quality
- (e) control of snow, ice, dust and sand contamination to an approved aviation standard.

3.12 Aircraft weighing

3.13 Flight test procedures

3.14 Sample of documents, tags and forms used

3.15 Appropriate portions of the AOC holder's operations manual

SIXTH SCHEDULE

(Regulation 101)

PENALTIES

REG NO.	TITLE	PART
4	Compliance with an air operator certificate	B
9	Amendment of an air operator certificate	A
10	Access for inspection	A
11	Conducting tests and inspections	A
17	Submission and revision of policy and procedure manuals	A
18	Retention of maintenance personnel and other records	A

REG NO.	TITLE	PART
19	Inspection of personnel and other records	A
20	Flight recorders records	A
22	Authorized aircraft	B
23	Dry leasing of foreign registered aircraft	A
35	Required cabin crew members	A
36	Carriage of special situation passengers	A
52	Routes and areas of operation	A
53	Enroute navigational facilities	A
56	Maintenance responsibility	A
57	Approval and acceptance of AOC maintenance systems	A
64	Release to service or maintenance section records of the technical log	A
66	Aircraft maintenance programme	A
73	Approval to transport dangerous goods	B
74	Compliance with technical instructions	A
75	Limitation on the transport of dangerous goods	A
76	Classification of dangerous goods	A
77	Packing	A
78	Labelling and marking	A
79	Dangerous goods transport document	A
80	Acceptance of dangerous goods	A
81	Inspection for damage, leakage or contamination	A
82	Removal of contamination	A
83	Loading restrictions	A
84	Provision of information	A
86	Dangerous goods incident and accident report	A
87	Possession of the licence	A

REG NO.	TITLE	PART
88	Drug and alcohol testing and reporting	A
89	Inspection of licences and certificates	A
94	Use and retention of certificates	B

N. DLAMINI

MINISTER OF PUBLIC WORKS AND TRANSPORT

LEGAL NOTICE NO. 109 OF 2011

CIVIL AVIATION AUTHORITY ACT, 2009
(Act No. 10 of 2009)

CIVIL AVIATION AUTHORITY (SECURITY) REGULATIONS, 2011
(Under Section 104)

ARRANGEMENT OF REGULATIONS

PART I
PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Non-application

PART II
CIVIL AVIATION SECURITY AND REGULATORY DIVISION

4. Functions of the Civil Aviation Security Regulatory Division
5. Power to access and inspect airport, aircraft and premises
6. Authorised persons

PART III
AVIATION SECURITY PROGRAMMES

7. National civil aviation security programme
8. Aerodrome security programme
9. Prohibition of operation of air transport service without approved operator's security programme
10. Submission of proposed operator security programme
11. Approval or refusal of security programme
12. Direction to vary security programme
13. Review of security programme by operator
14. Review of security programme by Director-General
15. Prohibition of operation of air transport service without approved operator security programme
16. Regulated Agent Security Programme
17. Catering Operator Security Programme

18. Aviation security responsibilities of catering operators
19. Regulated Agents
20. Application for approval of security programme
21. Approval of security programme

PART IV
COMMITTEES

22. Establishment of National Civil Aviation Security Committee
23. Constitution of committee
24. Term of office and quorum
25. Functions
26. Meetings and procedure of committee
27. Minister may give committee policy directions
28. Establishment of airport security committees
29. Constitution of committee
30. Term of office
31. Quorum of committee
32. Director-General may give committee policy directions

PART V
SECURITY SERVICE

33. Aviation Security Service
34. Functions of the Aviation Security Service
35. Restricted areas
36. Powers of aviation security inspectors and officers

PART VI
IDENTIFICATION CARDS AND VEHICLE PASSES

37. Entry into restricted areas prohibited
38. Application for identification cards and vehicle passes
39. Issue of identification cards and vehicle passes
40. Form of identification cards and vehicle passes

41. Register of identification cards and vehicles passes
42. Identification cards and vehicle passes to be property of Authority
43. Recall and cancellation of identification cards and vehicle passes
44. Return of identification cards and vehicle passes
45. Examination of identification card by aviation security officers
46. Failure to produce identification card
47. Issue of duplicate identification cards or vehicle passes
48. Display of vehicle passes
49. Occupants of vehicle to comply with regulations
50. Transfer of vehicle passes prohibited
51. Vehicles not to cause interference
52. Inspection of vehicles
53. Exemptions

PART VII OFFENCES

54. Offences
55. Offences committed at airports
56. Disturbing good order and discipline on board aircraft

PART VIII DANGEROUS ARTICLES

57. Interpretation
58. Application of Part to certain dangerous articles
59. Carriage of articles prohibited
60. Presumptions
61. Carriage of firearms prohibited
62. Application to carry firearms on board an air transport service
63. Approval by Director General
64. Director General to inform operator

65. Safety of firearms carried on board an air transport service

**PART IX
GENERAL**

66. Carriage of persons in custody

67. Carriage of other persons

68. Passenger restraining equipment

69. Director General may require person to vacate premises at aerodrome

70. Wheel clamping and towing away of vehicles

71. Unclaimed vehicles

72. Unclaimed vehicles

73. Fees

**PART X
SAVINGS AND TRANSITIONAL PROVISIONS**

74. Existing operators

75. Existing airport security permits

76. Power of Authority to issue orders, circulars and direct

77. Notification to the Inter Civil Aviation Organisation

First Schedule: Fees

Second Schedule: Forms

Third Schedule: Operator's Security Programme

**PART I
PRELIMINARY**

In exercise of the powers conferred by section 104 of the Civil Aviation Authority Act, 2009, the Minister of Public Works and Transport makes the following regulations-

Citation and commencement

1. These regulations may be cited as the Civil Aviation Authority (Security) Regulations, 2011, and shall come into force on the date of publication in the Gazette.

Interpretation

2. In these regulations, unless the context otherwise requires, words or expressions used in the Act have the same meaning as in these Regulations, and-

“act of unlawful interference” means an act or attempted act to jeopardise the safety of civil aviation and air transport, including –

- (a) unlawful seizure of an aircraft in flight or on the ground;
- (b) hostage taking on board an aircraft or at an airport;
- (c) forcible intrusion on board an aircraft at an airport or on the premises of an aeronautical facility;
- (d) introduction on board an aircraft or at an airport, of a weapon or hazardous device or material intended for criminal purposes;
- (e) unauthorised possession, at an airport, or unauthorised introduction on board an aircraft, of a weapon or hazardous device or material;
- (f) destroying or damaging air navigation facilities or interfering with their operation, if any such act is likely to endanger the safety of aircraft in flight;
- (g) violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft;
- (h) destroying an aircraft in service or causing damage to the aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
- (i) communicating information which is known to be false, thereby endangering the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public at an airport or on the premises of a civil aviation facility;
- (j) unlawfully and intentionally using any device, substance or weapon-
 - (i) to perform an act of violence against a person at an airport which causes or is likely to cause serious injury or death;
 - (ii) to destroy or seriously damage the facilities of an airport or an aircraft not in service located at the airport or disrupting services at an airport, if that act endangers or is likely to endanger safety at that airport;

“aircraft” means an aircraft engaged in civil aviation operations;

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

“airport operator” includes an individual, organisation or enterprise, however designated, for the time being responsible for the administration and operation of an airport;

“airport security permit” means a permit issued under regulation 26;

“airside” means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled;

“authorised person” means a person designated by the Authority under regulation 8 to be an authorised person for the purposes of these Regulations;

“Authority” means the Civil Aviation Authority established by the Civil Aviation Authority Act 2009;

“aviation security officer” means a person employed by the Authority or operator of an airport as an aviation security officer or any other security officer authorised by the Authority;

“background check” means a check of the identity of a person and previous experience, including, where legally permissible, any criminal history as part of the assessment of the suitability of that individual to implement a security control or for that person to have unescorted access to a security restricted area;

“cargo” means any property carried on an aircraft other than mail stores and accompanied or mishandled baggage;

“catering stores” means all items, other than catering supplies, associated with passenger in-flight services, including newspapers, magazines, headphones, audio and video tapes, pillows, blankets and amenity kits;

“catering supplies” means all food, beverages, other dry stores and associated equipment used in air transport;

“certified” means a formal evaluation and confirmation by or on behalf of the Authority that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the Authority;

“civil aviation” includes commercial air transport operations and general aviation operations;

“commercial air transport operations” means aircraft operations involving the transport of passengers, cargo or mail for remuneration or hire;

“disruptive passenger” means a passenger who fails to comply with the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or aircraft crew members;

“general aviation operation” means an aircraft operation other than a commercial air transport operation or an aerial work operation;

“goods” includes cargo and mail;

“landside” means an area of an airport and buildings which can be accessed by members of the public who are not traveling;

“mail” means dispatches of correspondence and other items tendered and intended for delivery to postal services in accordance with the rules of the Universal Postal Union (UPU);

“operator” includes an airport operator, an aircraft operator, a regulated agent and a catering operator;

“prohibited item” means an item prescribed in regulation 38 and which can be used to commit an act of unlawful interference;

“regulated agent” means an agent, freight forwarder or other entity who conducts business with an operator and provides security controls that are accepted or required by the Authority;

“sabotage” means an act or omission, intended to cause malicious or wanton destruction of property, endangering or resulting in unlawful interference with civil aviation and its facilities;

“screening” means the application of technical or other means which are intended to identify or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference;

“security” means safeguarding civil aviation against acts of unlawful interference through a combination of measures and human and material resources;

“security audit” means an in-depth compliance examination of all aspects of the implementation of the civil aviation security programme;

“security control” means the prevention of the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference;

“security inspection” means an examination of the implementation of relevant civil aviation security programme requirements by an airline, airport, or other entity involved in security;

“security restricted area” means airside areas of an airport which are identified as priority risk areas where, in addition to access control, other security controls are applied and includes, inter alia, all passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises;

“security survey” means an evaluation of security needs, including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference and the recommendation of corrective actions;

“security test” means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;

“technical instructions” means the International Civil Aviation Organisation (ICAO) Technical Instructions for the Safe Transportation of Dangerous Goods by Air;

“unidentified baggage” means baggage at an airport, with or without a baggage tag which is not picked by or identified with a passenger, and includes unattended baggage;

“unknown stores” means supplies and stores that have not been subjected to appropriate security controls.

Non-Application

3. These Regulations do not apply to state aircraft, military or police aviation operations.

PART II

CIVIL AVIATION SECURITY AND REGULATORY DIVISION

Functions of the Civil Aviation Security Regulatory Division

4. (1) There shall be a Civil Aviation Security and Regulatory Division in the Authority.

(2) The functions of the Division shall be to-

(a) establish and administer a national aviation security programme;

- (b) establish and administer the civil aviation security quality control programme;
 - (c) establish and administer the national civil aviation security training programme;
 - (d) develop and implement practices and procedures and make regulations to ensure compliance with international and national standards;
 - (e) review and ensure the adequacy of security programmes and associated documentation produced by airports and operators;
 - (f) conduct surveys, inspections, tests and investigations of security standards and operating procedures of airports and operators;
 - (g) inspect or detain any aircraft registered or operating in the Kingdom for the purposes of inspecting and security procedure;
 - (h) inspect any part of any airport in the Kingdom;
 - (i) inspect any aerodrome, facility or land at the airport or outside the airport used by a business that operates on the airport or enter restricted security areas, and subject any property found within these areas to tests;
 - (j) investigate and test the effectiveness of security practices and procedure;
 - (k) require an aircraft operator, airport manager or occupier of land outside the airport used for business purposes connected with the airport to provide information relevant to internal audits, inspections, surveys, tests or investigations;
 - (l) enter on any land or building for the purpose of inspecting an aircraft or aircraft operator or land outside an airport occupied for business purposes connected with the airport or aircraft operator;
 - (m) take into an airport, airside area or into baggage or into any designated security restricted area, and use any equipment necessary to carry out their duties, including for example radios, cameras, audio and video recording devices, authorised weapons or simulated explosive devices for the purpose of inspecting and testing;
 - (n) ask any questions about aviation security to any person they consider may assist them in assessing the standard of security or implementation of security procedures;
 - (o) monitor and enforce the implementation of aviation security measures by airports, aircraft operators, cargo operators, catering services and other entities to ensure compliance with aviation security regulations; and
 - (p) foster and ensure good working relationships, co-operation and exchange of relevant information and experience with other countries.
- (2) The Division shall-
- (a) be responsible for the regulation of civil aviation security;
 - (b) regulate the security operations of airports, aircraft, regulated agents and catering operators to-
 - (i) protect passengers, crew members, airports, and other aviation facilities;

- (ii) prevent unlawful interference against civil aviation; and
- (iii) ensure that appropriate action is taken where an act of unlawful interference occurs or is likely to occur;
- (c) define and allocate tasks and coordinate activities under the Civil Aviation Security Programme between ministries, departments, agencies and other organizations responsible for the various aspects of aviation security.

Power to access and inspect airport, aircraft and premises.

5. The Security Regulatory Division shall have free and unobstructed access at all times to an airport, an aircraft operating from or within Swaziland, and the premises of an operator within Swaziland, for the purpose of inspecting security operations or to carry out security inspections and surveys, safety and security audits and testing functions.

Authorised persons.

6. The Security Regulatory Division may, in writing, designate qualified persons, whether by name or by title of office, to be authorised persons for the purposes of these Regulations and shall state the functions and limits of operation of the authorized persons.

PART III AVIATION SECURITY PROGRAMMES

National civil aviation security programme

7. The Director General shall-

- (a) apply standards and endeavour to apply the recommended practices contained in Annex 17 to the convention on international civil aviation;
- (b) ensure that the measures designed to safeguard against acts of unlawful interference are applied to domestic operations to the extent practicable, based upon a security risk assessment carried out by the appropriate authority;
- (c) ensure that requests from other countries for additional security measures in respect of a specific flight(s) by operators of such other countries are met as far as may be practicable;
- (d) co-operate with other countries in the development and exchange of information concerning national civil aviation security programmes, training programmes and quality control programmes;
- (e) establish and implement procedures to share with other countries threat information that applies to the aviation security interests of those countries, to the extent practicable;
- (f) establish and implement suitable protection and handling procedures for security information shared by other countries, or security information that affects the interests of other countries, in order to ensure that inappropriate use or disclosure of such information is avoided;
- (g) establish and implement a written national civil aviation security programme to safeguard civil aviation operations against acts of unlawful interference, through

regulations, practices and procedures which take into account the safety, regularity and efficiency of flights;

- (h) designate and specify to ICAO an appropriate authority within its administration to be responsible for the development, implementation and maintenance of the national civil aviation security programme;
- (i) keep under constant review the level of threat to civil aviation within the country and establish and implement policies and procedures based upon risk assessment carried out by the appropriate authority;
- (j) define and allocate tasks and coordinate activities between the departments, agencies and other organizations of the State, airport and aircraft operators and other entities concerned with the implementation of the national civil aviation security programme;
- (k) establish a national civil aviation security committee for the purpose of coordinating security activities;
- (l) ensure the development and implementation of the national training programme for personnel of all entities involved in the implementation of the national civil aviation security programme;
- (m) arrange for the supporting resources and facilities required by the aviation security services to be available at each airport serving civil aviation;
- (n) require each airport serving international civil aviation to establish, implement and maintain a written airport security programme appropriate to meet the requirements of the national civil aviation security programme;
- (o) ensure that there is an authority at each airport responsible for coordinating the implementation of security controls;
- (p) ensure that an airport security committee is established at each airport serving international civil aviation;
- (q) ensure that airport design requirements, including architectural and infrastructure-related requirements necessary for the implementation of the security measures in the national civil aviation security programme are integrated in the design and construction of new facilities and alterations of existing facilities;
- (r) ensure that commercial air transport operators providing service from Swaziland have established, implemented and maintained a written operator security programme;
- (s) ensure that the persons implementing security controls are subject to background checks and selection procedures;
- (t) ensure that the persons implementing security controls possess all competencies required to perform their duties and are appropriately trained according to the requirements of the national civil aviation security programme and that appropriate records are maintained;
- (u) ensure that the persons carrying out screening operations are certified according to the requirements of the civil aviation security programme;

- (v) develop, maintain and implement the national civil aviation security quality control programme to determine compliance with and validate the effectiveness of the national civil aviation security programme;
- (w) ensure that the implementation of security measures is regularly subjected to verification of compliance with the national civil aviation security programme;
- (x) arrange for security audits, tests, surveys and inspections to be conducted on a regular basis, to verify compliance with the national civil aviation security programme;
- (y) ensure that the management, setting of priorities and organisation of the national civil aviation security quality control programme shall be undertaken independently from the entities and persons responsible for the implementation of the measures taken under the national civil aviation security programme;
- (z) ensure that the personnel carrying out security audits, tests, surveys and inspections are trained to appropriate standards for these tasks in accordance with the national civil aviation security programme;
 - (aa) ensure that the personnel carrying out security audits, tests, surveys and inspections are afforded the necessary authority to obtain information to carry out these tasks and to enforce corrective actions;
 - (bb) re-evaluates security controls and procedures and takes action to remedy the weaknesses;
 - (cc) establish measures to prevent weapons, explosives or any other dangerous devices, articles or substances, which may be used to commit an act of unlawful interference, the carriage or bearing of which is not authorised, from being introduced on board an aircraft engaged in civil aviation;
 - (dd) ensure that the access to airside areas at airports serving civil aviation is controlled in order to prevent unauthorised entry;
 - (ee) ensure that security restricted areas are established at each airport serving civil aviation;
 - (ff) ensure that identification systems are established in respect of persons and vehicles in order to prevent unauthorised access to airside areas and security restricted areas;
 - (gg) ensure that background checks are conducted on persons other than passengers granted unescorted access to security restricted areas of the airport prior to granting access to security restricted areas;
 - (hh) ensure that the movement of persons and vehicles to and from the aircraft is supervised in security restricted areas in order to prevent unauthorised access to aircraft;
 - (ii) ensure that all persons accessing the airside are security screened;
 - (jj) ensure that aircraft security checks of originating aircraft engaged in commercial air transport movements are performed or an aircraft security search is carried out;

- (kk) ensure that measures are taken to ensure that passengers of commercial flights disembarking from the aircraft at any time do not leave items on board the aircraft;
- (ll) require commercial air transport operators to take appropriate measures to ensure that during flight unauthorised persons are prevented from entering the flight crew compartment;
- (mm) ensure that an originating aircraft is protected from unauthorised interference from the time the aircraft search or check has commenced until the aircraft departs;
- (nn) establish measures to ensure that originating passengers of commercial air transport operations and their cabin baggage are screened prior to boarding an aircraft departing from a security restricted area;
- (oo) ensure that passengers of commercial air transport operations and their cabin baggage are screened prior to boarding an aircraft;
- (pp) ensure that passengers and their cabin baggage, which have been screened, are protected from unauthorised interference from the point of screening until they board their aircraft and where mixing occurs passengers, and their cabin baggage shall be re-screened;
- (qq) establish at an airport, measures for transit operations to protect transit passengers, cabin baggage from unauthorised interference and protect the integrity of the security of the airport of transit;
- (rr) establish measures to ensure that originating hold baggage is screened prior to being loaded into an aircraft engaged in commercial air operations departing from a security restricted area;
- (ss) ensure that all hold baggage to be carried on a commercial aircraft is protected from unauthorised interference from the point it is screened or accepted into the care of the carrier until departure of the aircraft on which it is to be carried;
- (tt) ensure that commercial air transport operators do not transport the baggage of passengers who are not on board the aircraft unless that baggage is identified as unaccompanied and subjected to additional screening;
- (uu) ensure that transfer hold baggage is screened prior to being loaded onto an aircraft engaged in commercial air transport operations;
- (vv) ensure that aircraft of commercial air transport operators only transport items of hold baggage which have been individually identified as accompanied or unaccompanied, screened to the appropriate standard and accepted for carriage on that flight by the air carrier;
- (ww) ensure that security controls are applied to cargo and mail, prior to them being loaded onto an aircraft engaged in passenger commercial air transport operations;

- (xx) ensure that cargo and mail to be carried on a passenger commercial aircraft is protected from unauthorised interference from the point security controls are applied until departure of the aircraft;
- (yy) establish a process of approval of regulated agents involved in implementing security controls;
 - (aaa) ensure that operators do not accept cargo or mail for carriage in an aircraft engaged in passenger air transport operations unless the application of security controls is confirmed and accounted for by a regulated agent, or such consignments are subjected to appropriate security controls;
 - (bbb) ensure that catering stores and supplies intended for carriage on passenger commercial flights are subjected to appropriate security controls and thereafter protected until loaded onto the aircraft;
 - (ccc) develop requirements for the carriage of potentially disruptive passengers who are obliged to travel because they have been the subject of judicial or administrative proceedings;
 - (ddd) ensure that operators providing service include in their security programmes, measures and procedures to ensure safety on board their aircraft when passengers are to be carried who are obliged to travel because they have been the subject of judicial or administrative proceedings;
 - (eee) ensure that the aircraft operator and the pilot-in-command are informed when passengers are obliged to travel because they have been the subject of judicial or administrative proceedings, in order that appropriate security controls can be applied;
 - (fff) ensure that the carriage of weapons on board aircraft by law enforcement officers and other authorised persons, acting in the performance of their duties, is subject to special authorisation;
 - (ggg) consider requests by another country to allow the travel of armed personnel, including in-flight security officers, on board aircraft of operators of the requesting country;
 - (hhh) ensure that the carriage of weapons in other cases is allowed only when an authorised and duly qualified person has determined that they are not loaded, and only if stored in a place inaccessible to any person during flight time;
 - (iii) ensure that in-flight security officers are government personnel who are specially selected and trained;
 - (jii) ensure that the pilot-in-command is notified as to the number of armed persons and their seat location;
 - (kkk) establish measures, when reliable information exists that an aircraft may be subjected to an act of unlawful interference, to safeguard the aircraft notification as possible of the arrival of such aircraft to relevant airport authorities and air traffic services of the countries concerned if the aircraft has already departed;

- (lll) ensure, when reliable information exists that aircraft may be subjected to an act of unlawful interference, that the aircraft is searched for concealed weapons, explosives or other dangerous devices, articles or substances;
- (mmm) ensure that arrangements are made to investigate, render safe and/or dispose of, if necessary, suspected dangerous devices at airports;
- (nnn) ensure that contingency plans are developed and tested on a regular basis and that resources are made available to safeguard civil aviation against acts of unlawful interference;
- (ooo) ensure that authorised and suitably trained personnel are readily available for deployment at airports serving civil aviation to deal with suspected or actual cases of unlawful interference;
- (ppp) take appropriate measures for the safety of passengers and crew of an aircraft, which is subjected to an act of unlawful interference, while the aircraft is still on the ground;
- (qqq) collect all pertinent information on an aircraft subjected to an act of unlawful interference and transmit that information to all other States responsible for the Air Traffic Services units concerned;
- (rrr) provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land as may be necessitated by the circumstances;
- (sss) take measures, as it may find practicable, to ensure that an aircraft subjected to an act of unlawful seizure which has landed in its territory is detained on the ground unless it is necessitated by the overriding duty to protect human life;
- (ttt) ensure that when an aircraft subjected to an act of unlawful interference has landed the country notifies, by the most expeditious means the State of Registry of the aircraft and the State of the Operator, of the landing, and shall similarly transmit by the most expeditious means all other relevant information to-
 - (i) the two above-mentioned States;
 - (ii) each State whose citizens suffered fatalities or injuries;
 - (iii) each State whose citizens were detained as hostages;
 - (iv) each State whose citizens are known to be on board the aircraft; and;
 - (v) the International Civil Aviation Organization (ICAO);
- (uuu) provide ICAO with pertinent information concerning the security aspects of the act of unlawful interference as soon as practicable after the act is resolved; and
- (vvv) establish procedures to implement the above provisions.

Aerodrome security programme

8. (1) The Director-General shall ensure that, through the Aviation Security Policy and Regulatory Division, every designated aerodrome providing a civil aviation service shall establish an aerodrome security programme adequate to the needs of its air traffic.

(2) The airport manager shall be responsible for co-ordinating the implementation of the aerodrome security programme and the contingency plans to safeguard civil aviation against acts of unlawful interference.

Prohibition of operation of air transport service without approved operator's security programme

9. (1) No operator of a public air transport service that operates to, from or within Swaziland shall cause or permit an aircraft used in that service to fly over Swaziland or land or take off from an aerodrome in Swaziland unless an operator's security programme has been approved by the Director-General in relation to that aircraft, any passenger, baggage mail, aircraft supplies or other cargo on board that aircraft.

(2) Detailed requirements of the airport security programme shall be contained in the National Civil Aviation Security Programme.

Submission of proposed operator security programme

10. (1) Every operator of a public air transport service shall submit to the Director-General, for approval, an application for a proposed operator security programme in Form A.S. 1.

(2) A proposed operator security programme referred to in sub-regulation (1) shall specify the practices and procedures to be followed by the operator for the purposes of—

- (a) ensuring that the cockpit doors of an aircraft engaged in civil aviation operations are reinforced and always locked during the flight;
- (b) ensuring that unauthorised persons are prevented from entering the cockpit or the flight deck of an aircraft during the flight;
- (c) preventing the unlawful carriage, whether on a person or in the baggage, mail or other cargo, of any firearm, ammunition, weapon, incendiary device or explosive or other substance or thing that by reason of its nature or condition, may endanger the safety of the aircraft or the persons or property on board the aircraft in an air service conducted by the operator;
- (d) preventing any person from having unlawful access to the aircraft;
- (e) ensuring that all baggage, mail and other cargo to be taken on board an aircraft is accepted for the purpose only by an employee or other duly authorised agent or representative of the operator;
- (f) preventing baggage, mail and other cargo from being taken on board an aircraft except in accordance with specified security procedures;
- (g) protecting the aircraft, persons and property in the event of a threat or warning having been received or when otherwise there is reason to believe that there exists a danger to the safety of those persons or property;
- (h) ensuring-

- (i) that passengers disembarking from any aircraft do not leave items on board the aircraft;
- (ii) in the case of service in Swaziland, that the baggage of passengers who are not on board the aircraft is not transported unless that baggage is subject to other security control measures;
- (iii) that all passengers and their cabin baggage or hand baggage are screened prior to boarding or being loaded in an aircraft;
- (iv) the safe conduct of a flight where one or more persons are allowed to carry a firearm;
- (v) that all aircraft security checks of originating aircraft, whether on domestic or international flights are performed;
- (vi) that aircraft security checks of originating aircraft engaged in commercial air transport movements are performed or an aircraft security search is carried out;
- (vii) that measures are taken to ensure that passengers of commercial flights disembarking from the aircraft at any time do not leave items on board the aircraft;
- (viii) that appropriate measures are taken to ensure that during flight unauthorised persons are prevented from entering the flight crew compartment;
- (ix) that an originating aircraft is protected from unauthorised interference from the time the aircraft search or check has commenced until the aircraft departs;
- (x) that originating passengers of commercial air transport and their cabin baggage are screened prior to boarding an aircraft departing from a security restricted area;
- (xi) that passengers of commercial air transport and their cabin baggage are screened prior to boarding an aircraft; and
- (xii) that passengers and their cabin baggage, which have been screened, are protected from unauthorised interference from the point of screening until they board the aircraft and where mixing occurs, the passengers and their cabin baggage shall be re-screened;
- (xiii) that originating hold baggage is screened prior to being loaded into an aircraft departing from a security restricted area;
- (xiv) that all held baggage to be carried on a commercial aircraft is protected from unauthorised interference from the point it is screened or accepted into the care of the carrier until departure of the aircraft on which it is to be carried;
- (xv) that baggage of passengers who are not on board the aircraft is not transported, unless if that baggage is identified as unaccompanied and subjected to additional screening;
- (xvi) that transfer hold baggage is screened prior to being loaded into an aircraft;

- (xvii) that only items of hold baggage which have been individually identified as accompanied or unaccompanied, and is screened to the appropriate standard and accepted for carriage on that flight by the air carrier is transported;
 - (xviii) that security controls are applied to cargo and mail, prior to them being loaded onto an aircraft;
 - (xix) that cargo and mail to be carried on a passenger commercial aircraft is protected from unauthorised interference from the point security controls are applied until departure of the aircraft; and
 - (xx) that only cargo and mail whose security controls are accounted for by a regulated agent or has been subjected to appropriate security controls, shall be accepted for carriage in an aircraft engaged in passenger air transport operations;
- (i) providing procedures to be followed by flight crews in the event of a hijacking, bomb threats or other acts of unlawful interference; and
 - (j) controlling transfer and transit passengers and their cabin baggage to prevent unauthorised articles from being taken on board an aircraft.

(3) The operator security programme shall as far as possible comply with the International Civil Aviation Organisation's Model Security Programme set out in the Third Schedule.

(4) Every operator who is providing an air transport service immediately before the commencement of these regulations shall within one month of the date of commencement of these regulations, submit an operator security programme to the Director-General in terms of this regulation.

(5) Where an operator security programme is submitted to the Director-General within the period specified in sub-regulation (4), the operator may continue to conduct the services of the operator in all respects as if the programme is approved until it is finally determined.

Approval or refusal of security programme

11. On receipt of a security programme submitted in terms of regulation 10 by an operator, the Director-General shall, by notice in writing, and depending on whether or not the proposed programme meets the requirements of regulation 10, either approve the programme or refuse to approve the programme.

Direction to vary security programme

12. (1) Where the Director-General is of the opinion that a security programme submitted is not adequate or a security programme approved by the Director-General in terms of regulation 11 is no longer adequate for the purposes specified by regulation 10, the Director-General may, by notice in writing to the operator, direct the operator to vary the programme by reference to the practices and procedures to be followed or in such other manner as the Director-General may specify.

(2) An operator shall comply with a directive issued under sub-regulation (1) within 30 days of receiving the directive.

(3) Where an operator fails to comply with a directive given in terms of sub-regulation (1), the Director-General shall, by notice in writing to the operator, refuse to approve the programme or cancel the approval of the programme.

Review of security programme by operator

13. (1) Where a security programme has been approved, the operator shall from time to time review the programme.

(2) In reviewing the programme the operator shall have regard to developments in Swaziland and other countries of the current practices and procedures followed in aviation security.

(3) Where the operator is of the opinion that-

- (a) the security programme of the operator is not adequate for the purposes specified in regulation 10; or
- (b) the efficiency of the security programme in relation to those purposes could be substantially improved,

the operator shall submit to the Director-General for approval, a proposal for an amendment of the security programme as the operator considers appropriate.

(4) On receipt of the proposals submitted in terms of sub-regulation (3), the Director-General, if satisfied that the proposals shall, if implemented, make the programme adequate for the purposes specified in regulation 10 or be a substantial improvement in the efficiency of the programme, by notice in writing to the operator, approve the proposals.

Review of security programme by Director-General

14. The Director-General, through the policy and regulatory division, shall, at intervals of not more than twelve months, review an operator's security programme in order to determine whether the programme continues to be adequate for the purposes specified in regulation 10.

Prohibition of operation of air transport service without approved operator security programme

15. An operator of a public air transport service that operates to, from or within Swaziland shall not cause or permit an aircraft used in that service to-

- (a) fly over Swaziland; or
- (b) land or take off from an aerodrome in Swaziland;

unless an operator security programme has been approved by the Director-General in relation to that aircraft, any passenger, baggage mail, aircraft supplies or other cargo on board that aircraft.

Regulated Agent Security Programme

16. (1) No person shall operate an enterprise or an organization whose purpose is the movement of cargo, mail, baggage or goods by air within or from Swaziland without a Regulated Agent Security Programme approved by the Authority and a certificate issued by the Authority.

(2) A Regulated Agent Security Programme shall contain-

- (a) provisions to meet the requirements of the Civil Aviation Security Programme and these Regulations; and
- (b) provisions to respond to orders, circulars and directives issued by the Authority;

- (c) details of how the regulated agent plans to meet and maintain the requirements set out in the Regulated Agent Security Programme;
- (d) procedures for-
 - (i) ensuring appropriate security control of goods;
 - (ii) ensuring the security of buildings, premises, transport facilities and access control;
 - (iii) recruitment and training of staff involved in the implementation of security controls;
 - (iv) incident reporting;
- (e) any other matter prescribed by the Authority.

(3) A Regulated Agent Security Programme shall be set out in the manner prescribed in the Civil Aviation Security Programme.

Catering Operator Security Programme.

17. (1) No person shall operate an enterprise or an organization whose purpose is the direct provision to commercial air transport of catering supplies and stores within or from Swaziland, without a Catering Operator Security Programme approved by the Authority and a certificate issued by the Authority.

- (2) A Catering Operator Security Programme shall contain-
 - (a) provisions to meet the requirements of the Civil Aviation Security Programme and these Regulations;
 - (b) details of how the catering operator intends to comply with, and maintain the requirements set out in the Catering Operator Security programme;
 - (c) procedures for-
 - (i) ensuring appropriate security control of catering supplies;
 - (ii) ensuring the security of buildings, premises and transport facilities;
 - (iii) recruitment and training of staff involved in the implementation of security controls;
 - (iv) reporting of incidents;
 - (d) any other matter prescribed by the Authority.

Aviation security responsibilities of catering operators

18. (1) A catering operator shall, before accepting supplies and equipment for preparation as catering supplies for transport in an aircraft-

- (a) establish and register the name and address of the supplier of the supplies and equipment;

- (b) establish the credentials of the person who delivers the supplies and equipment as an agent of the supplier of the supplies and equipment;
- (c) ensure, on the basis of appropriate security controls or security screening, that the supplies and equipment do not contain any prohibited items;
- (d) ensure the safeguarding of the supplies and equipment from unauthorised interference after acceptance;
- (e) ensure that the supplies and equipment are received by staff that are properly recruited and trained by the operator;
- (f) designate a person to implement and supervise the screening process;
- (g) ensure that catering stores and supplies are not carried by air unless they have been subjected to screening;
- (h) ensure that each shipment of catering stores and supplies is accompanied by documentation providing the statement of the security status of the shipment;
- (i) ensure that persons engaged to implement security controls are subject to background checks and selection procedures and are capable of fulfilling their duties and are adequately trained; and
- (j) institute and implement adequate security controls, including background checks on persons other than passengers granted unescorted access to a security restricted area.

Regulated Agents

19. (1) A regulated agent shall, before accepting goods for transport in an aircraft-
- (a) establish and register the name and address of the consignor;
 - (b) establish the credentials of the person who delivers the goods as an agent of the consignor;
 - (c) ensure, on the basis of appropriate security controls or security screening, that the goods do not contain any prohibited items;
 - (d) ensure the safeguarding of the goods from unauthorised interference after acceptance;
 - (e) ensure the goods are received by staff that are properly recruited and trained;
 - (f) designate a person to implement and supervise the screening process;
 - (g) ensure that the following categories of goods are not carried by air unless they have been subjected to screening-
 - (i) unaccompanied baggage;
 - (ii) goods from unknown consignors;
 - (iii) goods for which the contents are not consistent with the description delivered; and

- (h) ensure that each shipment of goods is accompanied by documentation providing the statement of the security status of the shipment.

(2) A regulated agent who offers goods to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator and the Authority on demand, shipping documents, records of goods accepted and offered for air transport, employee training records and airway bills.

(3) A regulated agent shall make available to the Authority a report of any irregularities in documents or records relating to goods being offered for air transport.

(4) All cargo and mail intended for carriage on passenger commercial flights shall be subjected to appropriate security controls by aircraft operators and regulated agents before being placed on board an aircraft.

Application for approval of security programme.

20. (1) Where a security programme is required to be approved by the Authority the applicant shall-

- (a) submit the programme to the Authority, and shall ensure that it meets the requirements of the Aviation Security Programme, these Regulations and any other relevant law; and

- (b) pay the fee prescribed by the Authority.

(2) A security programme submitted to the Authority for approval under this regulation shall be in duplicate and signed by the applicant or on behalf of the applicant.

Approval of a security programme.

21. (1) Where the Authority is satisfied that a security programme submitted under regulation 20 meets the requirements of these Regulations, the Civil Aviation Security Programme and any other relevant law, the Authority shall approve the programme within thirty days after receipt.

(2) Where the Authority determines that a security programme submitted under regulation 17 does not meet the requirements of these Regulations, the Civil Aviation Security Programme or relevant law, the Authority shall, within thirty days after receipt of the programme, direct the applicant to modify and re-submit the security programme to the Authority within thirty days after receipt of the programme by the applicant.

(3) The Airport Security Committee shall refer to the Civil Aviation Security Committee any matter relating to aviation security and which is within its functions, which cannot be resolved at the airport level.

**PART IV
COMMITTEES**

Establishment of National Civil Aviation Security Committee

22. There is hereby established a committee to be known as the National Civil Aviation Security Committee.

Constitution of committee

23. (1) The committee shall consist of not less than ten members who shall, subject to subsection (2), be appointed by the Minister.

(2) The committee shall consist of-

- (a) the Director General of the Authority;
- (b) the Principal Secretary of the ministry responsible for aviation matters or a representative of the Principal Secretary;
- (c) the Chairperson of the Air Transport Facilitation Committee;
- (d) the Principal Secretary of the ministry responsible for security or a representative of the Principal Secretary;
- (e) the Principal Secretary of the Ministry responsible for Home Affairs or a representative of the Principal Secretary;
- (f) the Commissioner of the Royal Swaziland Police or a representative of the Commissioner;
- (g) the Head of the Air force in the Umbutfo Swaziland Defence Forces or a representative of the Head;
- (h) the Chief Immigration Officer;
- (i) the Chairperson of the Board of Airline Representatives;
- (j) a representative of the Swaziland Association of Airline Operators;
- (k) the Principal Secretary of the Ministry of Information, Communications and Technology or a representative of the Principal Secretary; and
- (l) the Commissioner-General of the Swaziland Revenue Authority.

Term of office and quorum

24. (1) A member shall hold office for a period not exceeding three years, as the Minister may fix on appointment of that member and shall be eligible for reappointment.

(2) The quorum shall be five members.

Functions

25. The functions of the committee shall be-

- (a) to co-ordinate activities between departments, agencies and other organizations concerned with or responsible for various aspects of the national aviation security programme;
- (b) to advise the Minister on matters relating to aviation security and to recommend and review the effectiveness of security measures and procedures.

Meetings and procedure of committee

26. (1) The committee shall meet once in three months in each calendar year and shall regulate its meetings and procedure as it thinks fit.

(2) Meetings of the committee may be called at the instance of the Chairperson.

(3) The committee shall designate one of its members as vice-chairperson.

(4) The Chairperson, or in the absence of the Chairperson, the vice-chairperson shall preside at all meetings of the committee.

(5) If at a meeting of the committee the chairperson and the vice-chairperson are absent, the members present may elect one of their members to preside.

(6) The committee shall keep or cause to be kept proper records of the proceedings of the committee.

(7) If the chairperson is prevented for any reason, from exercising functions in terms of these regulations, the vice-chairperson shall exercise the functions and perform the duties of the chairperson.

(8) At all meetings of the committee, each member present shall have one vote on a question before the committee and, in the event of an equality of votes, the person presiding shall have, in addition to a deliberative vote, a casting vote.

(9) A resolution of the majority of the members present at a meeting of the committee shall be a resolution of the committee.

(10) A resolution of the committee shall form part of the minutes.

(11) Any member may require the person presiding at a meeting of the committee to direct that the dissent of the member from any resolution passed by the committee and the reasons for such dissent be recorded in the minutes of the meeting at which the resolution was passed.

Minister may give committee policy directions

27. The Minister may give the committee directions as to general matters of policy relating to the exercise by it of its functions as appear to the Minister to be necessary and the committee shall comply with any such directions.

Establishment of airport security committees

28. (1) The Director-General shall establish, at such airport as the Director-General considers appropriate, an airport security committee to advise on the development and co-ordination of the implementation of any aviation security measures and procedures between the various organizations concerned with, or responsible for various aspects of aviation security programmes.

(2) The Airport Security Committee shall-

(a) where possible, consist of members from all agencies engaged in the operation of the airport and which contribute to the establishment and implementation of security measures;

(b) establish-

- (i) storage areas where mishandled baggage may be held after screening until forwarded, claimed or disposed of;
- (ii) bomb disposal areas where detected explosives may be disposed of;
- (iii) person and vehicle identification systems;
- (d) institute and implement adequate security controls, including background checks on persons other than passengers, granted unescorted access to security restricted areas of the airport;
- (e) provide adequate supervision over the movement of persons and vehicles to and from the aircraft in order to prevent unauthorised access to aircraft;
- (f) investigate and dispose of, if necessary, of suspected sabotage devices or other potential hazards at the airport;
- (g) employ and deploy suitably trained personnel to assist in dealing with suspected or actual cases of unlawful interference;
- (h) conduct a full scale security emergency exercise that incorporates security scenarios at least once in every three years;
- (i) conduct a contingency plan exercise at least once in each year.

Constitution of committee

29. The Committee shall consist of not less than ten members of whom one shall be-

- (a) the airport manager who shall be the chairperson; and
- (b) the officer-in-charge of security who shall be secretary.

Term of office

30. A member shall hold office for such period, not exceeding three years, as the Director-General may fix on appointment and shall be eligible for re-appointment.

Quorum of committee

31. The quorum of the committee shall be five members.

Director General may give committee policy directions

32. The Director General may give the committee directions as to general matters of policy relating to the exercise by it of its functions as appear to the Director-General to be necessary and the committee shall comply with any such directions.

PART V SECURITY SERVICE

Aviation Security Service

33. 1) There shall be an Aviation Security Service which shall form part of the Authority.

(2) The Director-General shall be responsible for the Aviation Security Service.

(3) The Director-General shall ensure that the Aviation Security Service provides a standard level of security for the operation of international and national flights.

(4) Members of the Aviation Security Service shall wear a uniform and appropriate identification documents.

Functions of the Aviation Security Service

34. (1) The Aviation Security Service shall be responsible for-

- (a) the prevention of the commission of crimes against civil aviation at all aerodromes and air navigational installations; and
- (b) the protection of persons and property from dangers arising from the commission or attempted commission of such crimes.

(2) The Aviation Security Service shall-

- (a) carry out passenger and baggage screening and undertake searches of passengers, baggage, cargo, aircraft, any building or any area, at an aerodrome or at any air navigation installation, and where it is necessary to search a female passenger, the search shall be conducted by a female aviation security officer and shall be conducted with strict regard to decency;
- (b) carry out aerodrome security patrols and patrols of any air navigation installations;
- (c) review, inquire into and keep itself informed on security techniques, systems, devices, practices and procedures related to the protection of civil aviation and the persons employed in or using it; and
- (d) undertake, or encourage or supervise any experimental or research work as the Director General may consider desirable; and
- (e) control pedestrian and vehicular traffic at any airport or air navigation installation; and
- (f) co-operate with the police, relevant government departments, operators and authorities administering the aviation security services of other countries and with any appropriate international organisations; and
- (g) exercise and perform any functions that may be directed by the Director-General.

Restricted areas

35. (1) Subject to subsection (2), no person other than an aviation security inspector or officer shall enter a restricted area unless authorised by the Director-General in terms of these regulations.

(2) A passenger embarking or disembarking directly through any gateway or thoroughfares provided for that purpose, or being in an arrivals hall, or transit or departure lounge for the purpose of embarking on or disembarking from an aircraft, shall be deemed to be authorized by the Director-General to be in a restricted area forming part of those gateways, arrivals halls, transit or departure lounges, as the case may be.

(3) Any person who is in a restricted area shall, on request by an aviation security inspector or officer, state their name and address, and the purpose of their presence in that area, and produce satisfactory evidence to confirm their identity.

(4) An aviation security inspector or officer may cause the arrest of any person who fails or refuses to give their name and address when requested to do so in terms of subsection (3) or who fails to satisfy the aviation security officer that they are authorized to be in the restricted area.

Powers of aviation security inspectors and officers

36. (1) An aviation security inspector or officer may arrest and detain without warrant any person on or in the vicinity of any aerodrome or any air navigation installation if the inspector or officer has reasonable grounds of believing that an offence has been, is being or is about to be committed by that person against civil aviation.

(2) An aviation security inspector or officer who is on duty may at any time enter any aerodrome or air navigation installation or any aircraft, buildings, vehicle or place or any part of any aerodrome or any air navigation installation for the purpose of carrying out their duties.

(3) Where the police takes command of any situation at any aerodrome or any air navigation installation for any reason, the rights of aviation security inspectors or officers to enter any part of any building, aircraft, or place shall be subject to such limitation as the senior police officer present may specify.

(4) An aviation security inspector or officer shall as soon as possible deliver an arrested person to a member of the police.

(5) A member of the police shall accept delivery of any person who is delivered by an aviation security inspector or officer in terms of sub-regulation (4).

(6) A member of the police who accepts delivery of a person in terms of sub-regulation (5) shall forthwith arrest that person.

(7) Any person who-

- (a) not being an aviation security inspector or security officer, by conduct or demeanour, pretends to be an aviation security inspector or officer, or wears, or assumes the dress, name and designation of an aviation security officer; or
- (b) wilfully obstructs, incites or encourages any person to obstruct an aviation security inspector or officer in the execution of their duties; or
- (c) assaults any aviation security inspector or officer who is engaged in the execution of their her duties; or
- (d) fails to comply with the provisions of these regulations; or
- (e) fails to comply with the provisions of the national civil aviation security programme; or
- (f) fails to comply with the procedures emanating from the national civil aviation security programme;
- (g) fails to take corrective action of a security shortfall;

shall be guilty of an offence.

PART VI IDENTIFICATION CARDS AND VEHICLE PASSES

Entry into restricted areas prohibited

37. (1) No person shall enter or remain in any restricted area or air navigation installation facility unless that person-

- (a) is issued with an identification card by the Director-General in terms of regulation 38 and wears the card on the front of the outer garment; or
- (b) obtains the permission of the Director-General and-
 - (i) has in their possession any other identification document authorized by the Director-General; and
 - (ii) is accompanied by an aviation security officer into the restricted area.

(2) No person shall drive or cause any vehicle to be driven into a restricted area unless-

- (a) the vehicle is issued with a vehicle pass in terms of regulation 39; or
- (b) the vehicle is exempted in terms of regulation 53.

(3) Any person who is authorised by this Part to enter a restricted area shall enter that area for the purpose of carrying out their duties.

Application for identification cards and vehicle passes

38. (1) Any person whose duties require them to be in an aerodrome or any air navigation installation and who wishes to obtain-

- (a) a temporary or a permanent identification card or a duplicate of the card shall apply to the Director-General in Form A.S. 3; or
- (b) a temporary or a permanent identification vehicle pass or a duplicate of the pass shall apply to the Director-General in Form A.S. 4;

and the appropriate fee shall accompany the application, where applicable.

(2) An application for a temporary identification card or a temporary vehicle pass shall be for a card or a pass which is required for a period of less than six months.

(3) On receipt of an application in terms of sub-regulation (1) the Director-General, shall, consider whether-

- (a) the applicant is entitled to be issued with an identification card or a vehicle pass, as the case may be;
- (b) it is necessary for the applicant to have access to all or any of the restricted areas applied for; and

- (c) the applicant is a fit and proper person to hold the card or pass.

Issue of identification cards and vehicle passes

39. If the Director General approves the application submitted in terms of regulation 38, the Director-General shall issue a temporary or a permanent identification card or a vehicle pass, as the case may be, to that person.

Form of identification cards and vehicle passes

40. (1) An identification card issued in terms of regulation 39 shall-

(a) bear-

- (i) the name;
- (ii) the number of the national identity document or a passport issued by or on behalf of the Government of Swaziland;
- (iii) the number, in case of a person accredited to Swaziland as a diplomat or international civil servant, of any passport or identity document issued by a foreign government or a document issued by the Ministry responsible for Foreign Affairs; and photograph of the holder; and

(b) state, by numerical or other code-

- (i) the identification card number and its period of validity; and
- (ii) the areas of any airport or air navigation installation to which the holder may have access.

(2) Where the Director-General considers it necessary that the name of the holder of an identification card should not be disclosed, the Director-General may approve the wearing of an identification card from which the holder's name is omitted.

(3) Every vehicle pass issued in terms of regulation 39 shall state-

- (a) the name and identification card number of the holder of the pass;
- (b) the registration number of the vehicle;
- (c) the period of validity of such pass; and
- (d) the restricted areas to which the vehicle has been granted access.

Register of identification cards and vehicles passes

41. (1) The Director-General shall keep a register of all identification cards and vehicle passes issued in terms of regulation 39 and shall review at regular intervals the eligibility of those persons on the register to continue to hold the cards or passes.

(2) Where an identification card or a vehicle pass is lost and is subsequently found by a person other than the holder, that person shall return the pass forthwith to the Director-General.

Identification cards and vehicle passes to be property of Authority

42. Any identification card or vehicle pass issued in terms of regulation 39 shall be the property of the Authority.

Recall and cancellation of identification cards and vehicle passes

43. The Director-General may, at any time, recall and cancel any identification card or vehicle pass issued in terms of regulation 39 if the Director-General has reason to believe that the person holding that card-

- (a) no longer qualifies to have access to a restricted area;
- (b) has a criminal record; or
- (c) has not complied with any of the conditions subject to which the identification card or vehicle pass was issued.

Return of identification cards and vehicle passes

44. (1) If the holder of an identification card or vehicle pass ceases to be employed in a position for which the card or pass is required, or for any other reason ceases to be entitled to hold the card or pass, the holder shall forthwith return the card or pass to the Director-General.

(2) Where an identification card or vehicle pass is lost and is subsequently found by a person other than the holder, that person shall return the pass or card forthwith to the Director-General.

Examination of identification card by aviation security officers

45. An aviation security inspector or officer may stop any person inside a restricted area and examine the identification card of that person.

Failure to produce identification card

46. Where any person is unable to produce an identification card or offer sufficient reason for not having such card upon their person, the aviation security inspector or officer shall order that person to leave the area forthwith.

Issue of duplicate identification cards or vehicle passes

47. Where any identification card or vehicle pass is lost, defaced or is illegible, the Director-General may issue a duplicate identification card or vehicle pass on payment of the appropriate fee.

Display of vehicle passes

48. The holder of a vehicle pass shall display the pass on the left side of the front windscreen of the vehicle at all times when the vehicle is in a restricted area.

Occupants of vehicle to comply with regulations

49. The display of a vehicle pass shall not exempt the occupants of the vehicle from compliance with these regulations and occupants of a vehicle are supposed to wear identity cards.

Transfer of vehicle passes prohibited

50. No vehicle pass shall be transferable from one vehicle to another.

Vehicles not to cause interference

51. (1) Any vehicle within a restricted area shall be driven and conducted in a manner that does not cause any restriction, hazard or interference to aircraft or to any air navigation installations.

(2) An aviation security officer may, if aware of any vehicle causing any restriction, hazard or interference within a restricted area-

- (a) order the driver of the vehicle to move the vehicle to a place where it no longer causes any restriction, hazard or interference or to remove the vehicle from the restricted area; or
- (b) move or cause the vehicle to be moved to a place where it will not cause any restriction, hazard or interference or to a place outside the restricted area.

(3) The Authority shall not be liable for any damage to a vehicle that is moved or caused to be moved by an aviation security inspector or officer exercising powers in terms of this regulation.

Inspection of vehicles

52. (1) An aviation security officer may require the driver of a vehicle entering or leaving a restricted area to submit the vehicle for inspection.

(2) Any person who fails to comply with a request made in terms of sub-regulation (1) shall be guilty of an offence.

Exemptions

53. (1) No member of a crew of an aircraft in transit through Swaziland shall be required to hold an identification card issued in terms of regulation 39.

(2) A crew member exempt under sub-regulation (1) shall-

- (a) carry and produce sufficient evidence of identity on demand by an aviation security officer;
- (b) enter a restricted area for the purpose of carrying out duties and shall comply with any direction given by an aviation security officer.

(3) The following persons are exempt from the payment of fees for the issue of an identification card-

- (a) members of the Diplomatic Corps accredited to of Swaziland; and
- (b) employees of the Civil Aviation Authority and any other person approved by the Director-General.

(4) The Director-General may exempt any vehicle or class of vehicles from paying the appropriate fee for a vehicle pass.

PART VII
OFFENCES

Offences

54. (1) Any person who-

- (a) enters a restricted area without the permission of the Director-General;
- (b) obtains an identification card or a vehicle pass through fraudulent means;
- (c) wears or displays another person's identification card;
- (d) reproduces or forges an identification card or a vehicle pass issued in terms of regulation 39;
- (e) remains in a restricted area when ordered to leave by an aviation security officer, whether or not that person holds an identification card or a vehicle pass;
- (f) uses an aircraft as a weapon to endanger the safety of passengers, property or any other persons;
- (g) causes or endangers the safety and security of civil aviation; or
- (h) organizes or directs others to commit an offence against civil aviation

commits an offence and shall be liable, on conviction to a fine not exceeding one hundred thousand Emalangeni or to imprisonment for a period not exceeding two years or to both.

(2) Any person whose actions, whether by commission or omission leads to-

- (a) failure by an operator or aerodrome/airport to comply with the provisions of the National Aviation Security Programme; or
- (b) failure by an operator or aerodrome/airport to submit a security programme for approval; or
- (c) failure to control access to airside areas at the airports; or
- (d) failure to establish security restricted areas at airports; or
- (e) failure to conduct background checks on persons, other than passengers granted unescorted access to the security restricted areas of the airport prior to granting access to security restricted area; or
- (f) failure to supervise the movement of persons and vehicles to and from the security areas of an airport in order to prevent unauthorised access to the aircraft; or
- (g) failure to screen all persons accessing the airside; or
- (h) failure to carry out an aircraft security search by an operator; or
- (i) failure by an operator to ensure that passengers of a commercial flight disembarking from the aircraft at any given time do not leave items on board the aircraft; or

- (j) failure to protect an originating aircraft from an unauthorised interference from the time the aircraft search or check has commenced until the aircraft departs; or
- (k) failure to ensure that passengers and their cabin baggage which has been screened are protected from unauthorised interference from the point of screening until they board their aircraft; or
- (l) failure to ensure that passengers of commercial air transport operations and their cabin baggage are screened prior to boarding an aircraft; or
- (m) failure to ensure that all hold baggage to be carried on a commercial aircraft is protected from unauthorised interference from the point it is screened or accepted into the care of the carrier until departure of the aircraft; or
- (n) failure by operators to ensure that the baggage of passengers who are not on board the aircraft, unless the baggage is identified as unaccompanied baggage and, subject to additional screening, is not transported; or
- (o) failure to ensure that transfer hold baggage is screened prior to being loaded into an aircraft engaged in commercial air transport operations; or
- (p) failure to ensure that security measures are applied to cargo and mail prior to them being loaded into an aircraft engaged in passenger commercial air transport operations; or
- (q) failure to protect mail and cargo to be carried on a passenger commercial aircraft from unauthorised interference from the point security controls are applied until departure of the aircraft; or
- (r) failure to ensure that there is adequate security control measures for the cargo and mail to be taken on an aircraft engaged in passenger air transport operations; or
- (s) failure to ensure that catering stores and supplies intended for carriage on passenger commercial flights are subject to appropriate security controls and thereafter protected until loaded into the aircraft; or
- (t) failure to ensure that the carriage of weapons in an aircraft is allowed only when an authorised and duly qualified person has determined that they are not loaded; or
- (u) failure to train and develop suitably qualified officers at airports serving civil aviation; or
- (v) failure to establish measures to prevent weapons, explosives or any other dangerous devices, articles or substances which may be used to commit an act of unlawful interference; or
- (w) failure by an operator to ensure that unauthorised persons are prevented from entering the flight crew compartment during a flight; or

- (x) failure to screen originating passengers and their cabin baggage; or
- (y) failure by an airport to ensure that originating hold baggage is screened prior to being loaded into an aircraft engaged in commercial air operations; or
- (z) failure by an operator to use approved and or regulated agents to process cargo and mail which is to be loaded in passenger aircraft engaged in air operations; or
 - (aa) failure to take appropriate measures for the safety of the passengers and crew of an aircraft, which is subject to an act of unlawful interference; or
 - (bb) failure to provide assistance, as may be necessitated by the circumstances, to an aircraft subjected to an act of unlawful seizure including use of navigation aids and air traffic services; or
 - (cc) failure to notify ICAO when an aircraft has been subjected to an act of unlawful interference; or
 - (dd) failure by an airport to establish and implement an aerodromes security programme; or
 - (ee) failure by an airport to establish and implement contingency plans to safeguard civil aviation against acts of unlawful interference; or
 - (ff) failure by an operator to ensure that the cockpit doors of an aircraft engaged in civil aviation operations are reinforced and always locked during the flight; or
 - (gg) failure by an operator to prevent the unlawful carriage, whether on a person or in the baggage, mail or other cargo, of any firearm, ammunition, weapon, incendiary device or explosive or other substance or a thing that by reason of its nature of condition, may endanger the safety of the aircraft or the persons or property on board the aircraft; or
 - (hh) failure by an operator to protect an aircraft, persons and property in the event of a threat or warning having been received or when otherwise there is reason to believe that there exists a danger to the safety of those persons or property; or
 - (ii) failure by an operator to ensure that all passengers and their cabin baggage are screened prior to boarding or being loaded in an aircraft engaged in civil aviation operations; or
 - (jj) failure by an operator to ensure that all aircraft security checks of an aircraft engaged in civil aviation operations, whether on a domestic or international flight, are performed; or
 - (kk) failure by an operator to ensure that the aircraft security checks of originating aircraft engaged in commercial air transport movements are performed or an aircraft security search is carried out; or

- (ll) failure by an operator to ensure that an originating aircraft is protected from unauthorised interference from the time the aircraft search or check has commenced until the aircraft departs; or
- (mm) failure by an operator to ensure that originating passengers of commercial air transport operations and their cabin baggage are screened prior to boarding an aircraft departing from a security restricted area; or
- (nn) failure by an operator to ensure that passengers of commercial air transport operations and their cabin baggage are screened prior to boarding and aircraft; or
- (oo) failure by an operator to ensure that passengers and their cabin baggage which have been screened are protected from unauthorised interference from the point of screening until they board their aircraft and that if a mix up occurs, passengers and their cabin baggage are re-screened; or
- (pp) failure by an operator to ensure that all hold baggage to be carried on a commercial aircraft is protected from unauthorised interference from the point it is screened or accepted into the care of the carrier until departure of the aircraft on which it is to be carried; or
- (qq) failure by an operator to ensure that baggage of any passenger who is not on board the aircraft is not transported, unless that baggage is identified as unaccompanied and is screened to the appropriate standard and accepted for carriage on that flight by the air carrier; or
- (rr) failure by an operator to ensure that security controls are applied to cargo and mail prior to them being loaded into an aircraft engaged in passenger commercial air transport operation; or
- (ss) failure by an operator to ensure that cargo and mail to be carried on a passenger commercial aircraft is protected from unauthorised interference from the point security controls are applied until departure of the aircraft; or
- (tt) parking in a prohibited place/area; or
- (uu) trespassing in a restricted area; or
- (vv) failure by an operator to take necessary precautions at the point of embarkation to ensure that passengers are in possession of documents prescribed by the state of transit and destination; or
- (ww) failure to seize fraudulent, falsified or counterfeit travel documents; or
- (xx) failure to seize travel documents of a person impersonating the rightful holder of travel documents; or

- (yy) failure to put adequate controls (e.g. background checks) on the issuance of crew member certificates and other official crew identity documents to prevent fraud; or
- (zz) failure to develop, maintain and keep current aviation security equipment (X-rays, metal detectors, explosive detectors) maintenance programme; or
- (aaa) failure to maintain aviation security equipment; or
- (bbb) failure to allocate appropriate resources (human and material) to the aviation security function;

commits an offence and the persons or entities responsible shall if convicted be liable to a penalty not exceeding two hundred thousand Emalangeni or to imprisonment for a period not exceeding three years or to both.

Offences committed at airports

55. (1) A person who refuses to follow a lawful instruction given by an aircraft commander or on behalf of the aircraft commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board an aircraft, at an airport or its related facilities commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand Emalangeni or to imprisonment for a term not exceeding three years or to both.

Disturbing good order and discipline on board an aircraft

56. (1) A person who commits on board an aircraft an act of physical violence against a person, or an act of sexual assault or child molestation, commits an offence.

(2) A person who commits on board an aircraft any of the following acts commits an offence if that act is likely to endanger the safety of the aircraft or of any person on board, or if that act jeopardizes good order and discipline on board the aircraft-

- (a) assault, intimidation or threat, whether physical or verbal, against another person;
- (b) intentionally causing damage to, or destruction of, property;
- (c) consuming alcoholic beverages or drugs resulting in intoxication; or
- (d) smokes on board an aircraft.

(3) A person who commits an offence under this regulation is liable, on conviction, to a fine not exceeding one hundred thousand Emalangeni or to imprisonment for a term not exceeding three years or to both.

PART VIII

DANGEROUS ARTICLES

Interpretation

57. In this Part-

“ammunition” means -

- (a) ammunition for any firearm;
- (b) grenades, bombs and other live missiles whether capable of use with a firearm or not;

“explosive” means gun powder, nitro-glycerine, dynamite and other nitro-glycerine admixtures, gun cotton, blasting powder, detonators, fuse and every other substance used to produce a practical effect;

“firearm” means-

- (a) any lethal barrelled weapon of any description from which any shot, bullet or any other missile can be discharged or which can be adapted for the discharge of any such shot, bullet or any other missile;
- (b) the barrel, bolt and chamber or any other essential component part of the weapon mention in paragraph (a).

Application of Part to certain dangerous articles

58. (1) This Part shall apply to the following articles-

- (a) any explosive, any article manufactured or adopted whether in the form of a bomb, grenade or otherwise, so as to have the appearance of being an explosive, whether or not it is capable of producing a practical effect by explosion or any article marked or labelled so as to indicate that it is or contains explosives such as-
 - (i) dynamite, TNT and other explosives normally found in the form of sticks, slabs or blocks; or
 - (ii) plastic explosives; or
 - (iii) black powder; or
 - (iv) pyrotechnics, such as flares, smoke bombs and fire crackers; or
 - (v) ammunition, including all types of cartridges and shells, loose or in clips; or
 - (vi) hand grenades and pipe bombs; or
 - (vii) electrical blasting caps with wires and mechanical blasting caps with wires (detonators); or
 - (viii) crimping pliers, safety fuses and blasting wires; or
 - (ix) any home made sabotage devices and improvised explosive devices;
- (b) any weapons that are primarily designed to kill immobilise or incapacitate any person or thing such as-
 - (i) firearms whether capable of being discharged or not, handguns, rifles and shotguns; or

- (ii) flare guns and pellet guns; or
 - (iii) spear guns, blow guns and darts; or
 - (iv) electric dart guns;
 - (v) mace, tear gas and other incapacitating sprays, liquids, powders normally found in canisters or disguised as pens; or
 - (vi) martial arts weapons, bladed or spiked finger rings and wrist bands; or
 - (vii) sword canes and umbrella sword; or
 - (viii) knives with blades over ten centimetres long; or
 - (ix) knife belts;
- (c) any dangerous articles which may be used to threaten the safety of passengers, or aircraft such as-
- (i) starter pistols; or
 - (ii) toy guns; or
 - (iii) toy grenades; or
 - (iv) sharp pointed scissors, chisels, ice-picks; or
 - (iv) pocket knives with blades over four centimetres; or
 - (v) spears and other dangerous wooden articles; or
 - (vii) mace, tear gas and other incapacitating sprays, liquids, powders normally found in canisters or disguised as pens; or
 - (viii) martial arts weapons, bladed or spiked finger rings and wrist bands; or
 - (ix) sword canes and umbrella sword; or
 - (x) knife belts
 - (xi) knives with blades over ten centimetres long; or
 - (xii) screw drivers over four centimetres; or
 - (xiii) butane, propane or lighter fluid.
- (d) any sharp objects that may be used to threaten the safety of passengers, crew and aircraft such as box cutters, ice axes, knives, meat cleavers, razor blades, scissors and swords shall not be carried as cabin baggage;
- (e) any sporting goods that may be used to threaten the safety of passengers, crew and aircraft such as baseball bats, bows and arrows, cricket bats, golf clubs, hockey sticks, lacrosse sticks, pool cues, ski poles, spear guns shall not be carried as cabin baggage;

- (f) any tools that may be used to threaten the safety of passengers, crew and aircraft such as axes and hatchets, cattle prods, crowbars, hammers, drill bits, saws, crouches and pliers shall not be carried as cabin baggage;
- (g) any martial arts tools that may be used to threaten the safety of passengers, crew and aircraft such as billy clubs, black jacks, brass knuckles, kubatons, mace spray, martial arts weapons, nigh sticks, nana chakus, stun guns, shocking devices, throwing stars shall not be carried as cabin baggage;
- (h) all liquids, aerosols and gels are prohibited as cabin baggage with the exception of-
 - (i) those that are 100 grams or smaller in a 1 litre plastic zip-top bag;
 - (ii) reasonable amounts over 100 grams of baby formula, breast milk and baby food, medications (liquid, gels and or aerosols), liquids (to include water, juice or liquid nutrients) or gels for diabetic or other medical needs which are declared to a security officer at the checkpoint;
- (i) any flammable items that may be used to threaten the safety of passengers, crew and aircraft such as aerosols, fuels, gasoline, gas torches, lighter fluid, common lights, torch lighters, matches, turpentine and paint thinner, realistic replicas of incendiaries shall not be carried as cabin or checked baggage;
- (j) any other hazardous materials which may be used to threaten the safety of passengers, crew and aircraft such as dry ice, gasoline-powdered tools, wet cell batteries, camping equipment with fuel radioactive materials, poisons, infectious substances and pepper spray shall not be carried as cabin or checked baggage;
- (k) any flammable liquids that may be used to threaten the safety of passengers, crew and aircraft such as fuel paints, lighter refills matches, shall not be carried as cabin or checked baggage;
- (l) any pressure containers that may be used to threaten the safety of passengers, crew and aircraft such as spray cans, butane fuel, scuba tanks, propane tanks, CO2 cartridges, self inflating rafts shall not be carried as cabin or checked baggage;
- (m) any fireworks which may be used to threaten the safety of passengers, crew and aircraft such as signal flares, sparklers, other explosives shall not be carried as cabin or checked baggage;
- (n) any disabling chemicals and dangerous items that may be used to threaten the safety of passengers, crew and aircraft such as chlorine, compressed gas cylinders, liquid bleach, spill able batteries, spray paint, tear gas shall not be carried as cabin or checked baggage;
- (o) all electrical devices such as cell-phones, laptops, pagers, personal data assistants and cameras shall be checked in as carry on baggage with batteries installed and no loose batteries shall be permitted;

- (p) lithium metal batteries shall not exceed 2 grams of lithium metal per battery and each electronic device shall not use batteries which are more than 8 grams of equivalent lithium content in total.

(2) All dangerous items confiscated by the Security Officers shall be destroyed and shall not be handed over to their previous owners.

Carriage of articles prohibited

59. No person shall, without the permission of the Director-General, have on their person-

- (a) in any aircraft registered in Swaziland whether at a time when the aircraft is in Swaziland or not; or
- (b) in any other aircraft at a time when it is in, or in flight over Swaziland; or
- (c) in any part of any aerodrome in Swaziland; or
- (d) in any air navigation installation in Swaziland;

any article to which this Part applies.

Presumptions

60. For the purpose of this Part any person who is for the time being in an aircraft, or in any part of an aerodrome, shall be regarded as having in the aircraft or in that part of the aerodrome, as the case may be, a dangerous article to which this Part applies if-

- (a) the person brings into the aircraft a dangerous article forming part of property to be carried on the flight; or
- (b) where the person is in a part of an aerodrome, otherwise than in an aircraft, the dangerous article or any article in which it is contained, is in that or any other part of the aerodrome and has been caused, whether by that person to be brought into the aerodrome as being or as forming part of, any other property to be carried on such a flight on which the person is also to be carried.

Carriage of firearms prohibited

61. (1) No person shall carry any firearm on board any air transport service without the permission of the Director-General.

(2) Where special requests are made by a State to allow the travel of armed personnel on board any aircraft, the Director-General shall exercise discretion, and in consultation with all States involved, permit the carrying of firearms by specified personnel in accordance with the conditions imposed by the Director-General.

Application to carry firearms on board an air transport service

62. (1) Any person who wishes to obtain the permission of the Director-General to carry a firearm on board an air transport service shall apply in Form A.S. 5 and the application shall be accompanied by the appropriate fee.

(2) An application to the Director-General to carry a firearm shall be made not later than twenty-four hours before the time at which the flight concerned is expected to arrive or depart from Swaziland.

Approval by Director General

63. The Director-General shall, before approving an application made in terms of regulation 62, consult the Commissioner of Police and the operator on which the applicant intends to carry the firearm.

Director General to inform operator

64. (1) Where the Director-General grants permission to an applicant to carry a firearm onboard an air transport service, the Director-General shall inform the operator concerned of the number of persons who will carry the firearms on board the air transport service.

(2) The operator shall inform the pilot in command of that air transport service of the persons who will carry firearms on board the air transport service.

Safety of firearms carried on board an air transport service

65. The police in conjunction with the operator shall ensure that every firearm carried on board an air transport service by any person-

- (a) is not loaded;
- (b) is in a safe condition; and
- (c) is stowed in a place that is inaccessible to any person not authorized to have possession of it.

PART IX GENERAL

Carriage of persons in custody

66. (1) A person in custody who is to be carried by air shall be accompanied by an escort qualified for the task to the satisfaction of the operator and the pilot-in-command.

(2) Any person who wishes to carry a person in custody by air shall notify the operator of the air transport service of the name of the person in custody seven days before the intended flight and the operator shall notify the pilot-in-command of the name of the person in custody prior to the departure of the flight.

(3) The maximum number of persons in custody accompanied by escorts that may be carried in an aircraft shall not exceed two persons.

(4) An operator or pilot-in-command shall not be compelled to carry persons in custody and may impose such additional restrictions as they consider necessary.

Carriage of other persons

67. The following classes of persons may be carried by air without an escort-

- (a) children under the age of twelve years;
- (b) deportees under the control of, but not being physically restrained by, the Department of Immigration;

- (c) service personnel of the Defence Forces who have been absent without leave and who have voluntarily surrendered themselves and are being returned to their unit and the operator shall be furnished with a written statement from the responsible Government, person or authority stating that an escort is not necessary.

Passenger restraining equipment

68. (1) Any aircraft engaged in public transport and carrying a crew of more than one person shall be equipped with at least one truncheon and two pairs of handcuffs.

(2) The restraining equipment referred to in sub-regulation (1) shall be carried in an aircraft in a place readily accessible to crew members but concealed from other persons.

Director General may require person to vacate premises at aerodrome

69. The Director General may direct any person to vacate the occupation of any office or residential accommodation within an aerodrome if the Director-General has reason to believe that the person may be a threat to the security of the aerodrome.

Wheel clamping and towing away of vehicles

70. (1) In this section-

“tow away” means the removal by an authorized person of a vehicle parked or stationary in violation of these regulations to a secure compound;

“wheel clamp” means a device used to immobilize a vehicle parked or stationary in contravention of these regulations.

(2) An authorized person may, if the person has reason to believe that a vehicle poses a threat to the security of an aerodrome or a violation of these regulations has been committed, immobilise or cause the vehicle to be immobilized by way of a wheel-clamp.

(3) An authorized person may remove or cause to be removed any vehicle immobilized in terms of these regulations, to a secure compound.

(4) Risk in any vehicle removed to a secured compound in terms of these regulations shall remain with the owner.

(5) A vehicle removed to a secured compound shall be released on payment by the owner of the motor vehicle of the charges specified in items 7, 8 or 9 of the First Schedule.

Unclaimed vehicles

71. (1) The Authority shall publish in the gazette and a local newspaper a list of vehicles immobilized and advise the owners to claim the vehicles within a period of thirty days.

(2) The Authority may sell by public auction any vehicle that remains unclaimed thirty days after a notice has been published.

(3) The Authority shall deduct the charges specified in items 7, 8 or 9 of the First Schedule from the proceeds of the sale of the vehicle and any balance shall be paid to the owner within thirty days from the date on which the owner submits to the Authority a written request for payment.

(4) The Authority shall operate a special account into which money realized from the sale of unclaimed vehicles shall be deposited.

(5) Any money not claimed within one year after the sale of a motor vehicle shall be forfeited to the Authority.

Designation

72. The Authority shall indicate at every aerodrome-

- (a) any place designated as a secure compound; and
- (b) the names and contact details of any persons appointed as authorized persons; and
- (c) the offices or the names and contact details of the authorised person where the prescribed penalty, tow-away and storage charges may be made.

Fees

73. The fees to be paid in respect of applications made in terms of these regulations shall be the appropriate fees set out in the First Schedule.

PART X SAVINGS AND TRANSITIONAL PROVISIONS

Existing operators

74. Every person who, immediately before the commencement of these Regulations, was operating as an airport operator, an aircraft operator, a regulated agent or a catering operator may, on the commencement of these Regulations, continue their operations but shall, within ninety days after the commencement of these Regulations, submit to the Authority a security programme for approval in accordance with these regulations.

Existing airport security permits

75. An airport security permit issued before the commencement of these Regulations and in force at the commencement of these Regulations shall continue in force as if it was issued under these Regulations until it expires or is cancelled by the airport operator.

Power of Authority to issue orders, circulars and directives

76. The Authority may make and issue orders, circulars and directives prescribing any aviation security matter which, under these Regulations, is to be prescribed, and generally for the better carrying out or enhancing of the objects and purposes of these Regulations.

Notification to the International Civil Aviation Organisation

77. (1) The Authority shall, where an act of unlawful interference has occurred, provide the International Civil Aviation Organisation with a report on each incident, whether successful or unsuccessful as follows-

- (a) a preliminary report, within thirty days after the occurrence of the act, containing all pertinent information concerning the security aspects of the occurrence; and

(b) a final report, within sixty days after resolution of the incident.

(2) The Authority shall provide copies of reports submitted to the International Civil Aviation Organisation under this regulation to-

- (a) the state where the aircraft is registered and the state of the operator;
- (b) each state whose citizens suffered fatalities or injuries;
- (c) each state whose citizens are or were detained as hostages;
- (d) each contracting state whose citizens are or were known to be on board the aircraft.

FIRST SCHEDULE
FEES

Item	Fee E
1. Application for a temporary identification card	150
2. Application for a permanent identification card	300
4. Application for permanent vehicle pass	200
5. Application for a duplicate identification card or vehicle pass	400
6. Application to carry a firearm on board an air transport service	350
7. Wheel-clamping and removal thereof	400
8. Tow-away charges (for every kilometre or any part thereof for which the vehicle is towed)	150
9. Storage charges (per day or part thereof)	350

SECOND SCHEDULE
FORMS

Form A.S. 1

SWAZILAND CIVIL AVIATION ACT 2009
APPLICATION FOR APPROVAL OF OPERATOR'S PROPOSED SECURITY
PROGRAMME

PART I

- 1. Name of Company
- 2. Address (Physical)
- (Postal)
- E-mail

Telephone numbers (fixed line)

(cell/mobile)

FOR OFFICIAL USE ONLY

3. Programme objective clearly stated Yes/No*
4. Security responsibilities clearly allocated Yes/No*
5. Airport Aviation Security Committee Yes/No*
6. Information and communication Yes/No*
7. Airport's activities clearly defined Yes/No*
8. Are the following security measures in accordance with the National Civil Aviation Security Programme for The Kingdom of Swaziland and the Aviation (Security) Regulations, 2005?
 - (a) Airport Security Yes/No*
 - (b) Security of Aircraft Yes/No*
 - (c) Security procedures related to general passengers and hand luggage..... Yes/No*
 - (d) Security procedures related to certain passengers and hand luggage Yes/No*
 - (e) Security control of checked baggage/baggage hold Yes/No*
 - (f) Security control of cargo and mail Yes/No*
 - (g) Security control of firearms and weapons in carried as checked baggage..... Yes/No*
 - (h) Security Yes/No*
9. Does the security programme have contingency plans to respond to the following acts of unlawful interferences?
 - (a) Hijacking of aircraft Yes/No*
 - (b) Sabotage of aircraft Yes/No*
 - (c) Sabotage of airport Yes/No*
 - (d) Armed attacks against the airport Yes/No*
 - (e) Public disorder at the airport Yes/No*
 - (f) Hostage taking Yes/No*
 - (g) Bomb threats Yes/No*
10. Is the airport security training programme in accordance with the standards set in the National Civil Aviation Security programme and the Aviation (Security) Regulations, 2005?

..... Yes/No*

11. This Airport Security Programme is recommended by:

.....
(Date)
this

.....
(Signature, full names and designation of person making
recommendation) for: Aviation Security Service
Civil Aviation Authority of The Kingdom of Swaziland

12. This Airport Security programme is approved/not approved*

.....
(Date)

.....
Director General
Civil Aviation Authority of The Kingdom of
Swaziland

**Please delete the inapplicable*

Form A.S. 2
Swaziland Civil Aviation Act 2009

APPLICATION FOR APPROVAL OF CARGO OPERATOR'S PROPOSED
SECURITY PROGRAMME

1. Name of Company
-
2. Address (Physical)
- (Postal)
- E-mail
- Telephone numbers (fixed line)
- (cell/mobile)

FOR OFFICIAL USE ONLY

3. Programme objective clearly stated Yes/No*
4. Security responsibilities clearly allocated Yes/No*
5. Information and communication Yes/No*
6. Airport's activities clearly defined Yes/No*
7. Operator's activities clearly defined Yes/No*
8. Are the following security measures in accordance with the National Civil Aviation Security
Programme for The Kingdom of Swaziland and the Aviation (Security) Regulations, 2005?
- (a) Security control of general public, passengers and luggage Yes/No*
- (b) Security control of personnel in the catering facility Yes/No*

(c) Security control of the catering facilities..... Yes/No*

(d) Security control of cargo Yes/No*

9. These procedures are recommended by:

..... (Date) (Signature, full names and designation of person making this recommendation) for: Aviation Security Service Civil Aviation Authority of The Kingdom of Swaziland
-----------------	---

10. This Airport Security programme is approved/not approved*

..... (Date) Director General Civil Aviation Authority of The Kingdom of Swaziland
-----------------	--

*Please delete the inapplicable

FORM A.S. 3

Swaziland Civil Aviation Act 2009

APPLICATION FOR IDENTIFICATION CARD

Applicants should study the conditions of issue outlined in Item 9 before
completing this form

APPLICATION FOR A PERMANENT/TEMPORARY/DUPLICATE
IDENTIFICATION CARD*

1. Surname
2. Forenames
3. Date and place of birth
4. Identity number
5. Employers name
6. Employers address (Physical)
- (Postal)
- E-mail
- Telephone numbers (fixed line)
- (cell/mobile)

7. State the reasons for making this application

.....

.....

.....

8. State the period for which an identification card is required

9. As a holder of an identification card, I understand, agree to, and will abide by the following conditions of issue -

(a) that the identification card issued to me is the property of the Civil Aviation Authority of The Kingdom of Swaziland;

(b) that I will safeguard the identification card at all times and report its loss or theft without delay to the issuing authority;

(c) that I will not permit unauthorized use of the identification card;

(d) that I will not abuse the identification card by entering any restricted area when I am not on duty;

(e) that I will wear/display the identification card, on outer garment at all times when I am in any aerodrome restricted area;

(f) that I will not assist a person who is not in possession of a valid identification card to enter any aerodrome restricted area;

(g) that I will surrender the identification card on termination of employment or on demand by the issuing authority;

(h) that should I contravene any of these conditions of issue, I will liable to the penalties that can be imposed in terms of these regulations

I, the undersigned hereby declare that all the information contained herein is correct and true.

.....
(Date)

.....
(Signature of applicant)

**Please delete the inapplicable*

Please note -

(a) that the appropriate fee, if payable, must accompany this application;

(b) that the application fee for a permanent identification card is indicated in the First Schedule to the Aviation (Security) Regulations.

(c) that the application fee for a temporary identification card is indicated in the First Schedule to the Aviation (Security) Regulations.

- (d) the application fee for a duplicate permanent or temporary identification card is indicated in the First Schedule to the Aviation (Security) Regulations.

FOR OFFICIAL USE ONLY

A. Criminal Investigation Department comments:

.....

.....

.....

.....

.....
(Date)

.....
Signature and grade

B. This application is recommended/not recommended*

.....
(Date)

.....
(Signature, full names and designation of person
making this recommendation)

for: Aviation Security Service Civil Aviation
Authority of The Kingdom of Swaziland

C. This application is approved/not approved*

.....
(Date)

.....
Director General
Civil Aviation Authority of The
Kingdom of Swaziland

**Please delete the inapplicable*

D. Fee paid/not paid (Receipt number)

E. Identification card number

F. Date of issue of identification card and period of its validity

G. Aerodromes where the identification card may be used

H. Restricted areas where holder of the identification card will have access to

.....

.....

.....

.....

.....
(Date)

.....
(Issuing officer's signature, full names and designation)
for: Civil Aviation Authority of The Kingdom of Swaziland

S180

FORM A.S. 4

Swaziland Civil Aviation Act 2009

APPLICATION FOR VEHICLE PASS

1. Name of owner of vehicle

2. Address of owner of vehicle (Physical)

(Postal)

E-mail

Telephone numbers (fixed line).....

(cell/mobile)

3. Full names, identity number and driving licence number of driver of vehicle *(Please attach list, with these details, if more than one driver)*

4. Address of driver of vehicle (Physical) *(Please attach list, with these details, if more than one driver)*

(Postal)

5. Date and place of issue of vehicle registration book *(Please attach list, with these details, if more than one vehicle)*

6. Vehicle registration number *(Please attach list, with these details, if more than one vehicle)*

7. State aerodrome area of operation being applied for *(State whether cargo/apron/hangers, etc.)*

8. State reasons why vehicles requires access to the area of operation being applied for

9. State whether this application is for a permanent, temporary or duplicate vehicle pass

.....
I, the undersigned hereby declare that all the information contained herein is correct and true.

.....
(Date)

.....
(Signature of applicant)

Please note -

- (a) the appropriate fee, if payable, must accompany this application;
- (b) the application fee for a permanent vehicle pass is indicated in the First Schedule to the Aviation (Security) Regulations;
- (c) the application fee for a temporary vehicle pass is indicated in the First Schedule to the Aviation (Security) Regulations;
- (d) the application fee for a duplicate permanent or temporary vehicle pass is indicated in the First Schedule to the Aviation (Security) Regulations.

FOR OFFICIAL USE ONLY

A. VID comments (where necessary)
.....
.....
.....

.....
(Date)

.....
Signature and grade

B. This application is recommended/not recommended*

.....
(Date)

.....
(Signature, full names and designation
of person making this recommendation)
for: Aviation Security Service Civil
Aviation Authority of The Kingdom
of Swaziland

C. This application is approved/not approved*

.....
(Date)

.....
Director General
Civil Aviation Authority of
The Kingdom of Swaziland

**Please delete the inapplicable*

- D. Fee paid/not paid (Receipt number)
- E. Vehicle pass number
- F. Date of issue of vehicle pass and period of its validity
- G. Aerodromes where the vehicle pass may be used
- H. Restricted areas where holder of the vehicle pass will have access to.....
-
-

.....
(Date)

.....
(Issuing officer's signature, full names and designation)
for: Civil Aviation Authority of
The Kingdom of Swaziland

FORM A.S. 5

Swaziland Civil Aviation Act 2009

APPLICATION FOR AUTHORITY TO CARRY FIREARM
ON BOARD AN AIRCRAFT

Please note -

- 1. that all information provided in terms of the Aviation (Security) Regulations, shall be confidential and will only be disclosed to security agencies or to those on a need to know basis;
- 2. that applicants should study the conditions governing the carriage of firearms on an aircraft outlined in Part VI of the Aviation (Security) Regulations, before completing this form;
- 3. that applications must be submitted not later than twenty-four hours before the time at which the flight concerned is expected to arrive or depart from The Kingdom of Swaziland;
- 4. that this application must be submitted in triplicate.

- 1. Surname
- 2. Forenames
- 3. Date and place of birth
- 4. Nationality
- 5. Name of issuing authority and passport number
-

6. Identity number
7. Type of firearm intended to be carried on board the aircraft
8. Make model and identity number of firearm intended to be carried on board the aircraft
.....
.....
9. Name of issuing authority, date and place of issue of firearm licence *(The firearm licence and an authenticated copy thereof must be produced before the application can be considered)*
.....
.....
10. Flight name/number of aircraft on which the firearm is to be carried on board
11. Date and time of intended travel
12. Reasons for carrying firearm *(Please place a tick in the appropriate box) -*

- | | |
|--------------------------|-----------------------------------|
| <input type="checkbox"/> | Armed law enforcement officer |
| <input type="checkbox"/> | Armed individual travelling alone |
| <input type="checkbox"/> | Armed protection escort |

Please elaborate

13. *Declaration*

I hereby declare that the information given by me in this application form is to the best of my knowledge true and accurate. I have read the regulations governing the carriage of firearms on board an aircraft and I undertake not to breach or cause a breach of the regulations.

.....
(Date and time)

.....
Full names and signature of applicant

14. Recommendation by an officer, not below the rank of an Assistant Commissioner of Police, authorised by the the Commissioner of Police
This application is recommended/not recommended*

.....
(Date)

.....
(Signature, full names, rank and force number
of person making this recommendation)
for: Commissioner of Police
Royal Swaziland Police

C. This application is approved/not approved*

.....
(Date)

.....
Director General
Civil Aviation Authority of
The Kingdom of Swaziland

THIRD SCHEDULE
OPERATOR'S SECURITY PROGRAMME

(Model Outline of the International Civil Aviation Organization's Operator's Programme)

I. PROGRAMME OBJECTIVE

To protect the operation of the airline by safeguarding its customers, its staff, its equipment and facilities.

II. SOURCES OF REGULATIONS

- A. National legislation—Statute, laws or decree and mandatory regulations under the national legislation.
- B. National civil aviation security programme/document or decree mandating operators to take security measures at airports of the concerned State.
- C. Others—IATA resolutions/recommendations; policy document of the company related to security; and relevant policies of other bodies.
- D. Additional security requirements of States to which the airline operates.

III. SECURITY AND OTHER AUTHORITIES

- A. Operator's executive management identifying the line of command for security-related functions.
- B. Appropriate authority at the national and airport level responsible for the implementation of the national and airport security programmes.
- C. Appropriate law enforcement agency.
- D. Appropriate municipal authority, where applicable.
- E. Other Government agencies/departments.
- F. Others.

IV. SECURITY ORGANIZATION: TERMS OF REFERENCE

An outline of the security structure of the operator and its duties.

V. INFORMATION AND COMMUNICATION

- A. Security information circulars—Procedure related to the receipt, dissemination and accountability of security circulars.

- B. Reports and surveys.
- C. Communications—Procedures regarding the channel and method of communication with the appropriate authorities.
- D. Policy on media relations.

VI. DESCRIPTION OF OPERATOR'S ACTIVITIES

Scheduled international/domestic, scheduled cargo, or charter and policies and procedures related to security for each.

VII. SECURITY MEASURES

Will be in accordance with the State's national civil aviation security programme and harmonize with the airport security programme. The requirements may be supplemented if the level of threat so warrants. Where States to which the airline operates have requirements at variance to the operators' home State, attachments covering the variation should be included with each relevant subsection.

A. Airline security.

1. Airline premises at airports.
2. Fences.
3. Lighting.
4. Access control (if required separately from access control measures under the airport security programme).
5. Vehicles.
6. Supervision of movement of people and vehicles.
7. Background checks (keeping in view the provisions of local laws/procedures).

B. Security control of passengers and hand baggage.

1. Authority for security control.
2. Protection of flight documents.
3. Identification of passengers.
4. Standards for security control-
 - (a) searchers using security equipment;
 - (b) hand searches;
 - (c) minimum hand searches;
 - (d) identification and disposal of articles to be removed;
 - (e) treatment of suspect persons and bags;

5. Special measures to security-clear electric and battery-operated items.
6. Off-airport check-in.
7. Security screening personnel.
8. Special measures of high risk flights.

C. Security control of checked baggage.

1. Authority for security control.
2. Passenger/Baggage reconciliation procedures to certify the accuracy and reliability of the system should be spelled out.
3. Special measures to security-clear electric, electronic and battery-operated items.
4. Other security control of checked (hold) baggage-
 - (a) searches;
 - (b) other means;
 - (c) identification and disposal of articles to be removed.
5. Control of movement of checked (hold) baggage.
6. Mishandled (expedite) baggage (normal and high threat situations, including system of inquiry into the circumstances leading to separation of baggage from passenger and the airline office responsible to make judgement as to the nature of additional security controls required before transporting it).
7. Off-airport check-in.
8. Protection of baggage tags.
9. Background checks.
10. Treatment of suspect baggage.
11. Special measures for high risk flights.

D. Security control of cargo/mail/small parcel/courier services.

1. Authority for security control.
2. Known/Unknown shipper concept.
3. Delay concept.
4. Physical searching.
5. Other security control.
6. Treatment of suspect cargo.

7. Special measures for high risk flights.

E. Measures related to certain passengers.

1. VIPs and diplomats.
2. Government couriers and diplomatic bags.
3. Diplomatic mail.
4. Staff members (including crew).
5. Disabled passengers.
6. Inadmissible passengers/deportees/escorted prisoners.

F. Carriage of firearms and weapons.

1. Legal provisions and regulations.
2. Protection on the ground.
3. Escorts of prisoners/deportees.
4. Bodyguards to Government VIPs.
5. In-flight security guards.

G. Security of aircraft.

1. Search of aircraft.
2. Protection on the ground.
3. Protection in the air.
4. Special measures for high risk flights.
5. Special measures on request.
6. Aircraft stores and servicing.

H. Security equipment.

1. Operation and management.
2. X-ray equipment.
3. Walk-through metal detectors.
4. Hand-held metal detectors.
5. Explosive detectors.
6. Use of simulation chambers.

7. Dogs and other biosensors.
8. Others.

VIII. RESPONSE TO ACTS OF UNLAWFUL INTERFERENCE

- A. Operator's contingency plans.
 1. Unlawful seizure of aircraft.
 2. Sabotage.
 3. Extortion.
 4. Bomb threat.
 5. Interference with staff.

- B. Crisis management centre.

IX. TRAINING

- A. General.
- B. Security staff (selection, training, motivation, refresher training).
- C. Flight deck staff.
- D. Cabin crew.
- E. Ground operation staff.
- F. Cargo staff.
- G. Catering staff.
- H. Maintenance and engineering staff.
- I. Passenger service staff.
- J. Other.

X. TRAINING

- A. Company organisation charts.
- B. Aircraft diagrams.
- C. Premises' floor plans.

N. DLAMINI
MINISTER OF PUBLIC WORKS AND TRANSPORT

The Government Printer, Mbabane

10
11
12

13
14
15