

LEGAL NOTICE NO.....

**THE CIVIL AVIATION ACT
(.....)**

THE CIVIL AVIATION (AERIAL WORK) REGULATIONS,

ARRANGEMENT OF REGULATIONS

Regulation

PART I – PRELIMINARY

1. Citation
2. Interpretation
3. Application

PART II - AGRICULTURAL AIR OPERATIONS

4. Certificate required
5. Application for agricultural air operator certificate
6. Amendment of agricultural air operator certificate.
7. Certification requirement
8. Duration of agricultural air certificate
9. Drug trafficking

Operating rules

10. General
11. Carrying and display of Certificates
12. Limitations on private agricultural aircraft operator
13. Manner of dispensing.
14. Economic poison dispensing
15. Personnel of agricultural air operator
16. Fastening of safety belts and harnesses.
17. Operations in controlled airspace designated for an airport
18. Non observance of airport traffic pattern.
19. Operation over areas other than congested areas
20. Operation over congested areas- general.
21. Operation over congested areas- pilots and aircraft
22. Business name- commercial agricultural aircraft operator
23. Access for inspection.

24. Records of commercial agricultural aircraft operator.

PART III - ROTORCRAFT EXTERNAL-LOAD OPERATIONS

Certification rules

25. Application
26. Certification
27. Validity and renewal of a rotorcraft external-load operator certificate
28. Application for certificate issuance or renewal
29. Issuance of a rotorcraft external-load operator certificate.
30. Rotorcraft.
31. Personnel of rotorcraft external-load operator.
32. Knowledge and skills of applicant.
33. Amendment of rotorcraft external-load certificate.
34. Availability, display, and surrender of certificate
35. Emergency operations.
36. Operating rules for rotorcraft external-load operations.
37. Carriage of persons
38. Crewmember training, currency, and testing requirements
39. Access for inspection.

Airworthiness Requirements

40. Flight characteristics requirements
41. Structures and design.
42. Operating limitations.
43. Rotorcraft-load combination operating manual.
44. Markings and placards.

PART IV – GLIDER TOWING, PILOT-IN-COMMAND KING UP AND RAISING OF PERSONS AND ARTICLES

45. Towing of gliders
46. Glider towing- experience and training requirements.
47. Towing, picking up and raising of persons, animals and articles
48. Dropping of articles and animals
49. Dropping of persons

PART V – BANNER TOWING

50. Authorisation required for banner towing operations.
51. Aircraft requirements for banner towing operations.

52. Experience and training requirements for banner towing operations.
53. Operating rules for banner towing operations.

PART VI – TELEVISION, MOVIE OPERATIONS AND AERIAL PHOTOGRAPHY AND SURVEY

54. Authorisation required for television e.t.c., operations
55. Aircraft requirements for television e.t.c., operations
56. Experience and training requirements for television e.t.c., operations
57. Special authorisation requirements
58. Contents of a flight operations manual
59. Operating rules for television e.t.c., operations

PART VII- EXHIBITION OF FLYING

60. Exhibition of flying

PART VIII- TRAFFIC AND SPORTS REPORTING, FISH SPOTTING AND GAME VIEWING

61. Traffic reporting
62. Game viewing or tracking operation
63. Competitive motor vehicle operations
64. Fish spotting

PART IX – GENERAL

65. Possession of the certificate, authorization etc.
66. Drug and alcohol testing and reporting
67. Problematic use of psychoactive substances.
68. Inspection of certificate of registration
69. Change of name
70. Change of address
71. Replacement of documents
72. Certificate suspension and revocations
73. Use and retention of certificates and records
74. Reports of violation
75. Enforcement of directions
76. Aeronautical user fees
77. Application of regulations to Government and visiting forces, etc.
78. Extra-territorial application of Regulations.

PART X- EXEMPTIONS

- 79. Requirements for application for exemption
- 80. Substance of the request for exemption.
- 81. Initial review by the Authority.
- 82. Evaluation of the request.

PART XI – OFFENCES AND PENALTIES

- 83. Contravention of Regulations
- 84. Penalties

PART XII –SAVINGS AND TRANSITIONAL PROVISIONS

- 85. Savings
- 86. Transitional provisions

SCHEDULE- Penalties

IN EXERCISE of the powers conferred by section 8C of the Civil Aviation Act, the Minister for Transport makes the following Regulations-

THE CIVIL AVIATION (AERIAL WORK) REGULATIONS,

PART 1- PRELIMINARY

Citation. **1.** These Regulations shall be cited as the Civil Aviation (Aerial Work) Regulations,

Interpretation. **2.** In these Regulations unless the context otherwise requires-

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

“aerial work” means an aircraft operation in which an aircraft is used for specialised 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 an aircraft;

“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;

“agricultural air operator certificate” means a certificate authorizing an agricultural operator to carry out specified agricultural operations;

“agricultural aircraft operation” means the operation of an aircraft for the purpose of-

- (a) dispensing any economic poison; and
- (b) dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control, or engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against

the earth's surface;

“air traffic control” 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;

“appliance” means any 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;

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

“air traffic control facility” means a building holding the persons and equipment responsible for providing air traffic control services and includes airport tower, approach control, area control;

“Authority” means the (State) Civil Aviation Authority;

“banner” means an advertising medium supported by a temporary framework attached externally to the aeroplane and towed behind the aeroplane;

“commercial agricultural air operator certificate” means a certificate authorizing a person to carry out specified agricultural operations for compensation and hire;

“critical engine” means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft;

“drug trafficking” means carriage by an aircraft of narcotic drugs, marijuana and other depressant or stimulant drugs or substances;

“economic poison” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plants or animal life or viruses, except viruses on or in living human beings or other animals, which (State) shall declare to be a pest, and use as a plant regulator, defoliant or desiccant;

“exhibition of flying” means any flying activity deliberately performed

for the purpose of providing an exhibition or entertainment at an advertisement open to the public;

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

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

“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;

“flight training” means training, other than ground training, received from an authorised instructor in flight in an aircraft;

“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;

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

“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;

“night” means the time between fifteen minutes after sunset and fifteen 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 operation;

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

“powerplant” means an engine that is used or intended to be used for propelling aircraft including turbo superchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers;

“Private agricultural air operator certificate” means a certificate authorizing a person to carry out specified private agricultural operations;

“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 includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of powerplants;

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

“rotorcraft load combinations” means configurations for external-loads carried by rotorcraft-

- (a) Class A – external-load fixed to the rotorcraft, cannot be jettisoned, and does not extend below the landing gear, used to transport cargo;
- (b) Class B – external-load suspended from the rotorcraft, which can be jettisoned, and is transported free of land or water during rotorcraft operations;
- (c) Class C – external-load suspended from the rotorcraft, which can be jettisoned, but remains in contact with land or water during rotorcraft operation;
- (d) Class D – external-load suspended from the rotorcraft for the carriage of persons;

“special certificate of airworthiness” means a certificate issued to an aircraft which does not qualify for an issue of a standard certificate of airworthiness;

“standard” means an object, artifact, tool, test equipment, system, or experiment that stores, embodies, or otherwise provides a physical quantity, which serves as the basis for measurement of the quantity. It also includes a document describing the operations and processes that shall be performed in order for a particular end to be achieved;

“standard certificate of airworthiness” means a certificate of airworthiness issued by the Authority on the basis of satisfactory evidence that the aircraft complies with the design aspects of the appropriate airworthiness requirements;

“State of Design” means the Contracting State which approved the

agricultural air operator certificate.

submit an application in the prescribed form to the Authority.

Amendment of agricultural air operator certificate.

- 6.**
- (1) An agricultural air operator certificate may be amended by the Authority-
- (a) on the Authority's own initiative; or
 - (b) upon application by the holder of that certificate.
- (2) A holder of the certificate shall submit an application to amend an agricultural air operator certificate by completing a form prescribed by the Authority.
- (3) An applicant for an amendment under this regulation shall file the application to amend a certificate at least thirty days before the date that it proposes the amendment shall become effective, unless the Authority approves a shorter filing period.
- (4) The Authority shall grant a request to amend a certificate if it determines that it is in the interest of flight safety or in public interest.

Certification requirement.

- 7.**
- (1) Except as provided by sub-regulation (2), the Authority may issue-
- (a) a private agricultural air operator certificate to an applicant who meets the requirements of this Part for that certificate;
 - (b) a commercial agricultural air operator certificate to an applicant who meets the requirements of this Part for that certificate;
- (2) An applicant for an agricultural air operator certificate with a prohibition against the dispensing of economic poisons is not required to demonstrate knowledge specific to economic poisons.
- (3) A private agricultural air operator certificate applicant shall-
- (a) be a holder of a current (State) private pilot licence, commercial pilot licence, or airline transport pilot licence;
 - (b) be properly rated for the aircraft to be used; and
 - (c) not conduct operations for hire or reward.

- (4) A commercial agricultural air operator certificate applicant shall-
- (a) have available the services of at least one pilot who holds a current commercial pilot licence or airline transport pilot licence issued by the Authority and who is properly rated for the aircraft to be used; and
 - (b) possess an air service licence issued under the Civil Aviation (Licencing of Air Services) Regulations.
- (5) The applicant for a private or commercial agricultural air operator certificate shall have one or more certified and airworthy aircraft, equipped for agricultural operation.
- (6) An applicant for an agricultural air operator certificate shall show that he has satisfactory knowledge and skill of the following agricultural aircraft operations-
- (a) Knowledge of-
 - (i) steps to be taken before starting operations, including a survey of the area to be worked;
 - (ii) safe handling of economic poisons and the proper disposal of used containers for those poisons;
 - (iii) the general effects of economic poisons and agricultural chemicals on plants, animals, and persons, and the precautions to be observed in using poisons and chemicals;
 - (iv) primary symptoms of poisoning of persons from economic poisons, the appropriate emergency measures to be taken, and the location of poison control centres;
 - (v) performance capabilities and operating limitations of the aircraft to be used; and
 - (vi) safe flight and application procedures; and
 - (b) skill in the following manoeuvres, demonstrated at the aircraft's maximum certified take-off mass, or the maximum mass established for the special purpose load, whichever is greater-
 - (i) short-field and soft-field takeoffs (aeroplanes and gyroplanes only);
 - (ii) approaches to the working area;
 - (iii) flare-outs;
 - (iv) swath runs
 - (v) pullups and turnarounds; and
 - (vi) rapid deceleration (quick stops) in helicopters only.

Validity and renewal of agricultural air operator certificate.

- 8.** (1) An agricultural air operator certificate issued under regulation 7 shall be valid for twelve months from the date of issue or renewal, unless-
- (a) a shorter period is specified by the Authority;
 - (b) the Authority amends, suspends, revokes or otherwise terminates the certificate;
 - (c) the agricultural air operator certificate holder surrenders it to the Authority; or
 - (d) the agricultural air operator certificate holder suspends operations for more than one hundred eighty continuous days.
- (2) The holder of an agricultural air operator certificate that is suspended or revoked shall return it to the Authority.
- (3) An application for renewal of an agricultural air operator certificate shall be made in a form prescribed by the Authority at least sixty days before the certificate expires
- (4) Where the request for renewal is made after the expiry of an agricultural air operator certificate, the applicant shall make an initial application.

Drug trafficking.

- 9.** Where the holder of a certificate issued under these Regulations permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of any laws of (State) pertaining to drug trafficking, the Authority shall suspend or revoke the certificate.

Operating rules

General.

- 10.** (1) Except as provided in sub-regulation (3), this Part shall apply to persons and aircraft used in agricultural aircraft operations conducted under these Regulations.
- (2) The holder of an agricultural air operator certificate may deviate from the provisions of the Civil Aviation (Air Operator Certification and Administration) Regulations and the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations without obtaining an exemption when conducting aerial work operations related to agriculture, horticulture, or forest preservation in accordance with the operating

provisions of this sub-part.

- (3) A holder of a commercial pilot licence engaged by an agricultural air operator certificate need not hold a valid instrument rating while conducting aerial work operations related to agriculture, horticulture or forest preservation.

Carrying and display of certificates.

- 11.** (1) A person shall not operate an agricultural aircraft unless that person carries the following documents on board that aircraft-
 - (a) a copy of agricultural air operator certificate certified by the Authority;
 - (b) a certificate of registration; and
 - (c) a certificate of airworthiness.
- (2) A holder of an agricultural air operator certificate shall display the certificate at the home base of operations, to the public at all times and shall present it for inspection on the request of the Authority or any person authorised by the Authority.
- (3) Where the documents specified in sub-regulation (1) are not carried on the aircraft, they shall be kept available for inspection at the base from which the dispensing operation is conducted.

Limitations on private agricultural aircraft operator.

- 12.** A holder of a private agricultural air operator certificate shall not conduct an agricultural air operation-
 - (a) for compensation or hire;
 - (b) over a congested area; or
 - (c) over any property unless the holder is the owner or lessee of the property, or has ownership or other property interest in the crop located on that property.

Manner of dispensing.

- 13.** A person shall not dispense, or cause to be dispensed, any material or substance in a manner that creates a hazard to persons or property on the surface.

Economic poison dispensing.

- 14.** (1) Except as provided in sub-regulation (2), a person shall not dispense or cause to be dispensed from an aircraft that is registered in (State), any economic poison prescribed under the Pest Control Products Act-

Cap 346

- (a) for a use other than that for which it is registered;
- (b) contrary to any safety instructions or use limitations on its label; or

(c) in violation of any laws of (State).

- (2) This regulation shall not apply to any person dispensing economic poisons for experimental purposes under-
- (a) the supervision of an agency authorised by law to conduct research in the field of economic poisons; or
 - (b) other relevant authority.

Personnel of agricultural air operator.

15. (1) A holder of an agricultural air operator certificate shall ensure that each person used in the holder's agricultural aircraft operation is informed of that person's duties and responsibilities for the operation.

(2) A person shall not supervise an agricultural air operation unless the person has met the knowledge and skill requirements specified in these Regulations.

(3) A person shall not act as a pilot-in-command of an aircraft operated under these Regulations unless that person-

(a) holds a pilot licence and rating specified in regulation 17 as appropriate to the type of operation conducted; and

(b) has demonstrated to the holder of the agricultural air operator certificate conducting the operation, or to a supervisor designated by that certificate holder, that he possesses the knowledge and skill required by these Regulations.

Fastening of safety belts and harnesses.

16. (1) A person shall not operate an aircraft without a safety belt and shoulder harness properly secured about that person.

(2) The shoulder harness required under sub-regulation (1) need not be fastened if that person would be unable to perform required duties with the shoulder harness fastened.

Operations in controlled airspace designated for an airport.

17. (1) Except for flights to and from a dispensing area, a person shall not operate an aircraft within the lateral boundaries of the surface area of Class D airspace designated for an airport unless that person has obtained written authorisation for that operation from the air traffic control facility having jurisdiction over that area.

(2) A person shall not operate an aircraft in weather conditions below

visual flight rules minima within the lateral boundaries of a Class E airspace area that extends upward from the surface unless that person has obtained written authorisation for that operation from the air traffic control facility having jurisdiction over that area.

Non observance of airport traffic pattern.

- 18.**
- (1) The pilot-in-command of an aircraft may deviate from an airport traffic pattern when authorized by the control tower concerned.
 - (2) At an airport without a functioning control tower, the pilot-in-command may deviate from the traffic pattern if-
 - (a) prior coordination is made with the airport management concerned;
 - (b) deviations are limited to the agricultural aircraft operation;
 - (c) except in an emergency, landing and takeoffs are not made on ramps, taxiways, or other areas of the airport not intended for such use; and
 - (d) the aircraft at all times remains clear of, and gives way to, aircraft conforming to the traffic pattern for the airport.

Operation over areas other than congested areas.

- 19.**
- Notwithstanding the requirements of the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations, the holder of a certificate may conduct dispensing operations, including approaches, departures and turnarounds reasonably necessary for the operation, below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

Operation over congested areas-general.

- 20.**
- (1) A person shall operate an aircraft over a congested area at altitudes required for the proper accomplishment of the agricultural aircraft operation if that operation is not conducted-
 - (a) with the maximum safety to persons and property on the surface, consistent with the operation; and
 - (b) in accordance with the requirements of sub-regulation (2).
 - (2) A person shall not operate an aircraft over a congested area unless that person-
 - (a) has obtained prior written approval from the Authority and other relevant authorities having jurisdiction over that area.
 - (b) has issued notice of the intended operation to the public as specified by the Authority.

- (3) A plan for each complete operation shall be submitted to, and approved by, the Authority which plan shall include consideration of obstructions to flight, the emergency landing capabilities of the aircraft to be used; and any necessary coordination with air traffic control.
- (4) A person operating a single engine aircraft shall not -
- (a) except for helicopters, take off a loaded aircraft, or make a turnaround over a congested area;
 - (b) operate the aircraft over a congested area below the altitudes prescribed in the Civil Aviation (Rules of the Air and air Traffic Control) Regulations except during the actual dispensing operation, including the approaches and departures necessary for that operation; or.
 - (c) operate the aircraft over a congested area during the actual dispensing operation, including the approaches and departures for that operation, unless it is operated in a pattern and at such an altitude that the aircraft can land, in an emergency, without endangering persons or property on the surface.
- (5) A person operating a multiengine aircraft shall not-
- (a) take-off a multiengine aircraft over a congested area except under conditions that will allow the aircraft to be brought to a safe stop within the effective length of the runway from any point on takeoff up to the time of attaining, with all engines operating at normal takeoff power, one hundred and five percent of the minimum control speed with the critical engine inoperative in the takeoff configuration or one hundred and fifteen percent of the power-off stall speed in the take-off configuration, whichever is greater, as shown by the accelerate stop distance data:

Provided that, the takeoff data is based upon still-air conditions, and no correction is made for any uphill gradient of one percent or less when the percentage is measured as the difference between elevation at the end points of the runway divided by the total length and for uphill gradients greater than one percent, the effective takeoff length of the runway is reduced twenty percent for each one-percent grade;

- (b) operate the multiengine aircraft at a weight greater than the weight that, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction with the area to be worked on or at an altitude of 5,000 feet, whichever is higher, provided that the propeller of the inoperative engine is in the minimum drag position; that the wing flaps and landing gear are in the most favourable positions; and that the remaining engine or engines are operating at the maximum continuous power available; or
- (c) operate the multiengine aircraft over a congested area below the altitudes prescribed in the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations, except during the actual dispensing operation, including the approaches, departures and turnarounds necessary for that operation.

Operation over congested areas- pilots and aircraft.

- 21.** A person shall not operate an aircraft over a congested area unless-
- (a) the pilot-in-command of the aircraft has at least-
 - (i) twenty-five hours of pilot-in-command flight time in the make and basic model of the aircraft, at least ten hours of which shall have been acquired within the preceding twelve calendar months; and
 - (ii) one hundred hours of flight experience as pilot-in-command in dispensing agricultural materials or chemicals.
 - (b) the aircraft, if it is-
 - (i) an aircraft not specified in this paragraph, has had within the preceding one hundred hours of time in service a one hundred hour or annual inspection by a person authorized by the Authority under the requirements of the Civil Aviation (Airworthiness) Regulations or have been inspected under a progressive inspection system;
 - (ii) a large or turbine-powered multiengine aircraft of (State)n registry, has been inspected in accordance with the applicable inspection programme requirements of Civil Aviation (Airworthiness) Regulations;
 - (iii) not a helicopter, is equipped with a device capable of jettisoning at least one-half of the aircraft's maximum authorized load of agricultural material within 45 seconds; and
 - (iv) equipped with a device for releasing the tank or hopper as a unit, has the means to prevent inadvertent release by the pilot

or other crewmember.

- Business name for commercial agricultural aircraft operator. **22.** A person shall not operate as a commercial agricultural air operator under a business name that is not shown on that person's agricultural air operator certificate.
- Access for inspection. **23.** A holder of an agricultural air operator certificate shall allow the Authority at any time and place to carry out inspections, including on the job inspections, to determine compliance with applicable regulations and the agricultural air operator certificate requirements.
- Records of commercial agricultural aircraft operator. **24.** (1) A holder of a commercial agricultural air operator certificate shall maintain and keep current, at the home base designated in its application, the following records-
- (a) the name and address of each person for whom agricultural air operator services were provided;
 - (b) the date of the service;
 - (c) the name and quantity of the material dispensed for each operation conducted; and
 - (d) the name, address, and certificate number of each pilot used in the agricultural aircraft operations and the date that pilot met the knowledge and skill requirements of this regulation.
- (2) The records specified by this regulation shall be kept for at least twenty four months and made available for inspection by the Authority upon request.

PART III - ROTORCRAFT EXTERNAL-LOAD OPERATIONS

Certification rules

- Application. **25.** This Part shall not apply to-
- (a) a rotorcraft manufacturer when developing external-load attaching means;
 - (b) a rotorcraft manufacturer demonstrating compliance of equipment utilized under this Part;
 - (c) operations conducted by a person demonstrating compliance for the issuance of a certificate or authorisation under this Part;
 - (d) training flights conducted in preparation for the demonstration of compliance with this Part; or
 - (e) a local or national government conducting operations with state aircraft.

- Certification. **26.** (1) A person shall not conduct rotorcraft external-load operations within (State) without or, in violation of the terms of, a rotorcraft external-load operator certificate issued by the Authority.
- (2) A person holding a rotorcraft external-load operator certificate shall not conduct rotorcraft external-load operation under a business name that is not shown on that certificate.
- Validity and renewal of a rotorcraft external-load operator certificate. **27.** (1) A rotorcraft external-load operator certificate shall be valid for a period of twelve months from the date of issue or renewal unless it is otherwise surrendered, suspended or revoked.
- (2) The holder of a rotorcraft external-load operator certificate that is suspended or revoked shall return it to the Authority within fourteen days of the suspension or revocation
- (3) An application for renewal of a rotorcraft external-load operator certificate shall be made on a form prescribed by the Authority not later than sixty days before the certificate expires.
- (4) An applicant for a rotorcraft external-load operator certificate which has expired shall make an initial application.
- Application for certificate issuance or renewal. **28.** An application for the issuance or renewal of a certificate under these Regulations shall be made in a form prescribed by the Authority.
- Issuance of a rotorcraft external-load operator certificate. **29.** The Authority shall issue a rotorcraft external-load operator certificate to an applicant who complies with the requirements of this Part, with an authorization for the applicant to operate specified rotorcraft with those classes of rotorcraft load combinations for which the applicant qualifies.
- Rotorcraft. **30.** (1) An applicant for a rotorcraft external-load operator certificate shall have the exclusive use of at least one rotorcraft that-
- (a) is type certificated and meets the requirements of these Regulations;
 - (b) complies with the certification provisions that apply to external-load combinations for which authorisation is requested; and
 - (c) has a valid certificate of airworthiness.

- (2) For the purposes of sub-regulation (1), a person has exclusive use of a rotorcraft if that person has the sole possession, control, and use of it for flight, as owner, or has a written agreement, including arrangements for the performance of required maintenance, giving him that possession, control and use.

Personnel of rotorcraft external-load operator.

- 31.** (1) An applicant for a rotorcraft external-load operator certificate shall
 - (a) hold, or have available the services of at least one person who holds a current commercial pilot licence or airline transport pilot licence, with a rating appropriate for the rotorcraft to be used, issued by the Authority;
 - (b) designate one pilot, who may be the applicant, as chief pilot for rotorcraft external-load operations; and
 - (c) designate a qualified pilot as deputy chief pilot to perform the functions of the chief pilot when the chief pilot is not readily available.
- (2) The chief pilot and deputy chief pilot designated under sub-regulation (1) shall be acceptable to the Authority and each shall hold a current commercial pilot licence or airline transport pilot licence, with a rating appropriate for the rotorcraft to be used.
- (3) The holder of a rotorcraft external-load operator certificate shall report any change in designation of chief pilot or deputy chief pilot to the Authority.
- (4) A newly designated chief pilot shall comply with the knowledge and skill requirements of this Part within thirty days, or the operator shall not conduct further operations under the rotorcraft external-load operator certificate, unless otherwise authorised by the Authority.

Knowledge and skills of applicant.

- 32.** (1) Except as provided in sub-regulation (4), the applicant for a certificate or the chief pilot designated in accordance with regulation 31(1) shall demonstrate to the Authority satisfactory knowledge and skill regarding rotorcraft external-load operations as set out in sub-regulation (2) and (3).
- (2) An applicant or a chief pilot referred to in sub-regulation (1) shall

take a test of knowledge covering the following subjects-

- (i) steps to be taken before starting operation, including a survey of the flight area;
- (ii) proper method of loading, rigging, or attaching the external-load;
- (iii) performance capabilities, under approved operating procedures and limitations, of the rotorcraft to be used;
- (iv) proper instructions of flight crew and ground workers; and
- (v) appropriate rotorcraft-load combination flight manual.

- (3) An applicant is a chief pilot referred to in sub-regulation (1), shall take a skill test which requires appropriate manoeuvres for each class requested, and the following appropriate manoeuvres for shall demonstrate each load class in the rotorcraft -
 - (a) take-offs and landings;
 - (b) demonstration of directional control while hovering;
 - (c) acceleration from a hover;
 - (d) flight at operational airspeeds;
 - (e) approaches to landing or working area;
 - (f) manoeuvring the external-load into the release position; and
 - (g) demonstration of winch operation if it is installed to hoist the external-load.
- (4) Compliance with sub-regulations (2) and (3) need not be shown if the Authority finds, on the basis of the applicant's or his designated chief pilot's previous experience and safety record in rotorcraft external-load operations, that his knowledge and skill are adequate.

Amendment of rotorcraft external-load certificate.

- 33.** (1) A holder of a rotorcraft external-load certificate may apply to the Authority for an amendment of the certificate, to add or delete a rotorcraft-load combination authorisation.
- (2) The holder of a rotorcraft external-load certificate may apply for an amendment to add or delete a rotorcraft authorisation by submitting to the Authority a new list of rotorcraft, by national and registration marks, with the classes of rotorcraft-load combinations for which authorisation is requested.

Availability, display, and surrender of certificate.

- 34.** (1) A holder of a rotorcraft external-load operator certificate shall display and keep that certificate and a list of authorized rotorcraft at the home base of operations and shall make it available for inspection by the

Authority upon request.

- (2) A person conducting a rotorcraft external-load operation shall carry a copy of the rotorcraft external-load operator certificate certified by the Authority in each rotorcraft used in the operation.
- (3) Where the Authority suspends or revokes a rotorcraft external-load operator certificate, the holder of that certificate shall return it to the Authority within fourteen days of the suspension or revocation.
- (4) Where the certificate holder, for any other reason, discontinues operations under his certificate and does not resume operations within six months, the certificate holder shall return the certificate to the Authority.

Operating Regulations and Related Requirements

Emergency operations.

- 35.**
- (1) In an emergency involving the safety of persons or property, a certificate holder of a certificate issued under these Regulations, may deviate from the provisions of these Regulations to the extent required to meet that emergency.
 - (2) A certificate holder who, in an emergency deviates from the requirements of these Regulations, shall notify the Authority within ten days after the deviation.
 - (3) Upon the request of the Authority, the certificate holder who deviated from the requirement of these Regulations shall provide the Authority with a complete report of the aircraft operation involved including a description of the deviation and reasons for it.

Operating rules for rotorcraft external-load operations.

- 36.**
- (1) A person shall not conduct a rotorcraft external-load operation without, or contrary to, the rotorcraft external-load combination operating manual prescribed in Regulation 43.
 - (2) A person shall not conduct a rotorcraft external-load operation unless -
 - (a) the rotorcraft complies with the provisions of regulation 30;
 - and
 - (b) the rotorcraft load combination is authorised under the

rotorcraft external-load operator certificate.

- (3) Before a person operates a rotorcraft with an external-load configuration that differs substantially from any that person has previously carried with that type of rotorcraft, whether or not the rotorcraft-load combination is of the same class, that person shall conduct, in a manner that shall not endanger persons or property on the surface, such of the following flight operational checks as the Authority determines are appropriate to the rotorcraft-load combination-
 - (a) a determination that the weight of the rotorcraft-load combination and the location of its centre of gravity are within approved limits, that the external-load is securely fastened, and that the external-load does not interfere with devices provided for its emergency release;
 - (b) make an initial lift-off and verify that controllability is satisfactory;
 - (c) while hovering, verify that directional control is adequate;
 - (d) accelerate into forward flight to verify that no attitude, whether of the rotorcraft or of the external-load, is encountered in which the rotorcraft is uncontrollable or which is otherwise hazardous;
 - (e) in forward flight, check for hazardous oscillations of the external-load, but if the external-load is not visible to the pilot, other crewmembers or ground personnel shall make this check and signal the pilot; and
 - (f) increase the forward airspeed and determine an operational airspeed at which no hazardous oscillation or hazardous aerodynamic turbulence is encountered.

- (4) Notwithstanding the provisions of the Civil Aviation (Operation of Aircraft) Regulations, the holder of a rotorcraft external-load operator certificate may conduct rotorcraft external-load operations over congested areas if those operations are conducted without hazard to persons or property on the surface and comply with the following-
 - (a) the operator shall develop a plan for each complete operation and obtain approval for the operation from the Authority;
 - (b) the plan shall include an agreement with the relevant authority in whose jurisdiction the operation shall be conducted, coordination with air traffic control, if necessary, and a detailed chart depicting the flight routes and altitudes; and

(c) a flight shall be conducted at an altitude and on a route that shall allow a jettisonable external-load to be released, and the rotorcraft landed, in an emergency without hazard to persons or property on the surface.

(5) Notwithstanding the provisions of the Civil Aviation (Operation of Aircraft) Regulations, and except as provided in Regulation 42(2), the holder of a rotorcraft external-load operator certificate may conduct external-load operations, including approaches, departures, and load positioning manoeuvres necessary for the operation, below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

(6) A person shall not conduct rotorcraft external-load operations under instrument flight rules unless specifically approved by the Authority.

(7) A person shall not carry a person as part of the external-load under instrument flight rules.

Carriage of persons.

37. (1) A holder of a rotorcraft external-load certificate shall not carry or allow a person to be carried on the rotorcraft during rotorcraft external-load operations unless that person—

(a) is a flight crewmember;

(b) is a flight crewmember trainee;

(c) performs an essential function in connection with the external-load operation; or

(d) is necessary to accomplish the work activity directly associated with that operation.

(2) The pilot-in-command shall ensure that all persons carried in the rotorcraft are briefed before take-off on all procedures to be followed, including normal, abnormal and emergency procedures, and the equipment to be used during the external-load operation.

(3) For the purpose of this Part, a person other than a crewmember or a person who is essential and directly connected with the external-load operation shall be carried only in approved Class D rotorcraft-load combinations.

Crew member training, currency, and testing requirements.

- 38.** (1) A holder of a rotorcraft external-load certificate shall not use, nor shall any person serve, as a pilot in helicopter external-load operations unless that person-
- (a) has successfully demonstrated to the Authority the knowledge and skill with respect to the rotorcraft-load combination in accordance with Regulation 32; and
 - (b) has in their personal possession, a certificate of competency issued by the operator or an appropriate logbook entry indicating compliance with paragraph (a).
- (2) A rotorcraft external-load operator certificate holder shall not use, nor shall any person serve as, a crew member or other operations personnel in Class D operations unless, within the preceding twelve months, that person has successfully completed either an approved initial or a recurrent training programme.
- (3) Notwithstanding the provision of sub-regulation (2), a person who has performed a rotorcraft external-load operation of the same class and in an aircraft of the same type within the past twelve calendar months need not undergo recurrent training.

Access for inspection.

- 39.** A person conducting an operation in accordance with the provisions of this Part shall give the inspectors from the Authority's free and uninterrupted access to that person's aircraft and allied facilities with regard to the external-load operations in order for the inspectors to conduct any inspections or tests that the Authority considers necessary to determine compliance with these Regulations and the rotorcraft external-load operator certificate.

Airworthiness Requirements.

Flight characteristics requirements.

- 40.** (1) An applicant for a certificate under this Part shall demonstrate to the Authority, by performing the following operational flight checks, that the rotorcraft-load combination has satisfactory flight characteristics, unless these operational flight checks have been demonstrated previously and the rotorcraft-load combination flight characteristics were satisfactory-
- (a) for Class A rotorcraft-load combinations, an operational flight check which shall consist of at least the following manoeuvres-
 - (i) take off and landing;
 - (ii) demonstration of adequate directional

- control while hovering;
- (iii) acceleration from a hover; and
- (iv) horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested.

(b) for Class B and D rotorcraft-load combinations, the operational light check which shall consist of at least the following manoeuvres-

- (i) pickup of the external-load;
- (ii) demonstration of adequate directional control while hovering;
- (iii) acceleration from a hover;
- (iv) horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested;
- (v) demonstrating appropriate lifting device operation; and
- (vi) manoeuvring of the external-load into release position and its release, under probable flight operation conditions, by means of each of the quick-release controls installed on the rotorcraft.

(c) for Class C rotorcraft-load combinations used in wire-stringing, cable-laying, or similar operations, an operational flight check which shall consist of the manoeuvres, as applicable, prescribed in paragraph (b).

(2) For the purposes of this demonstration, the external-load weight, including the external-load attaching means, is the maximum weight for which authorisation is requested.

Structures and design.

41. (1) An external-load attaching means and a quick release device means of a rotorcraft shall be approved by the Authority.

(2) The total weight of the rotorcraft-load combination shall not exceed the total weight approved for the rotorcraft during its type certification.

(3) The location of the centre of gravity shall, for all loading conditions, be within the range established for the rotorcraft during its type certification.

- (4) For Class C rotorcraft-load combinations, the magnitude and direction of the loading force shall be established at those values for which the effective location of the centre of gravity remains within its established range.

Operating limitations.

- 42.** (1) In addition to the operating limitations set out in the approved Rotorcraft Load Combination Operating Manual and to any other limitations that the Authority may prescribe, the operator shall establish at least the following limitations and specify them in the Rotorcraft-Load Combination Operating Manual in which case the limitations for rotorcraft-load combination operations shall-
 - (a) be operated only within the weight and centre of gravity limitations established in accordance with this Part;
 - (b) not be operated with an external-load weight exceeding that used in showing compliance with this Part; and
 - (c) not be operated at airspeeds greater than those established in accordance with these Regulations.
- (2) A person shall not conduct an external-load operation under these Regulations with a rotorcraft type certified in the restricted category over a densely populated area, in a congested airway, or near a busy airport where commercial air transport operations are conducted.
- (3) The rotorcraft-load combination of Class D may be conducted only in accordance with the following conditions-
 - (a) the rotorcraft to be used shall have been type-certificated under transport Category and provide hover capability with one engine inoperative at that operating weight and altitude;
 - (b) the rotorcraft shall be equipped to allow direct radio intercommunication among required crewmembers;
 - (c) the personnel lifting device shall be approved by the Authority; and
 - (d) the lifting device shall have an emergency release requiring two distinct actions.

Rotorcraft-load combination operating manual.

- 43.** (1) An applicant for a rotorcraft external-load operator certificate shall prepare a rotorcraft-load combination operating manual and submit it to the Authority for approval.

- (2) The manual referred to in sub-regulation (1) shall specify-
 - (a) operating limitations, normal and emergency procedures, performance, and other information required under this Part;
 - (b) the class of rotorcraft-load combinations for which the airworthiness of the rotorcraft has been demonstrated in accordance with this Part; and
 - (c) in the information section of the Rotorcraft-Load Combination operating manual-
 - (i) information on any peculiarities discovered when operating particular rotorcraft-load combinations;
 - (ii) precautionary advice regarding static electricity discharges for Class B, Class C and Class D rotorcraft-load combinations; and
 - (iii) any other information essential for safe operation with external-loads.
- (3) The limiting height speed envelope data need not be listed in the rotorcraft-load combination flight manual.

Markings and placards.

- 44.** (1) The markings and placards of a rotorcraft shall be displayed conspicuously on the rotorcraft and shall be such that they cannot be easily erased, disfigured or obscured.
- (2) The placard displayed in the cockpit or cabin shall state the class of rotorcraft-load combination and the occupancy limitation for which the rotorcraft has been approved.
- (3) The placard, marking, or instruction displayed next to the external-load attaching means shall state the maximum external-load approved.

PART IV – GLIDER TOWING, PICKING UP AND RAISING OF PERSONS AND ARTICLES

Towing of gliders.

- 45.** (1) A person operating an aircraft in flight shall not tow a glider unless the certificate of airworthiness of the aircraft is valid and includes an express provision that the aircraft may be used for towing a glider of that particular type.
- (2) A person operating an aircraft shall not tow a glider unless the pilot-in-

command of the towing aircraft is qualified under this Part.

- (3) A person shall not operate an aircraft that is towing a glider unless the aircraft is equipped with a tow hook and release control system that meets the applicable standards of airworthiness.
- (4) The length of the combination of towing aircraft, towrope and glider in flight shall not exceed 150 metres.
- (5) A pilot-in-command of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off that-
 - (a) the towline is in good condition and meets the requirements specified in this regulation;
 - (b) the combination of the towing aircraft and glider is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination;
 - (c) signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
 - (d) emergency signals have been agreed between the pilot-in-command of the towing aircraft and the pilot-in-command of the glider to be used, respectively, by the pilot-in-command of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the pilot-in-command of the glider to indicate that the tow cannot be released.
- (6) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.
- (7) A person operating an aircraft in flight shall not tow a glider except in accordance with such conditions and requirements as the Authority may specify.
- (8) A pilot-in-command of an aircraft shall satisfy himself that-
 - (a) the towing aircraft is equipped with a tow hitch of a kind, and installed in a manner that is approved by the Authority;
 - (b) the towline used has breaking strength of not less than eighty

percent of the maximum certificated operating weight of the glider and not more than twice this operating weight, however, the towline used shall have a breaking strength more than twice the maximum certificated operating weight of the glider if-

- (i) a safety link is installed at the point of attachment of the towline to the glider with a breaking strength of not less than eighty percent of the maximum certificated operating weight of the glider and not greater than twice this operating weight;
 - (ii) a safety link is installed at the point of attachment of the towline to the towing aircraft with a breaking strength greater, but not more than twenty-five percent greater than that of the safety link at the towed glider end of the towline and not greater than twice the maximum certificated operating weight of the glider;
- (c) before conducting any towing operation within the lateral boundaries of the surface areas of Class B, C, D, or E airspace designated for an airport, or before making each towing flight within such controlled airspace if required by air traffic control, the pilot-in-command notifies the control tower;
- (d) if a control tower does not exist, the pilot-in-command shall notify the Authority before conducting any towing operations; and
- (e) the pilots of the towing aircraft and the glider have agreed upon a general course of action, including takeoff and release signals, airspeeds, and emergency procedures for each pilot.
- (9) A pilot of an aircraft shall not intentionally release a towline, after release of a glider, in a manner that endangers the life or property of other persons.

Glider towing-experience and training requirements.

- 46.** (1) A person shall not act as a pilot-in-command of an aircraft towing a glider unless that person-
- (a) holds at least a private pilot licence with a category rating for powered aircraft and has logged at least one hundred hours of pilot-in-command time in the same aircraft category, class, and type the pilot is using to tow a glider;
 - (b) has a logbook endorsement from an authorized instructor who certifies that the person received ground and flight

training in towing gliders and is proficient in-

- (i) the techniques and procedures essential to the safe towing of gliders, including airspeed limitations;
 - (ii) emergency procedures;
 - (iii) signals used; and
 - (iv) maximum angles of bank;
- (c) has logged at least three flights as the sole manipulator of the controls of an aircraft towing a glider or simulating glider-towing flight procedures while accompanied by a pilot who meets the requirements of this regulation;
- (d) has received a logbook endorsement from the pilot, specified in paragraph (c), certifying that the person has accomplished at least three flights in an aircraft while towing a glider, or while simulating glider-towing flight procedures; and
- (e) within the preceding twelve months has-
- (i) made at least three actual or simulated glider tows while accompanied by a qualified pilot who meets the requirements of this Part; or
 - (ii) made at least three flights as pilot-in-command of a an aircraft towing a glider.
- (2) The pilot, specified in sub-regulation (1)(d), who endorses the logbook of a person seeking glider-towing privileges shall have-
- (a) met the requirements of this regulation prior to endorsing the logbook of the person seeking glider-towing privileges; and
 - (b) logged at least ten flights as pilot-in-command of an aircraft while towing a glider.
- (3) If the pilot described in sub-regulation (1)(d) holds only a private pilot licence, that pilot shall have-
- (a) logged at least one hundred hours of pilot-in-command time in aeroplanes, or two hundred hours of pilot-in-command time in a combination of powered and other than powered aircraft; and
 - (b) performed and logged at least three flights within the twelve calendar months preceding the month that pilot accompanies or endorses the logbook of a person seeking glider-towing privileges-
- (i) in an aircraft towing a glider accompanied by another pilot who meets the requirements of this regulation; or
 - (ii) as pilot-in-command of an aircraft towing a glider.

Towing, picking up and raising of persons, animals and articles.

- 47.**
- (1) A person operating an aircraft in flight shall not, by means external to the aircraft, tow any article other than a glider or banner, tow or pick up, or raise any person, animal or article, unless the certificate of airworthiness of the aircraft is valid and includes an express provision that it may be used for that purpose.
 - (2) A person operating an aircraft shall not launch or pick up towlines, banners or similar articles other than at an aerodrome.
 - (3) A person shall not operate an aircraft in flight to tow any article, other than a glider, at night or when flight visibility is less than one mile.
 - (4) The length of the combination of towing aircraft, towline and article in a tow shall not exceed 150 metres.
 - (5) A person flying a helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when an article, person or animal is suspended from the helicopter.
 - (6) Nothing in this regulation shall-
 - (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, or any instrument which is being used for experimental purposes;
 - (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
 - (c) apply to any aircraft while it is flying in accordance with the provisions of the special flight permit issued under the Civil Aviation (Airworthiness) Regulations; or
 - (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with this Part.

Dropping of articles and animals.

- 48.**
- (1) A person shall not drop or permit to be dropped an article or animal, whether or not attached to a parachute, from an aircraft in flight so as to endanger persons or property.
 - (2) Sub-regulation (1) shall not apply to the dropping of an article by, or with the authority of the pilot in command of the aircraft in any of the

following circumstances, provided that the pilot seeks to avoid endangering persons or property-

- (a) the dropping of an article for the purpose of saving life;
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
- (c) the dropping of ballast in the form of fine sand or water;
- (d) the dropping of an article solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations;
- (e) the dropping at an aerodrome, in accordance with prescribed regulations of towropes, banners, or similar article towed by aircraft;
- (f) the dropping of an article for the purpose of agriculture, horticulture forestry or public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the article is dropped with the permission of the Authority and in accordance with any condition subject to which that permission may have been given; and
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind indicators are dropped with the permission of the Authority and in accordance with any conditions subject to which that permission may have been given.

- (3) For the purposes of this regulation “dropping” includes projecting and lowering.
- (4) Nothing in this regulation shall prohibit the lowering of any animal or article from a helicopter to the surface, if the certificate of airworthiness of the aircraft is valid and includes an express provision that it may be used for that purpose.

Dropping of persons.

- 49.**
- (1) A person shall not drop, be dropped or permit to drop to the surface or jump from an aircraft flying over (State) except under and in accordance with the terms of a written authorisation granted by the Authority under the Civil Aviation (Personnel Licensing) Regulations which written authorisation shall specify its duration.
 - (2) Notwithstanding the grant of an authorisation under sub-regulation (1), a person shall not drop, be dropped or be permitted to drop from an

aircraft in flight so as to endanger persons or property.

- (3) A person shall not operate or use an aircraft for the purpose of dropping persons unless the aircraft has a certificate of airworthiness and an authorisation granted for that purpose.
- (4) Nothing in this regulation shall-
 - (a) apply to the descent of persons by parachute from an aircraft in an emergency;
 - (b) prohibit the lowering of any person in an emergency or for the purpose of saving life; or
 - (c) prohibit the lowering of any person from a helicopter to the surface if the certificate of airworthiness of the aircraft is valid and includes an express provision that it may be used for that purpose.

PART V – BANNER TOWING

Authorisation required for banner towing operations.

- 50.** (1) Except as provided in sub-regulation (2), a person shall not conduct banner towing operations with an aircraft except in accordance with the terms of an authorisation issued by the Authority.
- (2) A helicopter operating under the provisions of external-load operations may tow a banner using an external-load attaching means without an authorisation only if the operator has a Class B authorisation on the operating certificate.

Aircraft requirements for banner towing operations.

- 51.** (1) A person shall not operate an aircraft that is towing a banner unless the aircraft is equipped with a tow hook and release control system that meet the applicable standards of airworthiness.
- (2) A person shall not operate a helicopter that is towing a banner unless the helicopter has a means to prevent the banner from becoming entangled in the helicopter's tail rotor during all phases of flight, including auto-rotations.

Experience and training requirements for banner towing

- 52.** (1) The pilot of the tow aircraft that is not operating for hire or compensation shall hold at least a valid private pilot licence and have a minimum of two hundred hours of pilot-in-command time.

operations.

- (2) When banner tow operations are conducted for compensation or hire, the pilot shall have at least a valid commercial pilot licence.
- (3) A pilot engaged in banner towing operations shall demonstrate competence to the Authority by performing at least one pickup and drop of the maximum number of letters (panels) to be used by the certificate holder.
- (4) The demonstration referred to in sub-regulation (3) shall be observed from the ground to allow an inspector from the Authority to evaluate the competence of any essential ground personnel as well as the flight operation.

Operating rules
for banner
towing
operations.

53.

- (1) All banner towing operations shall be conducted only-
 - (a) in visual flight rules weather conditions; and
 - (b) between the hours of official sunrise and sunset.
- (2) A person shall not conduct banner towing operations-
 - (a) over congested areas or open air assemblies of persons at whichever of the following heights is higher-
 - (i) at a height below 1,000 feet above the highest fixed object within 600 metres of the aircraft;
 - (ii) below such a height as would enable the aircraft to alight clear of the area and without danger to persons or property on the surface, in the event of failure of a power unit.
 - (b) elsewhere not below such height as would enable the aircraft to alight clear of the assembly in the event of the failure of a power unit.
- (3) A holder of an authorisation carrying out a banner tow operation shall be required to obtain a written approval of the authority managing the airport to conduct the operation.
- (4) If a banner towing operation takes place at an airport with air traffic control, the holder of an authorisation shall inform the air traffic control of the time of the operation and obtain clearance.

- (5) The holder of an authorisation shall notify the appropriate airport officials in advance when a banner tow operation shall be in close proximity to an unmanned airport.
- (6) Only essential crewmembers shall be carried when conducting a banner tow operation.
- (7) When a banner tow operation is conducted around congested areas, the pilot shall exercise due care so that, in the event of emergency release of the banner or towrope, the banner or towrope shall not cause undue hazard to persons or property on the surface.
- (8) A pilot conducting a banner operation shall drop the towrope in a pre-designated area at least 500 feet from persons, buildings, parked automobiles, and aircraft.
- (9) If a tow aeroplane lands with the rope attached, due care shall be exercised to avoid trailing the rope and endangering other aircraft in the air, or persons, property or aircraft on the surface.
- (10) A pilot conducting a banner-towing operation shall carry on board the aircraft a current copy of the authorisation allowing the banner towing operation.
- (11) A pilot conducting a banner-towing operation shall ensure coordination of banner times with other aviation operations at all times and such coordination shall include-
 - (a) communications-
 - (i) air to air;
 - (ii) air to ground; and
 - (iii) coordination with air traffic control.
 - (b) traffic flow: identification and depiction of traffic patterns for the pilots concerned; and
 - (c) airworthiness inspections: all aircraft conducting banner towing operations shall prior to the event undergo an airworthiness safety inspection.

- (a) in acrobatic flight below 1,500 feet above ground level;
 - (b) over a congested area; or
 - (c) in controlled airspace.
- (2) The holder of the special authorisation issued under this regulation shall provide a schedule of events that lists the-
- (a) identification of the aircraft; and
 - (b) performers in the sequence of their appearance.
- (3) Any manoeuvres added or time changes to the schedule of events shall be approved by the Authority.
- (4) A holder of a special authorisation shall develop and comply with the requirements of to a motion picture, television, aerial photography or aerial survey flight operations manual which shall be approved by the Authority.

58. A motion picture, television or aerial photography and survey flight operations manual shall contain at least the following-
- (a) business name, address, and telephone number of applicant;
 - (b) list of pilots to be used during the filming, aerial photography and survey including their pilot licence numbers, type of licence and date of medical certificate;
 - (c) list of aircraft by make and model;
 - (d) procedures for revising the manual to ensure that all manuals are kept current;
 - (e) procedures to ensure that no persons, except those persons consenting to be involved and necessary for the filming or aerial photography and survey are allowed within 500 feet of the filming production area;
 - (f) the area that will be used during the term of the authorisation;
 - (g) procedures for the submission, within three days of scheduled filming or aerial photography and survey, of a written plan of activities to the Authority containing at least the following-
 - (i) dates and times for all flights;
 - (ii) name and phone number of person responsible for the filming or aerial photography and survey;
 - (iii) make and model of aircraft to be used and type of airworthiness certificate;
 - (iv) names of pilots involved in the filming or aerial photography and survey;
 - (v) a statement that permission has been obtained from property owners or local officials to conduct the filming or aerial photography and survey;
 - (vi) a general outline, or summary, of the production schedule, to include maps or diagrams of the specific filming or aerial photography and survey location;
 - (h) requirements and procedures that the special authorisation applicant will use to obtain permission from property owners or local officials like police and fire departments as appropriate for the conduct of all filming or aerial photography and survey;
 - (i) method of security that will be used to exclude all persons not directly involved with the operation from the location;
 - (j) procedures to brief personnel of the risks involved,

emergency procedures, and safeguards to be followed during the filming or aerial photography and survey;

- (k) procedures to ensure that required inspections will be conducted;
- (l) procedures to provide communications capability with all participants during the actual operation and filming or aerial photography and survey; and
- (m) procedures for notification and reporting of incidents and accidents.

Operating rules
for television
e.t.c., operations

- 59.**
- (1) An operator shall not conduct motion picture, television flight or aerial photography operations so as to endanger persons or property on the surface or aircraft in flight.
 - (2) Minimum cloud clearance requirements and minimum altitude requirements of the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations do not apply to operations where different requirements and minimums are specifically authorised by the Authority under these Regulations.

PART VII - EXHIBITION OF FLYING

Exhibition of
flying.

- 60.**
- (1) A person shall not conduct an exhibition of flying unless that person has obtained authorisation from the Authority.
 - (2) A pilot shall not participate in an exhibition of flying unless that pilot-
 - (a) holds a valid private pilot licence, commercial pilot licence or airline transport pilot licence;
 - (b) is rated on the type of aircraft to be used; and
 - (c) can comply with any relevant conditions specified in the authorisation
 - (3) A person shall not use an aircraft in exhibition of flying, unless that aircraft has a valid certificate of airworthiness.
 - (4) A person shall not be issued with the authorisation referred to in sub regulation (1) unless that person proves to the Authority the ability to safely conduct the exhibition of flying.
 - (5) The authorisation referred to in sub regulation (1) may be issued subject to such conditions, as the Authority deems fit and shall,

remain in force for the period specified in the authorisation.

- (6) A person authorised to conduct an exhibition of flying under this regulation shall not conduct the exhibition so as to endanger persons or property on the surface or aircraft in flight.

PART VIII- TRAFFIC AND SPORTS REPORTING, FISH SPOTTING AND GAME VIEWING

Traffic reporting.

- 61.** (1) A person shall not conduct an aircraft operation involving the observation of, and reporting on, vehicular traffic conditions on the highways and streets unless that person-
- (a) holds at least a valid private pilot licence-
 - (b) uses an aircraft with a standard certificate of airworthiness; and
 - (c) holds an authorisation issued by the Authority.
- (2) A person authorised under this regulation shall not conduct operations so as to endanger persons or property on the surface or aircraft in flight.

Game viewing or tracking operation.

- 62.** (1) A person shall not conduct an aircraft operation involving the observation of, and reporting on, participating in game viewing or tracking operations unless that person-
- (a) holds at least a valid private pilot licence;
 - (b) uses aircraft with a certificate of airworthiness or restricted certificate of airworthiness; and
 - (c) holds an authorisation issued by the Authority.
- (2) A person authorised under this regulation shall not conduct operations so as to endanger persons, animals or property on the surface or aircraft in flight.

Competitive motor vehicle operations.

- 63.** (1) A person shall not conduct aircraft operations involving the observation of, and reporting on, participating in motor vehicle testing and competitive operations unless that person-
- (a) holds at least a valid private pilot licence;
 - (b) uses an aircraft with a standard certificate of airworthiness; and
 - (c) holds authorisation issued by the Authority.

- (2) A person authorised under this regulation shall not conduct operations so as to endanger persons or property on the surface or aircraft in flight.

Fish spotting.

- 64.** (1) A person shall not conduct aircraft operations involving location, tracking, and reporting on the location of fish and fish schools, as part of a business enterprise or for compensation or hire unless that person obtains authorisation issued by the Authority.
- (2) A person authorised under this regulation shall not conduct operations so as to endanger persons or property on the surface or aircraft in flight.
 - (3) The minimum cloud clearance requirements and minimum altitude requirements of the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations do not apply to operations specifically authorised by the Authority under this regulation with different minimas.

PART IX – GENERAL

Possession of the certificate, authorisation e.t.c.

- 65.** A holder of a certificate or authorisation or other document issued by the Authority shall have in his physical possession or at the work site when exercising the privileges of that certificate, authorisation or such other document.

Drug and alcohol testing and reporting

- 66.** (1) Any person who performs any function requiring an authorisation prescribed by these may be tested for drug or alcohol usage.
- (2) Where the Authority or any person authorised 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 authorise the release of the test results,
 the Authority may suspend or revoke the certificate or authorisation issued by the Authority.

- (3) In determining whether to suspend or revoke the authorisation of the holder the Authority shall consider all relevant factors, including-
 - (a) whether the r authorisation holder had knowledge of the drug or alcohol use;
 - (b) whether the authorisation holder encouraged the person to refuse the drug or alcohol test;
 - (c) whether the authorisation holder dismissed the person who failed or refused the drug tests; or
 - (d) the position that person held with the authorisation holder.
- (4) The Authority shall require the certificate or authorisation holder to show cause why that person should not be dismissed from the employment of the certificate or authorisation holder.
- (5) A person who is convicted, whether in or outside (State), 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 certificate or authorisation holder.
- (6) The Authority may suspend or revoke the certificate or authorisation of a holder that refuses to dismiss from its employment a person convicted under sub regulation (3).

Problematic use of psychoactive substances.

- 67.** (1) A person whose function is critical to the safety of aviation (safety-sensitive personnel) shall not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired.

- (2) A person referred to in sub-regulation (1) shall not engage in any kind of problematic use of substances.

Inspection of certificate of registration.

- 68.** A person who holds a certificate of registration required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorised by the Authority.

Change of name

- 69.** (1) A holder of a certificate or other document issued under these Regulations may apply to change the name on the certificate or that document.

- (2) The holder shall include with any such request-
 - (a) the current certificate or such other document; and
 - (b) a court order, or other legal document verifying the name change.
- (3) The Authority may change the certificate or such other document and issue a replacement thereof;
- (4) The Authority shall return to the holder the original documents specified in sub-regulation 2(b) of this regulation and retain copies thereof and return the replaced certificate or document with the appropriate endorsement.

Change of address. **70.** (1) A holder of a certificate, issued under these Regulations shall notify the Authority of a change in the physical and mailing address and shall do so in the case of-

- (a) the physical address, at least fourteen days in advance; and
- (b) the mailing address, upon the change.

(2) A person who does not 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 authorisation.

Replacement of documents. **71.** A person may apply to the Authority in the prescribed form for replacement of documents issued under these Regulations if such documents are lost or destroyed.

Certificate suspension and revocations. **72.** (1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any document issued, granted or having effect under these Regulations:

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

(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 document issued or granted under these Regulations.

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

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

- (5) The breach of any condition subject to which any document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

Use and retention of certificates and records.

73.

- (1) A person shall not-
 - (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 he 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 himself or any other person the grant, issue, renewal or variation of any such certificate, approval, permission or exemption or other document.

(2) During the period for which it is required under these Regulations to be preserved, a person shall not mutilate, alter, render illegible or destroy any records, or any entry made therein, required by or under these Regulations to be maintained, or knowingly make, or procure or assist in the making of, any false entry in any such record, or wilfully omit to make a material entry in such record.

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

(4) A person shall not purport to issue any certificate or exemption for the purpose of these Regulations unless he is authorised to do so under these Regulations.

(5) A person shall not issue any certificate or exemption referred to in sub-regulation (4) unless he is satisfied that all statements in the certificate are correct, and that the applicant is qualified to hold that certificate.

Reports of violation.

74.

- (1) Any person who knows of a violation of this Act, or any rule, regulation, or order issued thereunder, shall report it to the Authority.

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

Enforcement of directions. **75.** Any person who fails to comply with any direction given to him by the Authority or by any authorised person under any provision of these Regulations shall be deemed, for the purposes of these Regulations, to have contravened that provision.

Aeronautical user fees. **76.** (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 thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of these Regulations any orders, notices or proclamations made thereunder.

(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 considered, to pay the fee so chargeable.

(3) If, after that payment has been made the application is withdrawn by the applicant, 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. **77.** (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 such 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 such a 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 (State).

Extra-territorial application of Regulations. **78.** 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 (State), shall apply to such aircraft wherever they may be;
- (b) in so far as they apply (whether by express reference or otherwise) to other aircraft, shall apply to such aircraft when

- they are within (State);
- (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 (State), shall apply to such 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 (State) by other persons shall, where such persons are citizens of (State), apply to them wherever they may be .

PART VIII – EXEMPTIONS

Requirements for application for exemption.

- 79.** (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 sixty days in advance of the proposed effective date.
 - (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, for technical evaluation.

Substance of the request for exemption

- 80.** (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 why the application was not filed within the time specified, 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 the time specified in regulation 79(2).

Review, Publication and Issue or Denial of the Exemption

Initial review
by the
Authority

81. (1) The Authority shall review the application for accuracy and compliance with the requirements of regulations 79 and 80.

- (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 either in (State) Gazette, aeronautical information circular or 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 79 and 80 have not been met, the Authority will notify the applicant and take no further action until and unless 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 Authority's decision as soon as possible after processing the application.

Evaluation of
the request.

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

- (a) whether an exemption would be in the public interest;
- (b) whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) whether a grant of the exemption would contravene the applicable International Civil Aviation Organization Standards and Recommended Practices; and
- (d) 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 (State) the Authority shall publish the summary in an aeronautical information circular.

PART IX – OFFENCES AND PENALTIES

Contravention of Regulations. **83.** A person who contravenes any provision of these Regulations may have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

Penalties. **84.** (1) If any provision of these Regulations, orders, notices or proclamations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot in command, if the operator or the pilot-in-command is not the person who contravened that provision shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) Any person who contravenes any provision specified in Part A of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both, for each offence.

(3) Any person who contravenes any provision specified in Part B of the Schedule to these Regulations shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

- (4) Any person who contravenes any provision of these Regulations not being a provision referred to in the Schedule to these Regulations, shall be liable to a fine not exceeding two million shillings, for each offence.

PART X - SAVINGS AND TRANSITIONAL PROVISIONS

- Savings. **85.** All valid licences, certificates, permits or authorisation issued or granted by the Authority before the commencement of these Regulations shall remain valid until they expire or are revoked, annulled or replaced.
- Transitional provisions. **86.** (1) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operation affected by these Regulations, shall within twelve months from the date of commencement, or within such longer period as the Minister may, by notice in the Gazette prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.
- (2) A person who fails to comply with these Regulations within the prescribed period commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both, for each offence.

SCHEDULE

(r.83)

PENALTIES

Part A - Provisions referred to in sub-regulation (2) of regulation 84

Regulation

- 4 - Certificate required
- 11 - Carrying and display of certificate
- 12 - Limitations on private agricultural aircraft operator
- 13 - Manner of dispensing.
- 14 - Economic poison dispensing
- 15 - Personnel of agricultural air operator
- 17 - Operations in controlled airspace designated for an airport
- 20 - Operation over congested areas- general.
- 21 - Operation over congested areas- pilots and aircraft
- 22 - Business name- commercial agricultural aircraft operator
- 23 - Access for inspection.
- 24 - Records of commercial agricultural aircraft operator.
- 26 - Certification
- 31 - Personnel of rotorcraft of external-load operator certificate
- 34 - Availability, display, and surrender of certificate
- 36 - Operating rules for rotorcraft external-load operation
- 37 - Carriage of persons
- 38 - Crewmember training, currency, and testing requirements
- 39 - Access for inspection
- 41 - Structures and design.
- 42 - Operating limitations.
- 45 - Towing of gliders
- 46 - Glider towing- experience and training requirements.
- 47 - Towing, picking up and raising of persons, animals and articles
- 48 - Dropping of articles and animals
- 49 - Dropping of persons
- 50 - Authorisation required for banner towing operations
- 51 - Aircraft requirements for banner towing operations
- 52 - Experience and training requirements for banner towing operations
- 53 - Operating rules for banner towing operations
- 54 - Authorisation required for television e.t.c., operations
- 55 - Aircraft requirements for television e.t.c., operations
- 56 - Experience and training requirements for television e.t.c., operations
- 57 - Special authorisation requirements
- 59 - Operating rules for television e.t.c., operations

- 60 - Exhibition of flying
- 61 - Traffic reporting
- 62 - Game viewing or tracking operation
- 63 - Competitive motor vehicle operations
- 64 - Fish spotting
- 65 - Possession of the licence
- 67 - Inspection of licences and certificates

Part B - Provisions referred to in sub-regulation (3) of regulation 84

Regulation

- 72 - Use and retention of certificates and records.

Made on.....

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Minister for Transport