

Statutory Instrument No. 23 of 2012

CIVIL AVIATION ACT
(Act No. 11 of 2011)

CIVIL AVIATION (AIRWORTHINESS) REGULATIONS, 2012
(Published on 23rd March, 2012)

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IN EXERCISE of the powers conferred on the Minister of Transport and Communications by section 89 of the Civil Aviation Act and on the recommendation of the Civil Aviation Authority, the following Regulations are hereby made —

PART I — *Preliminary*

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| <p>1. These Regulations may be cited as the Civil Aviation (Airworthiness) Regulations, 2012.</p> | Citation |
| <p>2. In these Regulations, unless the context otherwise requires —</p> <p>“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;</p> <p>“Airworthiness Directive” means a mandatory document which identifies aeronautical products in which an unsafe condition exists and where the “unsafe” condition is likely to exist or develop in other products of the same type design and also prescribes the corrective actions to be taken or the conditions or limitations under which the products may continue to be operated;</p> <p>“airworthy” means the status of an aircraft, engine, propeller, or part when it conforms to its approved design and is in a condition safe for operation;</p> <p>“authorisation” means a document issued to validate a foreign certificate of airworthiness under regulation 8;</p> <p>“certificate of airworthiness” means a certificate issued under regulation 7;</p> <p>“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;</p> <p>“maintenance” means the performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification and the embodiment of a modification or repair;</p> <p>“maintenance control manual” means a manual that describes the administrative arrangements between the operator and the approved maintenance organisation and defines the procedures for use, duties and responsibilities of operations and maintenance personnel, the instructions and information to permit maintenance and operational personnel involved to perform their duties with a high degree of safety;</p> <p>“maintenance release certificate” means a certificate issued under Civil Aviation (Approved Maintenance Organisations) Regulations;</p> <p>“nominated post-holder” means a person accepted by the Authority under regulation 32 who is responsible for the management and supervision of a maintenance programme for an aircraft;</p> <p>“permit to fly” means a permit issued under regulation 21;</p> <p>“State of Design” means the State which has jurisdiction over the organisation responsible for the type design;</p> <p>“State of Manufacture” means the State which has jurisdiction over the organisation responsible for the final assembly of the aircraft;</p> <p>“State of Registry” means the State on whose register the aircraft is entered;</p> <p>“Supplemental Type Certificate” means a certificate issued under regulation 4;</p> | Interpretation |

“technical standard order” means a minimum performance standard issued by the authority in the State of manufacture for specified materials, parts, processes and appliances used on a civil aircraft;
 “Type Acceptance certificate” means a certificate issued under regulation 3; and
 “Type Certificate” means a certificate issued by a State of Design to define the design of an aircraft type and to certify that this design meets the appropriate airworthiness requirements of that State.

PART II — *Type Acceptance Certificate and Supplemental Type Certificate*

Type Acceptance Certificate

3. (1) Any person who intends to operate an aircraft that qualifies for a certificate of airworthiness in Botswana shall be required to be in possession of a Type Acceptance Certificate issued by the Authority for that type of aircraft.

(2) An application for a Type Acceptance Certificate shall be accompanied by a Type Certificate which defines the design of the aircraft for which a Type Acceptance Certificate is sought.

(3) A Type Certificate shall show the type and design of an aircraft for which it is issued and certify that the design meets the appropriate airworthiness requirements of that State.

(4) The Authority may, where the applicant meets all the requirements, issue a Type Acceptance Certificate which shall be in Form A set out in the First Schedule.

Supplemental Type Certificate

4. (1) Subject to subregulation (2), any person who wishes to alter a product in type design shall apply for a Supplemental Type Certificate to the State of Design that issued the type certificate for that product.

(2) A Supplemental Type Certificate shall only be issued where the nature of the alteration is not substantial to require a new application for a Type Certificate.

PART III — *Certificate of Airworthiness*

Certificate of airworthiness

5. (1) Subject to sub-regulation (2), an aircraft shall not fly in Botswana unless there is in force in respect of the aircraft, a certificate of airworthiness issued by —

- (a) the Authority under regulation 7;
- (b) the State in which the aircraft is registered; or
- (c) the State of the operator.

(2) Subregulation (1) shall not apply to flights made wholly within Botswana by —

- (a) a glider, if it is not being used for the commercial air transport of passengers or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;
- (b) a balloon flying on a private flight;
- (c) a kite;
- (d) a powerchute;
- (e) an aircraft flying in accordance with a permit to fly issued by the Authority under regulation 21; or
- (f) an aircraft that has been issued with a special flight permit under regulation 29.

(3) Any person who contravenes subregulation (1) commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment for a term not exceeding 10 years, or to both.

6. (1) An application for a certificate of airworthiness shall be made to the Authority in Form B set out in the First Schedule to these Regulations and shall —

Application
for certificate
of
airworthiness

- (a) include details on the design, construction, workmanship and materials used on the aircraft, including any engines fitted in the aircraft, and any equipment fitted in the aircraft which is necessary for the airworthiness of the aircraft;
- (b) include the results or reports of any flying trials or other tests that the aircraft underwent;
- (c) include a Type Acceptance Certificate issued under regulation 3;
- (d) include a maintenance release certificate; and
- (e) include a maintenance program, flight manual and where applicable, a minimum equipment list for the approval of the Authority; and
- (f) include such other reports or documents as the Authority may request.

(2) An application for a certificate of airworthiness shall be accompanied by a non refundable application fee set out in the Third Schedule.

(3) The applicant shall make available for inspection from time to time as may be required by the Authority the aircraft and aircraft records and provide such other documents as may be required including the following —

- (a) logbook entries;
- (b) valid radio licence; and
- (c) weight and balance schedule.

(4) The reports or other documents referred to under this regulation shall be current, complete, orderly and legible.

(5) The operator shall ensure that the Authority is provided with the latest airworthiness information from the manufacturers for the purposes of continued airworthiness of the aircraft.

7. (1) Subject to regulation 8, the Authority shall, where it is satisfied that an aircraft meets the requirements under regulation 6, issue a certificate of airworthiness in the following categories —

Issue of
certificate of
airworthiness

- (a) A - Transport category (Passenger);
- (b) B - Transport category (Cargo);
- (c) C - Aerial Work category;
- (d) D - Private category; and
- (e) E - Special category.

(2) The Authority shall issue a certificate of airworthiness for the particular category applied for in Form C set out in the First Schedule on payment of a fee set out in the Third Schedule.

(3) The Authority may refuse to issue a certificate of airworthiness where an application does not meet the requirements set out under regulation 6.

8. (1) The Authority may issue an authorisation to any person who holds a certificate of airworthiness issued in another State where the foreign issued certificate is still valid and upon payment of a fee set out in the Third Schedule.

Issue of
authorisation

(2) An authorisation issued under subregulation (1) shall be in writing and shall, whichever is less, be valid for —

- (a) the same period as the certificate of airworthiness issued in another State; or
- (b) 12 months.

(3) An authorisation shall be carried, together with the original foreign issued certificate of airworthiness, in the aircraft for which it is issued at all times.

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Conditions of issue of certificate of airworthiness

9. (1) The Authority may issue the certificate of airworthiness under the following terms and conditions —

- (a) for the certificate holder to immediately inform the Authority, in writing, of —
 - (i) any change in the particulars which were furnished to the Authority at the time of making an application under regulation 6, and
 - (ii) the destruction of the aircraft, or its permanent withdrawal from use;
- (b) for the certificate holder to comply with any conditions under Part IV; or
- (c) for the certificate holder to comply with any other conditions which the Authority may impose.

(2) A person who fails to inform the Authority of any change in particulars in terms of subregulation (1) (a) (i) commits an offence and shall be liable to a fine not exceeding P5 000, or to imprisonment to a term not exceeding 2 years, or to both.

Duration of certificate of airworthiness

10. A certificate of airworthiness shall be valid for 12 months from the date of issue, unless suspended or revoked.

Variation of certificate of airworthiness

11. (1) The Authority may vary or modify any conditions of a certificate of airworthiness upon application by an owner or operator or on the Authority's own initiative.

(2) An application for variation of a certificate of airworthiness shall be made to the Authority in Form B set out in the First Schedule and shall be accompanied by a fee set out in the Third Schedule and such reports from such authorised or approved persons as the Authority may specify.

(3) The Authority shall not accept an application for variation of a certificate of airworthiness where the application is not accompanied by such reports from such authorised or approved persons as the Authority may specify.

(4) The Authority may, where the applicant meets all the requirements vary the conditions of a certificate of airworthiness as it may deem appropriate.

Renewal of certificate of airworthiness

12. (1) An application for the renewal of a certificate of airworthiness shall be made to the Authority 30 days before the expiry of the certificate in Form B set out in the First Schedule accompanied by the renewal fees set out in the Third Schedule.

(2) The applicant shall make available for inspection, from time to time as may be required by the Authority, the aircraft and aircraft records including flight test report where applicable, maintenance release certificate and provide such other documents as may be required including the following —

- (a) logbook entries;
- (b) valid radio licence; and
- (c) weight and balance schedule.

(3) The Authority may renew a certificate of airworthiness where an application for renewal is made within the period specified in subregulation (1) and where the applicant meets the requirements of subregulation (2), subject to the payment of the fee set out in the Third Schedule.

(4) Where an application for renewal is made after a period not exceeding 12 months after the expiry of the certificate of airworthiness the Authority may renew the certificate of airworthiness subject to the payment of a penalty.

(5) The penalty payable in accordance with subregulation (4) shall be a sum equal to one quarter of the renewal fee multiplied by the number of months which have elapsed since the date on which the validity of the certificate of airworthiness expired, calculated to the nearest Pula.

(6) An application for the renewal of a certificate of airworthiness that expired 12 months or more prior to the application for renewal shall be treated as an application for a new certificate of airworthiness and the provisions of regulation 6 shall apply.

13. (1) The owner or operator shall transfer the certificate of airworthiness to a —

- (a) lessee of an aircraft for which the certificate of airworthiness is issued whether the aircraft is to be used within or outside Botswana; or
- (b) buyer on the sale of the aircraft within Botswana.

(2) The owner or operator of an aircraft may surrender a certificate of airworthiness to the Authority upon the sale of the aircraft outside Botswana.

(3) A person who fails to transfer the certificate of airworthiness in terms of subregulation (1) commits an offence and is liable to a fine not exceeding P40 000, or to imprisonment for a term not exceeding four years, or to both.

14. (1) The owner or operator of an aircraft whose certificate of airworthiness is lost, destroyed or mutilated may, by application to the Authority, and on payment of the fee set out in the Third Schedule, obtain a duplicate certificate.

(2) The Authority may request that an application for a duplicate certificate be accompanied by such documentation as it may specify.

15. (1) The Authority may suspend a certificate of airworthiness until the satisfactory completion of —

- (a) any inspection made for the purpose of ascertaining whether the aircraft remains airworthy;
- (b) the maintenance of the aircraft or its equipment; or
- (c) any modification of the aircraft or its equipment, required by a maintenance programme under regulation 30.

(2) The Authority may suspend a certificate of airworthiness where an aircraft is damaged, and where the aircraft is damaged in another State, the authority of the other State shall be entitled to prevent the aircraft from resuming flight until an assessment by the Authority.

(3) The Authority shall, as soon as practicable and after receiving communication from the State where the aircraft is damaged, assess the airworthiness of the aircraft and may —

- (a) authorise the aircraft to resume its flight;
- (b) prohibit the aircraft from resuming flight until it is restored to an airworthy condition; or
- (c) prescribe any limiting conditions to permit the aircraft to fly on a non-commercial air transport operation to an aerodrome where its restoration to an airworthy condition will be conducted.

(4) The Authority shall, when prescribing conditions under subregulation (3) (c), take into account any limitations imposed by the State where the aircraft is damaged under subregulation (2).

16. The Authority may revoke a certificate of airworthiness where —

- (a) the aircraft has been overhauled, repaired or modified without the approval of the Authority;
- (b) any part or equipment of the aircraft has been removed or replaced without the approval of the Authority;
- (c) an aircraft is not maintained in an airworthy condition as specified under these Regulations;
- (d) the aircraft is destroyed or permanently withdrawn from use;
- (e) in the case of commercial aircrafts, the aircraft is not maintained by an approved maintenance organisation; or
- (f) the holder of the certificate of airworthiness contravenes subregulation 6 (4).

Transfer and
surrender
of certificate
of
airworthiness

Issue of
duplicate
certificate of
airworthiness

Suspension of
certificate of
airworthiness

Revocation of
certificate of
airworthiness

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Export
airworthiness
certificate

17. (1) Subject to subregulation (2), any person who wishes to export or transfer an aircraft onto the register of another State shall apply, in Form D set out in the First Schedule, to the Authority for an export airworthiness certificate attaching —

- (a) the conformity certification;
- (b) information stating whether the aircraft is new, newly overhauled or used; and
- (c) the fee set out in the Third Schedule.

(2) Where a person exports a new aircraft the application shall be made to the State of Manufacture.

(3) The Authority may issue an export airworthiness certificate in Form E as set out in the First Schedule to an applicant who meets all the requirements upon payment of a fee set out in the Third Schedule.

(4) An export airworthiness certificate issued under this regulation shall be proof of a recent satisfactory review of the airworthiness of the aircraft being exported or transferred.

Export approval
of
Aeronautical
products

18. (1) Subject to subregulation (2), any person who wishes to export an aeronautical product shall apply, in Form D set out in the First Schedule, to the Authority for an export airworthiness approval attaching —

- (a) the conformity certification;
- (b) information stating whether the product is new, newly overhauled or used; and
- (c) the fee set out in the Third Schedule.

(2) Where a person exports a new aeronautical product the application shall be made to the State of Manufacture.

(3) The Authority may issue an airworthiness approval tag in Form F set out in the First Schedule to an applicant who meets all the requirements upon payment of the fee set out in the Third Schedule.

(4) Aeronautical products that may be exported under this regulation shall be classified as follows —

- (a) Class I product – a complete aircraft, aircraft engine or propeller which has a type certificate, type certificate data sheet or an equivalent document issued for it;
- (b) Class II product – a major component of a Class I product such as a wing, fuselage, empennage surface the failure of which would jeopardise the safety of a Class I product or any part, material or system of it; or
- (c) Class III product – any part or component which is not a Class I or Class II product or standard part.

Maintenance
release
certificate

19. (1) Any aircraft operating for commercial purposes which has been registered and for which a certificate of airworthiness has been issued under these Regulations shall not fly unless a maintenance release certificate has been issued for it under the Civil Aviation (Approved Maintenance Organisations) Regulations, if that aircraft, a part of that aircraft or any of its equipment has been overhauled, repaired, replaced, modified, maintained or been subjected to an inspection.

(2) A maintenance release certificate is not required to be in force for an aircraft less than the authorised maximum weight of 2 700kg which does not provide commercial air transport services or aerial work if that aircraft flies under the following circumstances —

- (a) where the only repairs or replacements in respect of which the maintenance release certificate is not in force are of a description specified by the Authority;
- (b) where the repairs or replacements have been carried out by an owner or operator of the aircraft who holds a pilot's licence issued by the Authority; or
- (c) where the equipment or parts used in carrying out the repairs or replacements are of a type approved by the Authority generally or for a particular class of aircraft.

(3) No equipment or radio apparatus provided for use in an aircraft or provided in any survival craft carried in the aircraft shall be placed or installed for use in an aircraft after a maintenance release certificate has been issued in respect of an aircraft that has been inspected, overhauled, repaired, replaced, modified or maintained, unless a separate maintenance release certificate is sought for the equipment or radio apparatus.

20. (1) Subject to regulation 5, any aircraft which is registered under the Civil Aviation (Aircraft Nationality and Registration Marks) Regulations shall not fly unless a permit to fly is issued for it.

Permit to fly

(2) An application for a permit to fly shall be made to the Authority in Form A set out in the Second Schedule and shall be accompanied by —

- (a) a certified copy of a permit to fly or its equivalent issued by the State of Registry;
- (b) a fee as set out in the Third Schedule; and
- (c) such other documents as the Authority may require.

(3) A permit to fly shall be issued in respect of any aircraft that does not meet the applicable airworthiness certification specifications but is capable of safe flight under such conditions.

(4) The Authority may issue a permit to fly in respect of any aircraft issued with a permit to fly or equivalent document in another State where the foreign issued permit or equivalent document is still valid and upon payment of a fee set out in the Third Schedule.

(5) Any person who contravenes this regulation commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both.

21. (1) The Authority may, where the applicant meets all the requirements, and on payment of the fee set out in the Third Schedule issue a permit to fly which shall be in Form B set out in the Second Schedule under the following conditions —

Issue and conditions of permit to fly

- (a) a permit to fly shall not be used to fly an aircraft for commercial air transport or aerial work;
- (b) a permit to fly shall not be used to carry any person except the minimum flight crew;
- (c) a permit to fly an aircraft may, with the approval of the Authority —
 - (i) be used to fly an aircraft for the purpose of flying displays, associated practice, tests, modification approval and positioning flights or for the exhibition or demonstration of an aircraft where it is clearly stated therein, or
 - (ii) be used to fly for the purpose of aerial work which consists of giving instruction in flying or the conduct of flying tests;

(d) that an aircraft, flying in accordance with a permit to fly, be affixed with a placard in full view of its occupants worded as follows, “occupant warning this aircraft has not been certificated to internationally accepted certification standards”; and

(e) a copy of the permit is carried on board the aircraft at all times when the aircraft is operating under the conditions of the permit.

(2) A permit to fly shall be valid within Botswana boundaries and where an aircraft is flying under the conditions of a permit to fly and the flight involves operations over other States, the operator of the aircraft shall first obtain an authorisation from the Authority or the appropriate authority of each of the States concerned prior to undertaking the flight.

(3) Any person who contravenes subregulation (1) (a) and (b) commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both.

(4) Any person who contravenes subregulation (1) (c) (i) and (d) commits an offence and is liable to a fine not exceeding P30 000, or to imprisonment to a term not exceeding 6 years, or to both.

(5) Any person who contravenes subregulation (1) (e) commits an offence and is liable to a fine not exceeding P25 000, or to imprisonment to a term not exceeding 5 years, or to both.

Duration of permit to fly

22. A permit to fly shall be valid for a period specified by the Authority and not exceeding 12 months from the date of issue, unless revoked.

Variation of permit to fly

23. (1) An application for variation of a permit to fly shall be made to the Authority in Form A set out in the Second Schedule and shall be accompanied by a fee set out in the Third Schedule and such reports from such authorised or approved persons as the Authority may specify.

(2) The Authority shall not accept an application for variation of a permit to fly where the application is not accompanied by such reports from such authorised or approved persons as the Authority may specify.

(3) The Authority may, where the applicant meets all the requirements and upon payment of a fee set out in the Third Schedule, vary the conditions of a permit to fly as it may deem appropriate.

Renewal of permit to fly

24. (1) An application for renewal of a permit to fly shall be made to the Authority in Form A set out in the Second Schedule and shall be accompanied by a fee set out in the Third Schedule and such reports from such authorised or approved persons as the Authority may specify.

(2) The Authority shall not accept an application for renewal of a permit to fly where the application is not accompanied by such reports from such authorised or approved persons as the Authority may specify.

(3) The Authority may, where the applicant meets all the requirements and upon payment of a fee set out in the Third Schedule, renew a permit to fly for such period as it may deem appropriate.

Issue of duplicate permit to fly

25. The owner or operator of an aircraft for which the permit to fly is lost, destroyed or mutilated may, by application to the Authority, and on payment of the fee set out in the Third Schedule, obtain a duplicate permit.

- 26.** The Authority may suspend a permit to fly until the satisfactory completion of —
- (a) any inspection made for the purpose of ascertaining whether the aircraft remains capable of safe flight;
 - (b) the maintenance of the aircraft or its equipment in terms of a maintenance programme set out by the owner or approved maintenance organisation and approved by the Authority; or
 - (c) any modification or repair of the aircraft, its engines or propellers or any of its equipment as may be required by the Authority.
- 27.** The Authority may revoke a permit to fly, where —
- (a) the aircraft has not been repaired or modified after an inspection report made for the purpose of ascertaining whether the aircraft remains airworthy had recommended such repair or modification;
 - (b) any modification or repair of the aircraft, its engines or propellers or any of its equipment is carried out without the approval of the Authority; and
 - (c) the owner or operator has not complied with the conditions attached to the permit.
- 28.** (1) Subject to regulation 5, any aircraft which is registered under the Civil Aviation (Aircraft Nationality and Registration Marks) Regulations for which a certificate of airworthiness is not in force shall not fly unless a special flight permit is issued for it.
- (2) A person shall submit, in writing, a request to the Authority for a special flight permit and the request shall contain the following —
- (a) the aircraft make, model, serial number and registration marks;
 - (b) the purpose of the flight and proposed itinerary;
 - (c) the crew required to operate the aircraft;
 - (d) details of non-compliance with applicable airworthiness requirements;
 - (e) any restriction the applicant considers necessary for the safe operation of the aircraft; and
 - (f) any other information considered necessary by the Authority for the purpose of prescribing operating limitations.
- (3) An application under sub regulation (2) shall be accompanied by a fee as set out in the Third Schedule.
- (4) The Authority may issue a special flight permit to any aircraft which is capable of safe flight but is unable to meet applicable airworthiness requirements or under any of the following circumstances —
- (a) relocating the aircraft to a base where maintenance is to be performed, or to a point of storage;
 - (b) testing after repairs, alterations, or maintenance have been performed;
 - (c) delivering the aircraft;
 - (d) evacuating the aircraft from an area of impending danger, or in cases of force majeure; or
 - (e) operating the aircraft at a weight in excess of the aircraft's maximum certified take-off weight for flight beyond normal range where adequate landing facilities or appropriate fuel is not available.
- (5) For purposes of subregulation (4) (d), the excess weight is limited to additional fuel, fuel carrying facilities, and navigational equipment necessary for flight.

Suspension of permit to fly

Revocation of permit to fly

Special flight permit

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Issue and conditions of special flight permit

29. (1) The Authority may, where the applicant meets all the requirements, and on payment of the fee set out in the Third Schedule issue a special flight permit which shall be in Form C set out in the Second Schedule under the following conditions —

- (a) that a copy of the special flight permit shall be on board the aircraft at all times when operating under the terms of the special flight permit;
- (b) that the registration marks assigned to the aircraft by the State of Registry shall be displayed on the aircraft in conformity with the requirements of that State;
- (c) that persons or property shall not be carried for commercial purposes on the aircraft;
- (d) that a person shall not be carried in the aircraft unless that person is essential for the purpose of the flight and has been advised of the terms of the special flight permit and the airworthiness status of the aircraft;
- (e) that the aircraft shall be operated by the crew who are aware of the purpose of the flight and any limitations imposed and who hold appropriate certificates or licences issued or validated by the Authority;
- (f) that all flights in that aircraft shall be conducted so as to avoid areas of heavy traffic or any other areas where flights might create hazardous exposure to persons or property; and
- (g) that all flights shall be conducted within the performance operating limitations prescribed in the aircraft flight manual and any other additional limitations as may be specified by the Authority.;

(2) Any person who contravenes this regulation commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both.

PART IV — *Continuing Airworthiness of Aircraft and Aircraft Components*

Responsibility for maintenance

30. (1) The owner or operator of an aircraft, shall maintain the aircraft in an airworthy condition by ensuring that —

- (a) all maintenance, overhaul, alterations and repairs which affect airworthiness are performed as prescribed by the Authority or the State of Registry;
- (b) maintenance personnel make appropriate entries in the aircraft maintenance records certifying that the aircraft is airworthy;
- (c) the approval for a maintenance release is completed to the effect that the maintenance work performed has been completed satisfactorily and in accordance with the prescribed methods;
- (d) in the event there are open discrepancies, the maintenance release includes a list of the uncorrected maintenance items for which temporary relief is provided in the Minimum Equipment List, where applicable, and these items are made a part of the aircraft permanent record;
- (e) the operational and emergency equipment necessary for an intended flight is serviceable; and
- (f) maintenance of the aircraft is performed in accordance with the approved maintenance programme.

(2) For the continued airworthiness of an aircraft which provides commercial air transport services, the holder of an air operator's certificate shall —

- (a) provide a maintenance control manual or an equivalent document approved by the Authority for that aircraft;

- (b) appoint such number of nominated post-holders as may be accepted by the Authority who shall be responsible for controlling the management of the maintenance of the aircraft in accordance with the maintenance control manual;
 - (c) ensure that no aircraft shall operate commercially unless it is maintained and released to service by an approved maintenance organisation or under an equivalent system acceptable to the State of Registry;
- (3) A person shall not perform maintenance, preventive maintenance, or alterations on an aircraft or a component of any aircraft other than as may be specified by the Authority under these Regulations.
- (4) A person shall not operate an aircraft for which a manufacturer's maintenance manual or instructions for continued airworthiness has been issued that contains an airworthiness limitation section unless the mandatory replacement times, inspection intervals, and related procedures specified in that section or alternative inspection intervals and related procedures set out in the approved operations specifications, or in accordance with the approved inspection program have been complied with.
- (5) A person shall not operate an aircraft, aeronautical product, or accessory to which an Airworthiness Directive applies, issued either by the State of Design, or State of Manufacture and adopted for a Botswana registered aircraft by the Authority, or by the State of Registry for aircraft operated within Botswana, except in accordance with the requirements of that Airworthiness Directive.
- (6) For the continued airworthiness of an aircraft which exceeds the authorised maximum weight of 2 700kg and which does not provide commercial air transport services, the owner or operator shall appoint a technical coordinator accepted by the Authority to ensure that arrangements are in place for the continued airworthiness of that aircraft.
- (7) Any person who contravenes this regulation commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both.

31. (1) The Authority may issue an Airworthiness Directive or a service bulletin —

- (a) where it has determined that an airframe or aeronautical product has exhibited an unsafe condition and that condition is likely to exist or to develop in other products of the same type design;
 - (b) where it has identified in a manufacturer's service bulletin or any other sources of data inspections, procedures and limitations that require mandatory compliance; or
 - (c) based on service information reported to it by operators, organizations responsible for type design or maintenance organizations.
- (2) Whenever a State of Design issues an Airworthiness Directive as a result of the existence of a condition in an aircraft, airframe, aircraft engine, propeller, appliance or any component part that is unsafe, the Authority shall make all the requirements in that Directive applicable to all Botswana registered aircraft of the type identified in the Directive.
- (3) An Airworthiness Directive issued under this regulation shall contain information prescribing inspections and the conditions and limitations, if any, under which the affected products may continue to be operated.

Airworthiness
Directive

(4) The Authority shall report any Airworthiness Directives or continuing additional airworthiness requirements that it issues or any malfunction or defect reports to the State of Design.

(5) Any person who fails to comply with any Airworthiness Directive or service bulletin issued under this regulation commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both.

Duties of
nominated
post- holders,
technical
coordinators

32. (1) A person shall be accepted to be a nominated post-holder or technical coordinator where he or she meets the training, experience and qualifications requirements set by the Authority.

(2) A nominated post-holder or a technical coordinator shall ensure and verify that —

- (a) maintenance is carried out on the aircraft in accordance with the maintenance programme approved for that aircraft;
- (b) inspections and any modifications required by the Authority have been complied with and completed;
- (c) where any inspections or modifications are completed the relevant maintenance release certificate for service has been issued for that aircraft;
- (d) defects entered in the technical log of the aircraft in terms of regulation have been rectified or where the rectification is deferred, the deferment is in line with the procedures approved by the Authority; and
- (e) any technical assessments required by the manufacturer of the aircraft or as specified by the Authority are undertaken and reports of the continued airworthiness of the aircraft are provided in accordance with the requirements of the Authority.

(3) Any person who performs any of the activities specified under subregulation (2) who is not qualified or accepted by the Authority commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both.

Maintenance
and inspections

33. (1) A person shall not operate an aircraft unless the aircraft and its components are maintained in accordance with a maintenance program and the aircraft is inspected according to an inspection program approved by the Authority.

(2) The maintenance program shall be developed by the operator or through delegation to an approved maintenance organization.

(3) The maintenance program shall include a description of the aircraft and components and recommended methods for the accomplishment of maintenance tasks and such information shall include guidance on defect diagnosis.

(4) The maintenance program shall include the maintenance tasks and the recommended intervals at which these tasks are to be performed.

(5) Maintenance tasks and frequencies that have been specified as mandatory by the State of Design in approval of the type design of that aircraft shall be identified in the maintenance program.

(6) The maintenance program shall have a maintenance release process, including signed documentation, in a manner satisfactory to the Authority, indicating that the maintenance performed has been completed satisfactorily in accordance with regulation 19.

(7) The owner or operator shall use one of the following inspection programs as appropriate for the aircraft and the type of operation —

- (a) an annual inspection;
- (b) an annual/100 hour inspection;
- (c) a progressive inspection; or
- (d) continuous airworthiness maintenance program.

(8) A person who operates a piston engine aircraft in the private category and seeks extension of the engine time between overhaul shall apply to the Authority in writing and include a fee set out in the Third Schedule.

(9) Any person who contravenes this regulation commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both.

34. The Authority may cause such inspections, investigations, tests, experiments and flight trials to be made as it deems necessary for the purposes of this Part and any person authorised to do so in writing by the Authority may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating thereto and may for that purpose enter any aerodrome or enter any aircraft factory or other premises.

Inspections or investigation for airworthiness purposes

35. (1) An owner or operator of aeroplanes over 5 700 kg and helicopters over 3 175kg maximum certificated take-off mass or approved maintenance organisation shall report to the Authority and the organisation responsible for the type design of aircraft any failures, malfunctions, or defects that result in at least the following —

Mandatory reporting of defects

- (a) fires during flight and whether the related fire-warning system properly operated;
- (b) fires during flight not protected by a related fire-warning system;
- (c) false fire warning during flight;
- (d) an engine exhaust system that causes damage during flight to the engine, adjacent structure, equipment, or components;
- (e) an aircraft component that causes accumulation or circulation of smoke, vapour, or toxic or noxious fumes in the crew compartment or passenger cabin during flight;
- (f) engine shutdown during flight because of flameout;
- (g) engine shutdown during flight when external damage to the engine or aircraft structure occurs;
- (h) engine shutdown during flight due to foreign object ingestion or icing;
- (i) shutdown during flight of more than one engine;
- (j) a propeller feathering malfunction or inability of the system to control overspeed during flight;
- (k) a fuel or fuel-pumping system failure that affects fuel flow or causes hazardous leakage during flight;
- (l) an unintended landing gear extension or retraction, or opening or closing of landing gear doors during flight;
- (m) brake system components failure that result in loss of brake actuating force when the aircraft is in motion on the ground;
- (n) aircraft structure that requires major repair;
- (o) cracks, permanent deformation, or corrosion of aircraft structure, if more than the maximum levels acceptable to the manufacturer or the Authority;
- (p) aircraft components or systems malfunctions that result in taking emergency actions during flight (except action to shut down an engine);
- (q) each interruption to a flight, unscheduled change of aircraft en route, or unscheduled stop or diversion from a route, caused by known or suspected technical difficulties or malfunctions;
- (r) any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure; and
- (s) a failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.

(2) An owner or operator of aircraft over 5 700 kg maximum take-off weight shall report to the Authority —

- (a) the number of engines removed prematurely because of malfunction, failure or defect, listed by make and model and the aircraft type in which it was installed; and
- (b) the number of propeller featherings in flight, listed by type of propeller and engine and aircraft on which it was installed.

(3) Each report required under this regulation shall —

- (a) be made within 3 days after determining that the failure, malfunction, or defect required to be reported has occurred;
- (b) include as much of the following information as is available and applicable —
 - (i) aircraft serial number,
 - (ii) when the failure, malfunction, or defect is associated with an article approved under a Technical Standards Order authorisation, the article serial number and model designation, as appropriate,
 - (iii) when the failure, malfunction or defect is associated with an engine or propeller, the engine or propeller serial number, as appropriate,
 - (iv) product model,
 - (v) identification of the part, component, or system involved, including the part number, and
 - (vi) nature of the failure, malfunction, or defect;
- (c) state the airworthiness deficiencies to the type design organisation of the aircraft affected; and
- (d) state the airworthiness deficiencies to the Authority, which shall then pass the information on to the type design organisation of the aircraft affected.

(4) The Authority shall, where it is not the authority of the State of Registry of the aircraft, submit all such reports upon receipt to the State of Registry.

36. (1) A person shall not perform any task defined as maintenance on an aircraft or aeronautical products, except as provided in the following —

- (a) a pilot licensed by the Authority may perform preventive maintenance on any aircraft owned or operated by that pilot as long as the aircraft is not listed for use by an air operator certificate holder;
- (b) a person working under the supervision of an aviation maintenance technician, may perform the maintenance, preventive maintenance, and alterations that the supervisory aviation maintenance technician is authorised to perform —
 - (i) if the supervisor personally observes the work being done to the extent necessary to ensure that it is being done properly, and
 - (ii) if the supervisor is available, in person, for consultation;
- (c) a licensed aviation maintenance engineer may perform or supervise the maintenance or alteration of an aircraft or aeronautical product for which he or she is rated subject to the limitation under these Regulations;
- (d) an approved maintenance organisation may perform aircraft maintenance within the limits specified by the Authority under the Civil Aviation (Approved Maintenance Organisation) Regulations;
- (e) an air operator certificate holder may perform aircraft maintenance as specified by the Authority under the Civil Aviation (Air Operator Certification and Administration) Regulations.

Persons
authorised
to perform
maintenance

(2) A manufacturer holding an approved maintenance organisation certificate may —

- (a) rebuild or alter any aeronautical product manufactured by that manufacturer under a type or production certificate;
- (b) rebuild or alter any aeronautical product manufactured by that manufacturer under a Technical Standard Order authorisation, a Parts Manufacturer Approval by the State of Design, or Product and Process Specification issued by the State of Design; and
- (c) perform any inspection required on an aircraft it manufactures, while currently operating under a production certificate or under a currently approved production inspection system for such aircraft.

(3) Any person who contravenes this regulation commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both.

37. (1) A person or entity, other than the Authority, may approve an aircraft, airframe, aircraft engine, propeller, appliance, or component part for return to service after it has undergone maintenance, preventive maintenance, rebuilding, or alteration, except as provided in the following —

Authorised
personnel
for release to
service

- (a) a pilot, authorised under regulation 36, may return his or her aircraft to service after performing authorised preventive maintenance;
- (b) a licensed aviation maintenance engineer authorised under regulation 36 may approve aircraft and aeronautical products for return to service after he or she has performed, supervised, or inspected its maintenance subject to the limitations under these regulations;
- (c) an approved maintenance organisation certificate holder may approve aircraft and aeronautical products for return to service as provided in the operations specifications approved by the Authority; or
- (d) an aircraft operator certificate holder may approve aircraft and aeronautical products for return to service as specified by the Authority.

38. A person, other than the Authority, may perform the inspections required for aircraft and aeronautical products prior to or after it has undergone maintenance, preventive maintenance, rebuilding, or alteration, except as provided in the following —

Persons
authorised for
inspections

- (a) an aviation maintenance engineer may conduct the required inspections of aircraft and aeronautical products for which he or she is rated and current;
- (b) an approved maintenance organisation may perform the required inspections of aircraft and aeronautical products as provided in the operations specifications approved by the Authority; or
- (c) an aircraft operator certificate holder may perform the required inspections of aircraft and aeronautical products in accordance with specifications issued by the Authority.

39. (1) Any person who performs any maintenance, preventive maintenance or any alteration on an aeronautical product shall use the methods, techniques and practices —

Performance
rules:
maintenance

- (a) prescribed in the current manufacturer's maintenance manual or instructions for continued airworthiness prepared by the manufacturer; or
- (b) required or designated by the Authority where the manufacturer's manual or instructions are not available.

(2) Any person who performs any maintenance, preventive maintenance or any alteration under subregulation (1) shall use the tools, equipment and test apparatus necessary to complete the work in accordance with accepted industry practices including any special equipment or apparatus as may be specified by the Authority.

(3) Any person who performs any maintenance, preventive maintenance or any alteration on an aeronautical product shall use such quality materials and carry out such maintenance, preventive maintenance or alteration in such a way that the aeronautical product will be restored to its original or properly altered condition with regard to its aerodynamic function, structural strength, resistance to vibration and deterioration and other qualities affecting airworthiness.

(4) The methods, techniques and practices contained in an air operator certificate holder's maintenance control manual and continuous maintenance program as approved by the Authority shall constitute an acceptable means of compliance with this regulation.

Alterations
and major
repairs

40. (1) Subject to regulations 30 and 39 a person shall not carry out any alteration or major repair on an aircraft or aeronautical product unless authorized by the Authority.

(2) An application for authorization referred to under subregulation (1) shall be made in Form D set out in the Second Schedule accompanied by a fee set out in the Third Schedule .

(3) The Authority may, where the applicants meets all the requirements under this Part, authorize the alteration on payment of a fee set out in the Third Schedule.

Performance
rules:
inspections

41. (1) Any person performing an inspection required by the Authority under these Regulations shall perform the inspection to determine whether the aircraft or any part of it meet all the applicable airworthiness requirements required under these Regulations.

(2) A person performing an inspection on a rotorcraft shall inspect the following systems in accordance with the maintenance manual or the instructions for continuous airworthiness of the manufacturer concerned —

- (a) the draft shafts or similar systems;
- (b) the main rotor transmission gear box;
- (c) the main rotor and centre section or an equivalent area; and
- (d) the auxiliary rotor on helicopters.

(3) A person performing an annual or 100-hour inspection shall use a checklist which shall include the scope and detail of the items specified by the Authority in the Fourth Schedule.

(4) The format of the checklist referred to under subregulation (3) may be —

- (a) designed by the person carrying out the inspection;
- (b) as provided by the manufacturer of the equipment being inspected; or
- (c) obtained from other sources.

(5) A person approving a piston-engine aircraft for return to service after an annual or 100-hour inspection shall, before approval, run the aircraft engine or, where the aircraft has more than one engine, run all of the aircraft engines to determine the satisfactory performance with the current manufacturer's recommendations of —

- (a) power output;
- (b) magnetos;
- (c) fuel and oil pressure; and
- (d) cylinder and oil temperature.

(6) A person approving a turbine engine aircraft for return to service after an annual or a 100-hour inspection shall, before approval, run the aircraft engine or, where the aircraft has more than one engine, run all of the aircraft engines to determine satisfactory performance with the current manufacturer's recommendations.

42. (1) A person performing a progressive inspection shall, at the start of a progressive inspection system, inspect the aircraft completely and afterwards carry out routine and detailed inspections in accordance with the progressive inspection schedule accepted by the Authority.

Progressive inspections

(2) Routine inspections shall consist of a visual examination or check of the appliances, the aircraft and its components and systems in so far as is practicable without disassembly.

(3) Detailed inspections shall consist of a thorough examination of the appliances, the aircraft and its components and systems with such disassembly as may be necessary.

(4) For purposes of subregulation (3), the overhaul of a component or system is considered to be a detailed inspection.

(5) Where the aircraft is far from the station where inspections are normally conducted, an appropriately rated aviation maintenance technician, an approved maintenance organization or the manufacturer of the aircraft may perform inspections on the aircraft in accordance with the procedures required for the inspection of that aircraft.

(6) An aviation maintenance technician, an approved maintenance organization or the manufacturer of an aircraft performing an inspection under subregulation (5) shall complete all the documentation required for the inspection of that aircraft.

43. A person performing an inspection program required for an air operator certificate holder's aircraft or an aircraft maintained under a continuous airworthiness maintenance program shall perform such inspection according to the instructions and procedures contained in the inspection program.

Continuous airworthiness maintenance program inspections

44. A person performing any inspection or maintenance specified in an airworthiness limitation section of a current manufacturer's maintenance manual or instructions for continued airworthiness shall perform the inspection or maintenance according to that section or specifications approved by the Authority.

Performance rules: airworthiness limitation

PART V — *Aircraft Noise Certification*

45. (1) In this Part —

Definitions

- (a) "Annex 16, Volume I" means Annex 16 to the Chicago Convention, Volume I entitled "Environmental Protection - Aircraft Noise", as amended from time to time by the International Civil Aviation Organization (ICAO); and
- (b) "Annex 16, Volume II" means Annex 16 to the Chicago Convention, Volume II entitled "Environmental Protection - Aircraft Engine Emissions", as amended from time to time by the International Civil Aviation Organization (ICAO).

(2) For the purposes of this Part, the conditions under which noise and vibration may be caused by aircraft, including military aircraft, on any aerodrome or on an aerodrome at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be as follows —

- (a) the aircraft is taking off or landing;
- (b) the aircraft is moving on the ground or water; or
- (c) the engines are being operated in the aircraft —
 - (i) for the purpose of ensuring their satisfactory performance,
 - (ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of a flight, or
 - (iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition

Aircraft noise certification

- 46.** (1) A person shall not operate an aircraft, unless —
- (a) the aircraft complies with the standards relating to aircraft noise emission contained in this regulation; or
 - (b) it carries a document attesting noise certification in accordance with Chapter 1 of Annex 16, Volume I, Part II, and, if the document is issued in a language other than English, it shall include an English translation.
- (2) An application for a certificate of noise compliance shall —
- (a) be signed by the owner or operator of the aircraft in respect of which it is submitted or by a representative of the owner; and
 - (b) include evidence that the aircraft meets the noise emission levels referred to in this regulation.

(3) If an application for a certificate of noise compliance is made in respect of an aircraft that meets the applicable noise emission levels specified in this regulation, the Authority shall issue the certificate, provided it is done in the form and manner determined by the Authority.

(4) Any person who contravenes this regulation commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both.

Suspension of certificate of noise compliance

47. The Authority may suspend a certificate of noise compliance if the aircraft in respect of which it was issued no longer meets the noise emission levels or the maximum engine emission levels referred to under this Part.

Revocation of certificate of noise compliance

48. The Authority may revoke a certificate of noise compliance if the aircraft in respect of which it was issued no longer meets the noise emission levels or the maximum engine emission levels referred to under this Part.

Aircraft noise emission standards

49. The standards applicable to this regulation which relates to aircraft noise emission shall be the ones in the following Chapters of Annex 16, Volume I, Part II —

- (a) Chapter 2, entitled “Subsonic jet aeroplanes - Application for certificate of airworthiness for the prototype accepted before 6 October 1977”;
- (b) Chapter 3, entitled —
 - (i) “1. Subsonic jet aeroplanes - Application for certificate of airworthiness for the prototype accepted on or after 6 October 1977 and before 1 January 2006”,
 - (ii) “2. Propeller-driven aeroplanes over 5 700 kg - Application for certificate of airworthiness for the prototype accepted on or after 1 January 1985 and before November 1988”, and
 - (iii) “3. Propeller-driven aeroplanes over 8 618 kg - Application for certificate of airworthiness for the prototype accepted on or after 17 November 1988 and before 1 January 2006”;

- (c) Chapter 4, entitled —
 - (i) “1. Subsonic jet aeroplanes – Application for certificate of airworthiness for the prototype accepted on or after 1 January 2006”, and
 - (ii) “2. Propeller-driven aeroplanes over 8 618 kg – Application for certificate of airworthiness for the prototype accepted on or after 1 January 2006”;
- (d) Chapter 5, entitled “Propeller-driven aeroplanes over 5 700 kg – Application for certificate of airworthiness for the prototype accepted before 1 January 1985”;
- (e) Chapter 6, entitled “Propeller-driven aeroplanes not exceeding 8 618 kg – Application for certificate of airworthiness for the prototype accepted before 17 November 1988”;
- (f) Chapter 8, entitled “Helicopters”;
- (g) Chapter 10, entitled “Propeller-driven aeroplanes not exceeding 8 618 kg – Application for certificate of airworthiness for the prototype or derived version accepted on or after 17 November 1988”;
- (h) Chapter 11, entitled “Helicopters not exceeding 3 175 kg maximum certificated take-off mass”; and
- (i) Chapter 12, entitled “Supersonic aeroplanes”.

50. (1) The evaluation methods of aircraft noise to be used under this regulation shall be those contained in the following Appendices of Annex 16, Volume I —

- (a) APPENDIX 1, entitled “Evaluation method for noise certification of subsonic jet aeroplanes – Application for certificate of airworthiness for the prototype accepted before 6 October 1977”;
- (b) APPENDIX 2, entitled “Evaluation method for noise certification of —
 - (i) “1. Subsonic jet aeroplanes – Application for certificate of airworthiness for the prototype accepted on or after 6 October 1977”,
 - (ii) “2. Propeller-driven aeroplanes over 5 700 kg – Application for certificate of airworthiness for the prototype accepted on or after 1 January 1985 and before November 1988”,
 - (iii) “3. Propeller-driven aeroplanes over 8 618 kg – Application for certificate of airworthiness for the prototype accepted on or after 17 November 1988”, and
 - (iv) “4. Helicopters”;
- (c) APPENDIX 3, entitled “Noise evaluation method for noise certification of propeller-driven aeroplanes not exceeding 8 618kg – Application for certificate of airworthiness for the prototype accepted before 17 November 1988”;
- (d) APPENDIX 4, entitled “Evaluation method for noise certification of helicopters not exceeding 3 175kg maximum certificated take-off mass”; and
- (e) APPENDIX 6, entitled “Noise evaluation method for noise certification of propeller-driven aeroplanes not exceeding 8 618kg – Application for certificate of airworthiness for the prototype accepted on or after 17 November 1988”.

(2) In addition to subregulation (1), the Authority may specify the conditions under which noise and vibration may be caused by aircraft on aerodromes.

Evaluation
methods for
aircraft noise

Turbine engine powered aircraft

51. (1) A person shall not operate an all turbine engine powered aircraft, unless the aircraft complies with the standards related to the prevention of intentional fuel venting contained under this Part.

(2) A person who applies for a certificate of airworthiness of a prototype, or an amendment to such a certificate approving a new model of, or any change affecting the fuel venting or the engine emission, of the aircraft, must show compliance with the applicable requirements of this regulation.

(3) The standards for the prevention of intentional fuel venting applicable to the issuance of a certificate of airworthiness of a prototype for all turbine engine powered aircraft, or for a change to such a certificate to record the approval of an additional model, shall be those specified in this regulation.

(4) The standards for the prevention of intentional fuel venting for all turbine engine powered aircraft are those contained in Annex 16, Volume II, Part II “Vented Fuel”.

(5) The maximum engine emission levels for the issuance of a certificate of airworthiness of a prototype in respect of a turbo-jet or turbofan aircraft engine that is intended for subsonic or supersonic speed, or for a change to such a certificate, shall be those specified in this regulation.

Turbo-jet and turbofan engine aircraft

52. (1) A person shall not operate an aircraft with turbo-jet and turbofan engines intended for propulsion only at subsonic speeds or turbo-jet and turbofan engines intended for propulsion at supersonic speeds unless it carries a document attesting emissions certification in accordance with Chapter 1 of Annex 16, Volume II, Part III, and, if the document is issued in a language other than English, it shall include an certified English translation.

(2) The standards related to aircraft engine emissions to be used shall be those contained in Annex 16, Volume II, Part III “Emission certification”, as follows —

- (a) CHAPTER 2, entitled “Turbo-jet and turbofan engines intended for propulsion only at subsonic speeds”; and
- (b) CHAPTER 3, entitled “Turbo-jet and turbofan engines intended for propulsion at supersonic speeds”.

(3) The methods for the evaluation of aircraft engine emissions to be used shall be those contained in Annex 16, Volume II, Appendices 1 through 6 included.

PART VI — *Maintenance Records and Entries*

Records to be kept

53. (1) The following aircraft records shall be kept in respect of an aircraft registered in Botswana —

- (a) a technical log;
- (b) an aircraft logbook;
- (c) a separate logbook in respect of each engine fitted in the aircraft; and
- (d) a separate logbook in respect of each variable pitch propeller fitted to the aircraft.

(2) A technical log shall be kept in respect of every aircraft registered in Botswana in respect of which a certificate of airworthiness is in force.

(3) In the case of an aircraft of which the maximum total weight authorised is 2 700kg or less and which is not operated by the holder of an air operator’s certificate issued in accordance with the Civil Aviation (Air Operator Certification and Administration) Regulations, a record in a form acceptable to the Authority may be kept instead of a technical log.

(4) A person who fails to keep the records specified under this regulation commits an offence and his or her certificate or licence shall be suspended on such conditions as may be prescribed by the Authority.

54. (1) The pilot-in-command of the aircraft shall, at the end of every flight by an aircraft to which the provisions of this regulation apply, enter in a technical log or approved record, as the case may be —

Entries to be made

- (a) the times when the aircraft took off and landed;
- (b) particulars of any defect which is known to him or her and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him or her, an entry to that effect; and
- (c) such other particulars in respect of the airworthiness or operation of the aircraft as the Authority may require.

(2) The pilot-in-command shall sign and date all entries made as required by subregulation (1).

(3) The pilot-in-command may, except where he or she becomes aware of a defect during an earlier flight, make the entries specified in subregulation (1) at the end of the last of the consecutive flights where each of the consecutive flights begins and ends —

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

(4) Upon the rectification of any defect which has been entered in a technical log in accordance with subregulations (1) and (3) a person issuing a certificate of release to service under Part VI in respect of that defect shall enter the certificate in the technical log or approved record in such a position as to be readily identifiable with the defect to which it relates.

(5) Any person who fails to make the necessary entries as specified under this regulation commits an offence and his or her certificate or licence shall be suspended on such conditions as may be prescribed by the Authority.

55. (1) The technical log referred to under regulation 53 shall be carried in the aircraft in accordance with the requirements specified by the Authority.

Technical log

(2) In the case of a helicopter, if it is not reasonably practicable for the copy of the technical log or approved record to be kept on the ground it may be carried in the helicopter in a container approved by the Authority for that purpose.

(3) It shall be the duty of the operator of every aircraft, in respect of which a technical log is required to be kept, to keep it or cause it to be kept in accordance with the requirements specified by the Authority.

(4) Any person who fails to keep the records specified under this regulation commits an offence and his or her certificate or licence shall be suspended on such conditions as may be prescribed by the Authority.

56. (1) The logbooks referred to in regulation 53(1) (b), (c) and (d) shall include the particulars specified by the Authority.

Other logbooks

(2) Any document or electronic record that has been incorporated by reference in a logbook shall be deemed, for the purposes of these Regulations, to be part of the logbook.

(3) It shall be the duty of the operator of every aircraft, in respect of which logbooks are required to be kept, to keep them or cause them to be kept in accordance with the requirements specified by the Authority.

(4) Any person who fails to keep the records specified under this regulation commits an offence and his or her certificate or licence shall be suspended on such conditions as may be prescribed by the Authority.

Maintenance records: aircraft and life-limited parts

57. (1) Any person who maintains, performs preventive maintenance, rebuilds or alters an aircraft or life limited parts shall, when the work is performed satisfactorily make an entry in the maintenance record of that equipment as follows —

- (a) a description or reference to data accepted by the Authority of work performed including —
 - (i) the total time in service of the aircraft and all the life-limited components,
 - (ii) the current status of compliance with all mandatory continuing airworthiness information,
 - (iii) appropriate details of alterations and repairs,
 - (iv) the current status of the aircraft's compliance with the maintenance program, and
 - (v) the detailed maintenance records to show that all requirements for signing of a maintenance release are met;
- (b) completion date of all work performed; and
- (c) the name, signature, certificate number and the kind of licence held by the person approving the work.

(2) A person shall, in addition to the entry required under subregulation (1), enter information relating to major repairs and alterations in the manner and form set out in the Fifth Schedule

(3) An owner or operator shall ensure that the records required to be kept under this regulation are kept for a minimum period of 1 year after the unit to which they refer to has been permanently withdrawn from service or after the signing of the maintenance release certificate, as the case may be.

(4) The records referred to under subregulation (3) shall be made available to a temporary operator in the event of a temporary change of operators or transferred to a new operator in the event of a permanent change of operators.

Maintenance records: aeronautical products

58. (1) A person shall not approve for return to service any aeronautical product that has undergone maintenance, preventive maintenance, overhaul or rebuilding of that product unless —

- (a) the appropriate maintenance record including the maintenance tag has been made;
- (b) the repair and alteration form authorised or provided by the Authority has been executed;
- (c) where the repair or alteration results in any change in the aircraft operating limitations or flight data contained in the approved aircraft flight manual, those operating limitations or flight data are appropriately revised as prescribed.

(2) A person shall not describe in any required maintenance form or entry, an aeronautical product as being overhauled or rebuilt unless —

- (a) it has been disassembled, cleaned, inspected as permitted, repaired as necessary and reassembled using methods, techniques and practices accepted by the Authority;
- (b) it has been tested in accordance with approved standards and technical data, or in accordance with current standards and technical data accepted by the Authority which have been developed and documented by the holder of the type certificate, supplemental type certificate or a material, part, process or appliance manufacturing approval.

(3) A person shall not describe in any required maintenance form or entry, an aircraft or other aeronautical product as being rebuilt unless it has been disassembled, cleaned, inspected as permitted, repaired as necessary, reassembled and tested to the same tolerances and limits as a new item, using new or used parts that conform to new part tolerances and limits.

59. (1) A person approving or disapproving the return to service of an aeronautical product after any inspection under these Regulations shall make an entry in the maintenance record of that equipment containing the following —

- (a) type of inspection and a brief description of the extent of the inspection;
- (b) date of the inspection and total time in service of the aircraft or component;
- (c) signature, licence number and the kind of licence held by the person; or
- (d) a statement of an indication of the person's approval or disapproval as specified in the Civil Aviation (Approved Maintenance Organisation) Regulations.

Inspection records: return to service

(2) A person performing an inspection under an inspection program shall comply with the conditions under subregulation (1) and make an entry identifying the inspection program accomplished and include a statement that the inspection was performed in accordance with the inspections and procedures for that particular program.

(3) A person performing any inspection required under these Regulations who finds that the aircraft is not airworthy or does not conform to the applicable type certificate data sheet, airworthiness directives or other approved data upon which its airworthiness depends shall give the owner or operator of the aircraft a signed and dated list of the discrepancies.

PART VII — *Miscellaneous*

60. The Authority may accept airworthiness codes of other States and such acceptance shall be published in the Civil Aviation Publications.

Airworthiness code

61. (1) An aircraft shall not fly unless it carries the documents that it is required to carry under the law of the country in which it is registered.

Documents to be carried

(2) An aircraft registered in Botswana shall, when in flight, carry documents in accordance with the instructions given or requirements specified by the Authority.

(3) Any person who fails to carry the documents specified under this regulation commits an offence and his or her certificate or licence shall be suspended on such conditions as may be prescribed by the Authority.

62. The pilot-in-command of an aircraft shall, within a reasonable time after being requested to do so by the Authority, cause to be produced —

Production of documents

- (a) the certificates of airworthiness, release and validation in force in respect of the aircraft;
- (b) the permit to fly that aircraft; and
- (c) the technical log and the other logbooks required to be kept under these Regulations;
- (d) such other documents as the aircraft is required to carry when in flight.

63. (1) An authorised person shall have the power to inspect and copy any certificate, permit, log, logbook, document or record required to be carried under regulation 61.

Power to inspect and copy records

(2) Any person who refuses to allow an authorized person to inspect or copy any of the documents specified under subregulation (1) commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both.

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Offences

- 64.** (1) A person shall not, with intent to deceive —
- (a) use any certificate, permit, authorisation, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended, or to which he or she is not entitled;
 - (b) lend any certificate, permit, authorisation, exemption or other document issued or having effect or required by or under these Regulations to, or allow it to be used by, any other person; or
 - (c) make any false representation for the purpose of procuring for himself or herself or any other person the grant, issue, renewal or variation of any such certificate, permit, authorisation or exemption or any other document.
- (2) In this regulation reference to a certificate, permit, authorisation, exemption or other document includes a copy or purported copy of the certificate, permit, authorisation, exemption or other document.
- (3) A person shall not —
- (a) intentionally damage, alter or render illegible any certificate, permit, authorisation or document required to be maintained under these Regulations;
 - (b) knowingly make, or procure or assist in the making of, any false entry in or material omission from any such certificate, permit, authorisation or document; or
 - (c) destroy any such certificate, permit, authorisation or document during the period for which it is required under these Regulations to be preserved.
- (4) A person shall not purport to issue any certificate, authorisation or permit for the purposes of these Regulations unless he or she is authorised, to do so under these Regulations.
- (5) A person shall not issue any certificate, authorisation or permit for the purposes of these Regulations unless he or she has satisfied himself or herself that all requirements for the issuance of the certificate, authorisation, or permit have been complied with.
- (6) Any person who makes any false representation for the purpose of procuring for himself, herself or any other person a certificate, authorisation or permit for the purposes of these Regulations commits an offence and is liable to —
- (a) a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both;
 - (b) withdrawal of his or her application or request for the certificate, authorisation or permit; or
 - (c) revocation of the certificate, authorisation or permit issued to him or her on the basis of the false representations made by him in the application.

Penalties

- 65.** Any person who contravenes any of the provisions of these Regulations for which a penalty has not been specified commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment to a term not exceeding 10 years, or to both.

FIRST SCHEDULE

FORM A — Type Acceptance Certificate
(Regulation 3 (4))

Number: B/TAC/...../.....

Pursuant to Regulation 3 of the Civil Aviation (Airworthiness) Regulations this certifies acceptance of the (*aircraft/engine/propeller manufacturer) type and model of product.

(*Aircraft/Engine/Propeller) of the type and models covered by this certificate are eligible for Botswana certificates of airworthiness.

The basis of certification is as prescribed in Type Certificate Data Sheet

Number..... Issued by the.....

This Type Acceptance Certificate is valid until suspended or cancelled by the Civil Aviation

Authority of Botswana, or when Type Certificate Number..... is cancelled by the issuing authority.

.....
(Name and signature of Director, Flight Safety)

Dated CAAB stamp

Date of issue:.....

*NOTE: * implies delete the inapplicable*

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FORM B — Application for a Certificate of Airworthiness
(Regulation 6 (1), 11 (2) and 12 (1))

The completed form shall be forwarded to the Civil Aviation Authority of Botswana, together with the aircraft's certificate of airworthiness currently in use. The form shall be accompanied by a statutory fee.

A. This application is in respect of: (Tick applicable box)	<input type="checkbox"/> Initial issue	<input type="checkbox"/> Variation	<input type="checkbox"/> Change of Category (Indicate new category sought)
	<input type="checkbox"/> Renewal	<input type="checkbox"/> Validation	<input style="width:100%;" type="text"/>

B. OWNERSHIP INFORMATION

Name and address of the applicant	<input style="width:100%;" type="text"/>		
	Telephone	<input style="width:50%;" type="text"/>	<input style="width:50%;" type="text"/>
Name and address of aircraft owner	<input style="width:100%;" type="text"/>		
	Telephone	<input style="width:50%;" type="text"/>	<input style="width:50%;" type="text"/>
Name and address of aircraft operator	<input style="width:100%;" type="text"/>		
	Telephone	<input style="width:50%;" type="text"/>	<input style="width:50%;" type="text"/>

C. AIRCRAFT INFORMATION

Registration Marks	<input style="width:100%;" type="text"/>	Expiry date of current Certificate of Airworthiness	<input style="width:100%;" type="text"/>
Aircraft Make and Model	<input style="width:100%;" type="text"/>	Serial No.	<input style="width:100%;" type="text"/>
Place and Year of Construction	<input style="width:100%;" type="text"/>	Type Certificate	<input style="width:100%;" type="text"/>
Seating capacity:	<input style="width:50%;" type="text"/>	Flight crew	<input style="width:50%;" type="text"/>
		Cabin	<input style="width:50%;" type="text"/>
		Passengers	<input style="width:50%;" type="text"/>
Engine Make and Model	<input style="width:100%;" type="text"/>	No. of Engines fitted	<input style="width:100%;" type="text"/>
Propeller Make and Model	<input style="width:100%;" type="text"/>		

D. AIRCRAFT CATEGORY

(Tick applicable box)	<input type="checkbox"/> Transport (Passenger)	<input type="checkbox"/> Transport (Cargo)
	<input type="checkbox"/> Aerial Work	<input type="checkbox"/> Private
	<input type="checkbox"/> Special	

E. DECLARATION

I hereby declare that the above particulars are true in every respect.

Date

Signature

FORM C — Certificate of Airworthiness
(Regulation 7 (2))

No.

1. NATIONALITY AND REGISTRATION MARKS	2. CONSTRUCTOR AND CONSTRUCTOR'S DESIGNATION OF AIRCRAFT	3. AIRCRAFT SERIAL NO.
A2-		

4. CATEGORY: _____

5. This Certificate of Airworthiness is issued pursuant to Annex 8 of the Chicago Convention and the Civil Aviation (Airworthiness) Regulations in force thereunder in respect of the above-mentioned aircraft, which is considered to be airworthy when maintained and operated in accordance with the foregoing and the pertinent Flight

Manual document Part No. _____ which forms part of the Certificate of Airworthiness and which must be carried in the aircraft at all times.

Date First Issued:

Valid from:

Expiry Date:

for/Civil Aviation Authority of Botswana

No entries or endorsements may be made on this Certificate except in the manner and by the persons authorised for the purpose by the Civil Aviation Authority of Botswana. If this Certificate is lost, the Authority must be informed immediately. Any person finding this Certificate should forward it immediately to the Civil Aviation Authority of Botswana, P. O. Box 250, Gaborone, Botswana.

FORM D – Application for export of aircraft or aeronautical product
(Regulation 17 (1) and 18 (1))

AIRWORTHINESS INSPECTORATE

Export Certificate Number

APPLICATION FOR EXPORT CERTIFICATE OF AIRWORTHINESS

Instructions: Use this form to apply for an export certificate of airworthiness or approval of aeronautical products in accordance with Civil Aviation (Airworthiness) Regulations 17 and 18. The completed form is to be submitted to the Airworthiness Inspectorate when the product(s) to be exported is (are) presented for inspection. Use Part I for Class I products and Part II for Class II products. For complete aircraft execute items 1 through 11 as applicable. For engines and propellers, omit items 5 (a) and 6. Part III is for Airworthiness Inspectorate use only.

PART I (for Class I products)

1. Application is made for an Export Certificate of Airworthiness to cover the product(s) described below, which is (are):						
<input type="checkbox"/> New		<input type="checkbox"/> Used (aircraft)		<input type="checkbox"/> Newly overhauled		
2. Name and Address of Exporter		3. Name and address of foreign purchaser		4. Country of Destination		
5. Description of product(s)						
Type	Make and model	Identification Number	Serial Number	Spec. Number	Operating time (hours)	
					Since overhaul	Total
(a) Aircraft						
(b) Engines						
(c) Propellers						
6. List of locally approved modifications:						
7. The aircraft was given a satisfactory test flight on (date):						
8. Does the product comply with all applicable CAAB regulations, <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain in "Remarks") airworthiness directives and other Airworthiness Section requirements?						
9. Have applicable special requirements of the importing country been <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain in "Remarks") complied with?						
10. Has proper preventive treatment been applied to products susceptible <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain in "Remarks") to rapid corrosion when being shipped?						
11. Remarks:						
12. Exporter's certification: I certify that the above statements are true and that the product(s) described here is (are) airworthy and in condition for safe operation except as may be noted under Item 11 "Remarks", above.						
Date		Name of applicant or authorized representative			Signature	

PART II (for Class II products)		
13. Application is made for approval of aeronautical parts for export as indicated below:		
14. Name and Address of Exporter	15. Name and address of foreign purchaser	16. Country of Destination
17. Parts are eligible for installation on: Make and model of Class I product: _____ Spec. No.: _____		
18. The parts are (check one): <input type="checkbox"/> New <input type="checkbox"/> Newly overhauled		
19. The parts are described (check one): <input type="checkbox"/> By name, part number, and quantity on the attached invoice or packing sheet number: _____ <input type="checkbox"/> Below by name, part number, and quantity.		
Name	Part Number	Quantity
20. I certify that the above statements are true and that the product(s) described here is (are) airworthy and in condition for safe operation except as may be noted under Item 11 "Remarks", above		
_____ Date	_____ Name of applicant or authorized representative	_____ Signature
PART III — Approval (for CAAB use only)		
21. It is considered that the product(s) described in <input type="checkbox"/> Part I <input type="checkbox"/> Part II is (are) airworthy and conform(s) to pertinent requirements except as noted in Item 11.		
_____ Date	_____ Signature of Airworthiness Inspector	_____ Inspector Number
22. approval tags, forms were issued for the parts described in Part II. _____ (Quantity)		
23. Export file spot — checked by: _____ Date _____ <div style="display: flex; justify-content: space-around; width: 100%;"> Airworthiness Inspector Date </div>		

FORM E – Export Certificate of Airworthiness
(Regulation 17 (3))

(for Class I products)

No. B/EXA

THIS CERTIFIES that the product identified below, and more particularly described in Specification(s)* of the Airworthiness Inspectorate (TCDS No.), has been examined and as of the date of this certificate, is considered airworthy in accordance with the comprehensive and detailed airworthiness code of Botswana, and is in compliance with those special requirements of the importing State filed with Botswana, except as is noted below. This certificate in no way attests to compliance with any agreements or contracts between the vendor and purchaser, nor does it constitute authority to operate an aircraft.

Product:

Engine model:

Manufacturer:

Propeller model:

Serial number:

NEW

NEWLY OVERHAULED

USED AIRCRAFT

State to which exported:

Exceptions:

.....
Date

.....
Signature of Airworthiness Inspector

* For complete aircraft, list applicable specification or Type Certificate data sheet numbers for the aircraft, engine and propeller. Applicable specifications or Type Certificate data sheet, if not attached to this Export Certificate, will have been forwarded to the appropriate governmental office of the importing country.

FORM F - Airworthiness Approval Tag
(Regulation 18 (3))

(for Class II products)								
1. Name and address of owner/exporter	2. Name and address of foreign purchaser	3. Country of destination						
4. The parts are eligible for installation on: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> Make and model of Class I product Airworthiness Inspectorate Spec. No.: </div>								
5. The parts are (check one): <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input type="checkbox"/> NEW <input type="checkbox"/> NEWLY OVERHAULED <input type="checkbox"/> USED AIRCRAFT </div>								
6. The parts are described (check one): <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> By name, part number, and quantity on the attached invoice or packing sheet no. </div> <div style="text-align: center;"> <input type="checkbox"/> Below by name, part number and quantity </div> </div> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%; text-align: center;">Name</th> <th style="width: 33%; text-align: center;">Part number</th> <th style="width: 33%; text-align: center;">Quantity</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Name	Part number	Quantity			
Name	Part number	Quantity						
7. The parts do not meet the applicable CAAB requirements in respect of the following:								
8. It is considered that the product(s) described in Item 6 is (are) airworthy and conform(s) to pertinent requirements except as noted in Item 7.								
..... Date	 Signature of authorized representative						

SECOND SCHEDULE

FORM A – Application for a Permit to Fly
(Regulation 20 (2), 23 (1) and 24 (1))

APPLICATION FOR ISSUE, RENEWAL OR VARIATION OF PERMIT TO FLY

The completed form should be forwarded to the Civil Aviation Authority of Botswana, together with any Permit to Fly that has been issued in respect of the aircraft. The form shall be accompanied by a statutory fee.

A) This application is for	ISSUE RENEWAL VARIATION	(Strike out the inapplicable)	Date of expiry of the current Permit
----------------------------	-------------------------------	-------------------------------------	--

B) Ownership Particulars

Full name of owner (or owning company)

.....

Address of owner

Name and address of applicant (if not owner of aircraft)

Telephone (H) (W) Cell

Fax E-mail

C) Aircraft Particulars

Nationality and Registration Marks

Make Model Serial No.:.....

Engine make and model

Propeller make and model

Seating Capacity (passengers)Number of Crew

D) Insurance Particulars

(a) Third party liability insurance for an amount of not less than P50,000-00

Policy No. Company

Date of Issue Validity Period

(b) Passenger liability insurance for an amount of not less than P20,000-00 for each passenger seat in the aircraft.

Policy No. Company

Date of Issue Validity Period

I hereby declare that the above particulars are true in every respect.

Date Signature of Applicant

FORM B - Permit to Fly
(Regulation 21 (1))

No.:.....

(for non-type certificated aircraft)

1. NATIONALITY AND REGISTRATION MARKS	2. CONSTRUCTOR AND CONSTRUCTOR'S DESIGNATION OF AIRCRAFT	3. AIRCRAFT SERIAL NO.

- 4. CLASSIFICATION OF AIRCRAFT: (i) Category: SPECIAL Sub-divisions
- 5. The maximum weight of kg must never be exceeded.
- 6. The aircraft must be operated in compliance with the associated Owner's or Pilot's Operating Handbook/aircraft manufacturer's current operating instructions.
- 7. Limitations shown on cockpit notices and indicated by markings on instruments must be observed at all times.
- 8. The permit is issued in compliance with Regulation 7 of the Air Navigation Regulations currently in force, and is valid within the Republic of Botswana only.

Date of Issue:

Valid From:

Expiry Date:
for/Civil Aviation Authority of Botswana

No entries or endorsements may be made on this Permit to Fly except in the manner and by the persons authorised for the purpose by the Civil Aviation Authority of Botswana.

FORM C – Special Flight Permit
(Regulation 29 (1))

No.

1. NATIONALITY AND REGISTRATION MARKS	2. CONSTRUCTOR AND CONSTRUCTOR'S DESIGNATION OF AIRCRAFT	3. AIRCRAFT SERIAL NO.
---------------------------------------	--	------------------------

4. CATEGORY:

5. This Special Flight Permit is issued pursuant to Annex 8 of the Convention on International Civil Aviation dated 7th December, 1944, and Botswana Civil Aviation (Airworthiness) Regulations 25 and 26 in force thereunder in respect of the above-mentioned aircraft. It takes into cognizance that the aircraft referenced above qualifies for a certificate of airworthiness but at the moment the certificate of airworthiness is not in force.

Date of Issue:

Valid From: Valid for one ferry flight from to subject to conditions stated overleaf.

Expiry Date:
for/ Civil Aviation Authority of Botswana

No entries or endorsements may be made on this permit except in the manner and by the persons authorised for the purpose by the Civil Aviation Authority of Botswana. If this Certificate is lost, the Authority must be informed immediately. Any person finding this permit should forward it immediately to the Civil Aviation Authority of Botswana, P. O. Box 250, Gaborone, Botswana.

Conditions of Special Flight Permit

1. Copy of this permit should be on board the aircraft at all times when operating under the terms of the permit.
2. The registration marks assigned to the aircraft by the State of Registry shall be displayed on the aircraft in conformity with the requirements of that State.
3. Persons or property shall not be carried for compensation or hire.
4. No person shall be carried in the aircraft unless that person is essential for the purpose of the flight and has been advised of the contents of the authorization and the airworthiness status of the aircraft.
5. The aircraft shall be operated by the crew who are aware of the purpose of the flight and any limitations imposed, and who hold appropriate certificates or licenses issued or validated by the Authority.
6. All flights in this aircraft shall be conducted so as to avoid areas of heavy traffic or any other areas where flights might create hazardous exposure to persons or property.
7. All flights shall be conducted within the performance operating limitations prescribed in the aircraft flight manual and those additional limitations specified by the Authority.

THIRD SCHEDULE
(Fees)

Fees

Regulation 6 (2)	Application for a certificate of airworthiness	P200
Regulation 7 (2)	Issue of a certificate of airworthiness	
	Not exceeding 5700kg	P100 for every 500kg or part thereof
	Exceeding 5700kg	P150 for every 500kg or part thereof
Regulation 8 (1)	Issue of Authorization	
	Not exceeding 5700kg	P100 for every 500kg or part thereof
	Exceeding 5700kg	P150 for every 500kg or part thereof
Regulation 11 (2)	Application for variation of certificate of airworthiness	P200
Regulation 12 (1)	Application for renewal of certificate of airworthiness	P200
Regulation 12 (3)	Issue of renewed certificate of airworthiness	
	Not exceeding 5700kg	P30 for every 500kg or part thereof
	Exceeding 5700kg	P40 for every 500kg or part thereof
Regulation 14 (1)	Issue of duplicate certificate of airworthiness	
	Not exceeding 5700kg	P200
	Exceeding 5700kg	P300
Regulations 17 (1) and 18 (1)	Application for export approval of aircraft or aeronautical product	
	Not exceeding 5700kg	P200
	Exceeding 5700kg	P400
Regulation 17 (3)	Issue of export certificate of airworthiness	
	Not exceeding 5700kg	P50 for every 500kg or part thereof
	Exceeding 5700kg	P100 for every 500kg or part thereof
Regulation 18 (3)	Issue of airworthiness approval tag	P200
Regulation 20 (2)	Application for permit to fly	P200
Regulation 20 (4)	Issue of permit to fly for foreign registered aircraft	P600
Regulation 21 (1)	Issue of permit to fly for Botswana registered aircraft	P100
Regulation 23 (1)	Application for variation of a permit to fly	P100
Regulation 24 (1)	Application for renewal of permit to fly	P200
Regulation 24 (3)	Issue of renewed permit to fly	P100

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Regulation 25	Issue of duplicate permit to fly	P200
Regulation 29 (1)	Issue of special flight permit	P200
Regulation 33 (8)	Application for piston engine time between overhaul	P3000
Regulation 40 (2)	Application for authorization to repair and alter	P100
Regulation 40 (3)	Authorization for alteration	
	Not exceeding 5700kg	P200
	Exceeding 5700kg	P400
Regulation 13 (4)	Searches and copies of documents/certificate	P100

FOURTH SCHEDULE
Checklist of Inspections for Annual or 100-hour Inspections
(*regulation 40 (3)*)

1. Any person who performs an annual or 100-hour inspection shall, before that inspection, thoroughly clean the aircraft and aircraft engine and remove or open all necessary inspection plates, access doors, fairings and cowlings.
2. A person performing an annual or 100-hour inspection shall inspect, where applicable the following components —
 - (a) fuselage and hull group —
 - (i) fabric and skin for deterioration, distortion, other evidence of failure and defective or insecure attachment of fittings,
 - (ii) systems and components for improper installation, apparent defects and unsatisfactory operation,
 - (iii) the cabin and cockpit group,
 - (iv) generally for uncleanness and loose equipment that might foul the controls,
 - (v) seats and safety belts for poor condition and apparent defects,
 - (vi) windows and windshields for deterioration and breakage,
 - (vii) instruments for poor condition, mounting, marking and where practicable for improper operation,
 - (viii) flight and engine controls for improper installation and improper operation,
 - (ix) batteries for improper installation and improper operation, and
 - (x) all systems for improper installation, poor general condition, apparent and obvious defects and insecurity of attachment;
 - (b) engine and nacelle group —
 - (i) engine section for visual evidence of excessive oil, fuel or hydraulic leaks and sources of such leaks,
 - (ii) studs and nuts for improper torquing and obvious defects,
 - (iii) internal engine for cylinders compression and for metal particles or foreign matter on screen and sump drain plugs to check if there is a weak cylinders compression for improper internal condition and improper internal tolerances,
 - (iv) engine mount for cracks, looseness of mounting and looseness of engine to mount,
 - (v) flexible vibration dampeners for poor condition and deterioration,
 - (vi) engine controls for defects, improper travel and proper safetying,
 - (vii) lines, hoses and clamps for leaks, improper condition and looseness,
 - (viii) exhaust stacks for cracks, defects and improper attachment,
 - (ix) accessories for apparent defects in security of mounting,
 - (x) all systems for improper installation, proper general condition, defects and insecure attachment, and
 - (xi) cowling for cracks and defects;
 - (c) landing gear groups —
 - (i) all units for poor condition and insecurity of attachment,
 - (ii) shock absorbing devices for improper oleo fluid level,
 - (iii) linkages, trusses and members for undue or excessive wear, fatigue and distortion,
 - (iv) retracting and locking mechanism for improper operation,
 - (v) hydraulic lines for leakage,
 - (vi) electrical system for chaffing and improper operation of switches;
 - (vii) wheels for cracks, defects and condition of bearings,

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- (viii) tires for wear and cuts,
 - (ix) brakes for improper adjustment, and
 - (x) floats and skis for insecure attachment and obvious or apparent defects;
- (d) wing and centre section assembly for —
- (i) poor general condition,
 - (ii) fabric or skin deterioration,
 - (iii) distortion,
 - (iv) evidence of failure, and
 - (v) insecurity of attachment;
- (e) complete empennage assembly for —
- (i) poor general condition,
 - (ii) fabric or skin deterioration,
 - (iii) distortion,
 - (iv) evidence of failure,
 - (v) insecure attachment,
 - (vi) improper component installations, and
 - (vii) improper component operation;
- (f) propeller group —
- (i) propeller assembly for cracks, nicks, binds and oil leakage,
 - (ii) bolts for improper torquing and lack of safety,
 - (iii) anti-icing devices for improper operations and obvious defects, and
 - (iv) control mechanisms for improper operation, insecure mounting and restricted travel;
- (g) avionics or instrument group —
- (i) avionics or instruments equipment for improper installation and insecure mounting,
 - (ii) wiring and conduits for improper routing, insecure mounting and obvious defects,
 - (iii) bonding and shielding for improper installation and poor condition,
 - (iv) antenna including trailing and antenna for poor condition, insecure mounting and improper operation; and
- (h) electronic or electrical group —
- (i) wiring and conduits for improper routing, insecure mounting and obvious defects,
 - (ii) bonding and shielding for improper installation and poor condition, and
 - (iii) each installed miscellaneous item that is not otherwise covered by this listing or has instructions for continued airworthiness for improper installation and improper operation.

FIFTH SCHEDULE
Recording of Major Repairs and Alterations
(*regulation 57 (2)*)

PART I – *Definitions*

(1) Major Alterations

(a) Airframe Major Alterations.

Major alterations include alterations to the listed aircraft parts, or the listed types of alterations (when not included in the applicable aircraft specifications) —

- (i) Wings.
- (ii) Tail surfaces.
- (iii) Fuselage.
- (iv) Engine mounts.
- (v) Control system.
- (vi) Landing gear.
- (vii) Hull or floats
- (viii) Elements of an airframe including spars, ribs, fittings, shock absorbers, bracing, cowlings, fairings, and balance weights.
- (ix) Hydraulic and electrical actuating system of components.
- (x) Rotor blades.
- (xi) Changes to the empty weight or empty balance which result in an increase in the maximum certified weight or centre of gravity limits of the aircraft.
- (xii) Changes to the basic design of the fuel, oil, cooling, heating, cabin pressurisation, electrical, hydraulic, de-icing, or exhaust systems.
- (xiii) Changes to the wing or to fixed or movable control surfaces which affect flutter and vibration characteristics.

(b) Powerplant Major Alterations.

Major powerplant alterations, even when not listed in the applicable engine specifications, include —

- (i) Conversion of an aircraft engine from one approved model to another, involving any changes in compression ratio, propeller reduction gear, impeller gear ratios or the substitution of major engine parts which requires extensive rework and testing of the engine.
- (ii) Changes to the engine by replacing aircraft engine structural parts with parts not supplied by the original manufacturer or parts not specifically approved by the Authority.
- (iii) Installation of an accessory which is not approved for the engine.
- (iv) Removal of accessories that are listed as required equipment on the aircraft or engine specification.
- (v) Installation of structural parts other than the type of parts approved for the installation.
- (vi) Conversions of any sort for the purpose of using fuel of a rating or grade other than that listed in the engine specifications.

(c) Propeller Major Alterations.

Major propeller alterations, when not authorised in the applicable propeller specifications, include —

- (i) Changes in blade design.
- (ii) Changes in hub design.
- (iii) Changes in the governor or control design.
- (iv) Installation of a propeller governor or feathering system.
- (v) Installation of propeller de-icing system.
- (vi) Installation of parts not approved for the propeller.

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(d) **Appliance Major Alterations.**

Alterations of the basic design not made in accordance with recommendations of the appliance manufacturer or in accordance with applicable Airworthiness Directives are appliance major alterations. In addition, changes in the basic design of radio communication and navigation equipment approved under type certification or other authorisation that have an effect on frequency stability, noise level, sensitivity, selectivity, distortion, spurious radiation, automated volume control (AVC) characteristics, or ability to meet environmental test conditions and other changes that have an effect on the performance of the equipment are also major alterations.

(2) **Major Repairs**

(a) **Airframe Major Repairs.**

Repairs to the following parts of an airframe and repairs of the following types, involving the strengthening, reinforcing, splicing, and manufacturing of primary structural members or their replacement, when replacement is by fabrication such as riveting or welding, are airframe major repairs —

- (i) Box beams.
- (ii) Monocoque or semimonocoque wings or control surfaces
- (iii) Wing stringers or chord members
- (iv) Spars.
- (v) Spar flanges.
- (vi) Members of truss-type beams.
- (vii) Thin sheet webs of beams.
- (viii) Keel and chine members of boat hulls or floats.
- (ix) Corrugated sheet compression members which act as flange material of wings or tail surfaces.
- (x) Wing main ribs and compression members.
- (xi) Wing or tail surface brace struts.
- (xii) Engine mounts.
- (xiii) Fuselage longerons.
- (xiv) Members of the side truss, horizontal truss, or bulkheads.
- (xv) Main seat support braces and brackets.
- (xvi) Landing gear brace struts.
- (xvii) Axles.
- (xviii) Wheels.
- (xix) Parts of the control system such as control columns, pedals, shafts, brackets, or horns.
- (xx) Repairs involving the substitution of material.
- (xxi) The repair of damaged areas in metal or plywood stressed covering exceeding six inches in any direction.
- (xxii) The repair of portions of skin sheets by making additional seams.
- (xxiii) The splicing of skin sheets
- (xxiv) The repair of three or more adjacent wing or control surface ribs or the leading edge of wings and control surfaces, between such adjacent ribs.
- (xxv) Repair of fabric covering involving an area greater than that required to repair two adjacent ribs.
- (xxvi) Replacement of fabric on fabric covered parts such as wings, fuselages, stabilisers, and control surfaces.
- (xxvii) Repairing, including rebottoning, of removable or integral fuel tanks and oil tanks.

(b) Powerplant Major Repairs.

Repairs of the following parts of an engine and repairs of the following types, are powerplant major repairs —

- (i) Separation or disassembly of a crankcase or crankshaft of a piston engine equipped with an integral supercharger.
- (ii) Separation or disassembly of a crankcase or crankshaft of a piston engine equipped with other than spur-type propeller reduction gearing.
- (iii) Special repairs to structural engine parts by welding, plating, metalising, or other methods.

(c) Propeller Major Repairs.

Repairs of the following types to a propeller are propeller major repairs —

- (i) Any repairs to or straightening of steel blades.
- (ii) Repairing or machining of steel hubs.
- (iii) Shortening of blades.
- (iv) Retipping of wood propellers.
- (v) Replacement of outer laminations on fixed pitch wood propellers.
- (vi) Repairing elongated bolt holes in the hub of fixed pitch wood propellers.
- (vii) Inlay work on wood blades.
- (viii) Repairs to composition blades.
- (ix) Replacement of tip fabric.
- (x) Replacement of plastic covering.
- (xi) Repair of propeller governors.
- (xii) Overhaul of controllable pitch propellers.
- (xiii) Repairs to deep dents, cuts, scars, nicks, etc., and straightening of aluminium blades.
- (xiv) The repair or replacement of internal elements of blades.

(d) Appliance Major Repairs.

Repairs of the following types to appliances are appliance major repairs —

- (i) Calibration and repair of instruments.
- (ii) Calibration of avionics or computer equipment.
- (iii) Rewinding the field coil of an electrical accessory.
- (iv) Complete disassembly of complex hydraulic power valves.
- (v) Overhaul of pressure type carburetors, and pressure type fuel, oil, and hydraulic pumps.

(3) PREVENTIVE MAINTENANCE**(a) Preventive Maintenance.**

Preventive maintenance is limited to the following work, provided it does not involve complex assembly operations —

- (i) Removal, installation and repair of landing gear tires.
- (ii) Replacing elastic shock absorber cords on landing gear.
- (iii) Servicing landing gear shock struts by adding oil, air, or both.
- (iv) Servicing landing gear wheel bearings, such as cleaning and greasing.
- (v) Replacing defective safety wiring or cotter keys.
- (vi) Lubrication not requiring disassembly other than removal of non-structural items such as cover plates, cowlings, and fairings.
- (vii) Making simple fabric patches not requiring rib stitching or the removal of structural parts or control surfaces.
- (viii) Replenishing hydraulic fluid in the hydraulic reservoir.
- (ix) Refinishing decorative coating of fuselage, wings, tail group surfaces (excluding balanced control surfaces), fairings, cowlings, landing gear, cabin, or cockpit interior when removal or disassembly of any primary structure or operating system is not required.

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- (x) Applying preservative or protective material to components where no disassembly of any primary structure or operating system is involved and where such coating is not prohibited or is not contrary to good practices.
- (xi) Repairing upholstery and decorative furnishings of the cabin or cockpit when the repairing does not require disassembly of any primary structure or operating system or interfere with an operating system or affect primary structure of the aircraft.
- (xii) Making small simple repairs to fairings, non-structural cover plates, cowlings, and small patches and reinforcements not changing the contour so as to interfere with proper airflow.
- (xiii) Replacing side windows where that work does not interfere with the structure of any operating system such as controls, electrical equipment, etc.
- (xiv) Replacing safety belts.
- (xv) Replacing seats or seat parts with replacement parts approved for the aircraft, not involving disassembly of any primary structure or operating system.
- (xvi) Troubleshooting and repairing broken circuits in landing light wiring circuits.
- (xvii) Replacing bulbs, reflectors, and lenses of position and landing lights.
- (xviii) Replacing wheels and skis where no weight and balance computation is involved.
- (xix) Replacing any cowling not requiring removal of the propeller or disconnection of flight controls.
- (xx) Replacing or cleaning spark plugs and setting of spark plug gap clearance.
- (xxi) Replacing any hose connection except hydraulic connections.
- (xxii) Replacing prefabricated fuel lines.
- (xxiii) Cleaning fuel and oil strainers.
- (xxiv) Replacing and servicing batteries.
- (xxv) Replacement or adjustment of non-structural fasteners incidental to operations.
- (xxvi) The installation of anti-misfueling devices to reduce the diameter of fuel tank filler openings provided the specific device has been made a part of the aircraft type certificate data by the aircraft manufacturer, the manufacturer has provided appropriately approved instructions acceptable to the Authority for the installation of the specific device, and installation does not involve the disassembly of the existing filler opening.

PART II — *Recording of major repairs and alterations*

- (1) Each person performing a major repair or major alteration shall —
 - (a) execute the sample form set out in this Schedule by the Authority at least in duplicate;
 - (b) give a signed copy of that form to the aircraft owner or operator; and
 - (c) forward a copy of that form to the Authority, in accordance with Authority instructions, within 48 hours after the aeronautical product is approved for return to service.
- (2) In place of the requirements of paragraph (1), major repairs made in accordance with a manual or specifications acceptable to the Authority, an Aircraft Maintenance Organisation may —
 - (a) use the customer's work order upon which the repair is recorded;
 - (b) give the aircraft owner a signed copy of the work order and retain a duplicate copy for at least one year from the date of approval for return to service of the aeronautical product; and
 - (c) give the aircraft owner a maintenance release signed by an authorised representative of the Aircraft Maintenance Organisation and incorporating the following information —
 - (i) identity of the aeronautical product,
 - (ii) if an aircraft, the make, model, serial number, nationality and registration marks, and location of the repaired area,
 - (iii) if an aeronautical product, give the manufacturer's name, name of the part, model, and serial numbers (if any), and
 - (iv) include the following or a similarly worded statement —

*The aeronautical product identified above was repaired, overhauled and inspected in accordance with currently effective, applicable instructions of the State of Design and regulatory requirements of the Authority, and is approved for return to service.
Pertinent details of the repair are on file at this maintenance organisation.*

Order No..... Date.....

Signed:.....
(Signature of authorised representative)

.....
(Facility Name) (AMO Certificate Number)

.....
(Address)

.....

(3) The following sample form may be used to record major alterations and repairs.

MAJOR REPAIR AND ALTERATION (Airframe, Powerplant, Propeller, or Appliance)	[State] For CAAB Use Only Office Identification
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INSTRUCTIONS:
Print or type all entries. See Regulation 57 (2) and Part II of this Schedule for instructions and disposition of this form.

1. Aircraft	Make Serial Number	Model Nationality and Registration Mark
2. Owner	Name (As shown on certificate of registration)	Address (As shown on registration certificate)

3. For Authority Use Only

4. Unit Identification				5. Type	
Unit	Make	Model	Serial Number	Repair	Alteration
Airframe	----- (As described in item 1 above) -----				
Powerplant					
Propeller					
Appliance	Type				
	Manufacture				

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6. Conformity Statement			
A. Organisation Name and Address	B. Kind of Licence/ Organisation		C. Certificate/ Licence Number
	<input type="checkbox"/> Licensed (AMT) <input type="checkbox"/> A <input type="checkbox"/> P or <input type="checkbox"/> A/P		(For an AMO include the appropriate ratings issued for the major repair or alteration)
	<input type="checkbox"/> Approved Maintenance Organisation		
	<input type="checkbox"/> Manufacturer AMO		
<p>D. I certify that the repair and/or alteration made to the unit(s) identified in item 4 above and described on the reverse or attachments hereto have been made in accordance with the requirements of Civil Aviation (Airworthiness) Regulations and that the information furnished herein is true and correct to the best of my knowledge.</p>			
Date		Signature of Authorised Individual	
7. Approval for Return To Service			
Pursuant to the authority given persons specified below, the unit(s) identified in item 4 was inspected in the manner prescribed by the Authority and is <input type="checkbox"/> APPROVED <input type="checkbox"/> REJECTED			
BY	<input type="checkbox"/> CAAB Inspector	<input type="checkbox"/> Inspection Authorisation	Other (Specify)
	<input type="checkbox"/> Maintenance Organisation	<input type="checkbox"/> Other	
Date of Approval or Rejection	Certificate or Designation Number	Signature of Authorised Individual	
<p>NOTICE Weight and balance or operating limitation changes shall be entered in the appropriate aircraft record. An alteration must be compatible with all previous alterations to assure continued conformity with the applicable airworthiness requirements.</p>			
8. Description of Work Accomplished			
(If more space is required, attach additional sheets. Identify each page with aircraft nationality and registration mark and date work completed.)			

MADE this 21st day of February, 2012.

HON. NONOFO E. MOLEFHI,
Minister of Transport and Communications.