

Civil Aviation (Ariel Work) Regulations, 2018

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IT is hereby notified that the Minister of Transport and Infrastructural Development in consultation with the Board has, in terms of section 79(1) of the Civil Aviation Act [*Chapter 13:16*], approved the following regulations:—

PART I

PRELIMINARY

Title

1. These regulations may be cited as the Civil Aviation (Aerial Work) Regulations, 2018.

Interpretation

2. In these regulations—

“aerial work” means an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement;

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

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

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“Air Operator Certificate (AOC)” means a certificate authorising an operator to carry out specified commercial air transport operations;

“airworthy” means the status of an aircraft, engine, propeller or part when it conforms to its approved design and is in a condition for safe operation;

“crew member” means a person assigned by an operator to duty on an aircraft during a flight duty;

- “duty”** means any task that flight or cabin crew members are required by the operator to perform, including, for example, flight duty, administrative work, training, positioning and standby when it is likely to induce fatigue;
- “engine”** means a unit used or intended to be used for aircraft propulsion and consists of at least those components and equipment necessary for functioning and control, but excludes the propeller or rotors (if applicable);
- “fish spotting”** means those operations involving location, tracking, and reporting on the location of fish and fish schools, when those operations are conducted as part of a business enterprise or for compensation or hire;
- flight crew member”** means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;
- “flight manual”** means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft is to be considered airworthy, and instructions and information necessary to the flight crew members for the safe operation of the aircraft;
- “flight operations officer or flight dispatcher”** means a person designated by the operator to engage in the control and supervision of flight operations, whether licensed or not, suitably qualified in accordance with Annex 1, who supports, briefs or assists the pilot-in-command in the safe conduct of the flight;
- “flight plan”** means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;
- “human factors principles”** means principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance;

- “human performance” means human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations;
- “maintenance programme” means a document which describes the specific scheduled maintenance tasks and their frequency of completion and related procedures, such as a reliability programme, necessary for the safe operation of those aircraft to which it applies;
- “Master Minimum Equipment List (MMEL)” means a list established for a particular aircraft type by the organization responsible for the type design with the approval of the State of Design containing items, one or more of which is permitted to be unserviceable at the commencement of a flight;
- “Minimum Equipment List (MEL)” means a list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity;
- “night” means the hours between the end of evening civil twilight and the beginning of morning civil twilight or such other period between sunset and sunrise, as may be prescribed by the appropriate authority;
- “operations manual” means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties;
- “operations specifications” means the authorisations, conditions and limitations associated with the air operator certificate and subject to the conditions in the operations manual;
- “operator” means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;
- “operator’s maintenance control manual” means a document which describes the operator’s procedures necessary to ensure that all scheduled and unscheduled maintenance is performed on the operator’s aircraft on time and in a controlled and satisfactory manner;

“pilot-in-command” means the pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight;

“sight-seeing flights” means those operations involving the carriage of persons for viewing natural formations or manmade objects on the ground when those operations are conducted as part of a business enterprise or for compensation or hire, and the flight—

- (a) is unquestionably advertised as “sight-seeing; and
- (b) returns to the point of departure without having landed at any other point; and
- (c) is conducted within 25 nautical mile radius of the point of departure;

“television and movie operations” means operations involving movie filming, appearance in flight in movies, and airborne direction or production of such filming when those operations are conducted as part of a business enterprise or for compensation or hire including film, videos, and live broadcast in any format, and the preparation and rehearsal for those operations.

PART II

Application for Air Operations Certificate with Ariel work approval

3. (1) Any person who wishes to conduct an operation involving aerial work for commercial purposes shall apply for an air service permit from the Ministry responsible for Transport accompanied by the prescribed fee.

(2) The Ministry may either—

- (a) approve the application; or
- (b) reject;

the application made in terms of subsection (1).

(3) Where the Ministry approves an application made in terms of subsection (1), the applicant shall be issued with an air service permit.

(4) The air service permit referred to in subsection (3) shall be accompanied with an application for an Air Operator Certificate application form specified in the applicable Civil Aviation Air Operator Certificate and Administration Regulations.

(5) An application made in terms of subsection (4) shall be treated in accordance with the provisions relating to Civil Aviation Air Operator Certificate and Administration Regulations.

(6) No person shall operate an aircraft engaged in commercial aerial work operations unless such operator is the holder of a valid Air Operator Certificate issued in terms of the Civil Aviation Air Operator and Administration Regulations.

(7) Notwithstanding subsection (6), persons who carry out aerial work as sport or clubs shall require affiliation with Authority approved organisation and follow the safety requirements published by the organisations before approaching the Authority for permission to operate.

(8) An Air Operator Certificate with aerial work approval in their operations specifications shall continue in effect for one year following the date of issue unless—

- (a) cancelled; or
- (b) suspended; or
- (c) revoked; or
- (d) the operator suspends operations for more than 90 days.

(9) No person shall conduct aerial work operation, and no Pilot-In-Command of an aircraft shall allow aerial work operations to be conducted from an aircraft, if that operation creates a hazard to air traffic or to persons or property on the surface.

(10) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level 12 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

PART III

AGRICULTURAL OPERATIONS

Related regulations

4. Unless the context otherwise dictates, agricultural operations shall be conducted in accordance with and in addition to the provisions of other relevant Civil Aviation Regulations as the case may be.

Requirements for ratings

5. The pilot of an aircraft engaged in an agricultural operation, shall hold a valid agricultural aircraft pilot rating issued in terms of the applicable Civil Aviation Licencing Regulations for the category of aircraft used.

Requirements for commercial agricultural operations

6. (1) Each owner or operator of an aircraft engaged in an agricultural operation shall ensure that the aircraft has, in addition to the equipment prescribed in the applicable Civil Aviation Aircraft Equipment Regulations, an approved and properly installed shoulder harness for each person on board.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a to fine not exceeding level 14 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

Dispensing agricultural chemicals

7. (1) The pilot of an aircraft dispensing an agricultural chemical in an agricultural operation, shall dispense the agricultural chemical—

- (a) for its registered use; and
- (b) in accordance with the safety instructions of use limitations on its label.

(2) Notwithstanding the provisions of subsection (1), the pilot may dispense the agricultural chemical which is not for its registered use, if the operation is for experimental purposes—

- (a) under the supervision of a Government department conducting research in the field; or

- (b) in terms of a permit from the applicable authority controlling such chemicals, dispense the agricultural chemical as necessary for the particular experiment.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 14 or to imprisonment for a period not exceeding 5 years or to both such fine and such imprisonment.

Direction of turns at aerodrome

8. (1) No pilot of an aircraft performing an agricultural operation shall turn in a direction other than that prescribed in the applicable Civil Aviation Aircraft Operations Regulations, when approaching for a landing at, or after take-off from, an aerodrome unless—

- (a) the aerodrome is used solely for agricultural operations; or
- (b) in any other case, the aerodrome displays the visual ground signal prescribed in the Civil Aviation (Aircraft Operations) Regulations indicating that an agricultural operation is being conducted from that aerodrome.

(2) A pilot who contravenes subsection (1) shall have his or her licence suspended or revoked by the Authority.

Height of turns at aerodromes

9. No pilot of an aircraft performing an agricultural operation may commence a turn after take-off from an aerodrome at an altitude other than that prescribed in the applicable Civil Aviation Aircraft Operations Regulations unless—

- (a) the turn does not cause the aircraft to fly over a populous area; and
- (b) the aerodrome—
 - (i) is used solely for agricultural operations; or
 - (ii) has an aerodrome control service in operation and the turn is performed in accordance with air traffic control clearance; or
 - (iii) in any other case, displays the visual ground signal prescribed in the applicable Civil Aviation

Aircraft Operations regulations indicating that an agricultural operation is being conducted from that aerodrome.

Operation without position lights

10. Notwithstanding the provisions of the Civil Aviation Aircraft Operations Regulations, the pilot of an aircraft performing an agricultural operation may operate at night without aircraft position lights if—

- (a) it is in the interest of aviation safety to turn the lights off due to operating conditions;
- (b) prominent unlighted objects are visible for not less than 1 850 metres;
- (c) take-offs and landings at aerodromes with an aerodrome control service are performed in accordance with an air traffic control clearance; and
- (d) take-offs and landings at other aerodromes are not made while other aircraft operations requiring position lights are in progress at that aerodrome.

Operations over populous areas

11. (1) The holder of an operating certificate who wishes to operate an aircraft engaged in an agricultural operation over a populous area shall—

- (a) prepare a plan of the operation, in conjunction with, and for the briefing of, all personnel and organisations involved in the operation, containing—
 - (i) consideration of obstructions to flight;
 - (ii) the emergency landing capabilities of the aircraft used; and
 - (iii) co-ordination necessary with the Air Traffic Control concerned;
- (b) give prior written notification to the local government in whose jurisdiction the operation is to be performed;

- (c) give notice of the operation to the public by an effective means;
- (d) ensure maximum safety to persons and property on the ground, consistent with the operation; and
- (e) ensure that the aircraft has, within the preceding 100 hours of time in service—
 - (i) had a mandatory periodic inspection; or
 - (ii) been inspected under a progressive inspection programme.

(2) No pilot of an aircraft in an agricultural operation over a populous area may, for the proper completion of the operation, fly below the minimum height prescribed in the applicable Civil Aviation Aircraft Operations Regulations unless—

- (a) the operation is conducted on behalf of a Government department;
- (b) prior approval is obtained from the Authority and the operation is conducted in accordance with conditions and limitation determined by the Authority;
- (c) the operation is conducted in accordance with the approved standard operating procedures.

(3) Any person who contravenes subsection (2) shall have his or her licence suspended or revoked by the Authority.

Operation over non-populous area

12. Notwithstanding the provisions of the Civil Aviation Aircraft Operations Regulations, the pilot of an aircraft engaged in an agricultural operation may, during or for the purposes of the operation, fly at any altitude and at any distance from an obstruction if—

- (a) the operation is not conducted over a populous area;
- (b) the operation is conducted without creating a hazard to persons or property on the ground; and
- (c) the altitude and distance for all approaches, turns and departures are safe for the operation.

Fuel reserves

13. Notwithstanding the provisions of the Civil Aviation Aircraft Operations Regulations, the pilot of an aircraft engaged in an agricultural operation shall ensure that the aircraft has the following minimum fuel reserves—

- (a) for aeroplanes, 30 minutes flight time;
- (b) for helicopters, three times the anticipated flight time or 30 minutes flight time, whichever is the lesser.

Take-off distance and flight path

14. Any person involved in calculating the take-off distance for aircraft intending for agricultural operations shall, take the following factors into account—

- (a) the mass of the aeroplane at the commencement of the take-off run;
- (b) the pressure altitude of the aerodrome;
- (c) the ambient temperature at the aerodrome;
- (d) the runway surface type and condition;
- (e) the runway slope in the direction of take-off; and
- (f) not more than 50% of the headwind component or not less than 150% of the tailwind component.

Take-off flight path

15. (1) In this Part—

“D” means the horizontal distance travelled by an aeroplane from the end of the take-off distance available.

(2) The pilot of an aeroplane engaged in an agricultural operation shall ensure that the take-off flight path clears all obstacles by—

- (a) a vertical distance of at least 50 feet plus $0.025D$; or
- (b) a lateral distance of at least 30 metres plus $0.1D$.

(3) When calculating compliance with subsection (1), the pilot shall take the following factors into account—

- (a) the take-off flight path shall begin at a height of 50 feet above the take-off surface at the end of the take-off distance and end at a height of 500 feet above the take-off surface;
- (b) the aeroplane shall not be banked at an angle exceeding 20 degrees; and
- (c) obstacles which have a lateral distance greater than 150 metres from the planned flight path may be disregarded.

Records

16. (1) A holder of an operating certificate shall maintain the following records at the principal place of operation—

- (a) the name and address of each client;
- (b) the date of each agricultural operation;
- (c) the name and quantity of the material dispensed during each agricultural operation;
- (d) the name, address, licence number, and rating details of the pilot concerned;
- (e) the date on which an agricultural pilot rating was issued to the pilot concerned.

(2) The records referred to in subsection (1) shall be retained for a period of not less than 12 months from the date on which the operation is completed.

Remote base operations

17. The holder of an operating certificate who operates an aircraft engaged in an agricultural operation, from a base other than the principal place of operation, for a period of 14 or more consecutive nights, shall appoint a base pilot who—

- (a) holds a valid agricultural aircraft pilot rating;
- (b) is responsible for the operations from that remote base; and
- (c) may be responsible for arranging work rosters and maintaining records.

PART IV

AVIATION RECREATION ORGANISATIONS

Requirement of approval

18. No organisation shall undertake aviation activities for recreation purposes except—

- (a) under the authority of, and in accordance with the provisions of an aviation recreation organisation approval issued under this part; and
- (b) when approved to do so by the Authority.

Application for approval or amendment

19. An application for the issuing of an aviation recreation organisation approval or an amendment thereof, shall be—

- (a) made to the Authority in the appropriate prescribed form; and
- (b) accompanied by—
 - (i) the appropriate fee specified in the Schedule; and
 - (ii) the manual of procedure referred to in section 28.

Issuing of approval

20. The Authority shall issue an aviation recreation organisation approval if the applicant complies with the requirements prescribed in these regulations.

Scope of approval

21. An aviation recreation organisation approval shall specify—

- (a) the aviation recreation which the holder of the approval is entitled to undertake; and
- (b) the procedures which the holder of the approval is authorised to establish and administer.

Period of validity

22. (1) An aviation recreation organisation approval shall be valid for a period determined by the Authority, which period shall not exceed five years, calculated from the date of issuance or renewal thereof.

(2) The holder of an approval which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of an approval which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval to the Authority.

Transferability

23. An aviation recreation organisation approval issued in terms of section 20 shall not be transferable.

Renewal of approval

24. (1) An application for the renewal of an aviation recreation organisation approval shall be—

- (a) made to the Authority in the appropriate prescribed form; and
- (b) accompanied by—
 - (i) the appropriate fee as specified in the Schedule; and
 - (ii) the manual of procedures referred to in section 28.

(2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

Quality assurance system

25. The applicant shall establish a quality assurance system for the control and supervision of the aviation covered by the application.

Changes in quality assurance system

26. (1) If the holder of an aviation recreation organisation approval desires to make any change in the quality assurance system, which is significant to the compliance with the appropriate requirements prescribed in this Part, he or she shall apply to the Authority for the approval of such change.

(2) The provisions of subsection (1) shall apply with the necessary changes to an application for the approval of a change in the quality assurance system.

(3) An application for approval of a change in the quality assurance system shall be granted by the Authority if the applicant satisfies the Authority, upon submission of appropriate proposed changes to its manual of procedures that it will continue to comply with the provisions of these regulations after the implementation of such approved change.

Quality control

27. (1) The applicant for Aviation recreation organisation approval shall engage, employ or contract—

- (a) a competent person who is responsible for quality control, and who has direct access to the accountable manager referred to in section 29, on matters affecting airworthiness and aviation safety; and
- (b) adequate personnel to carry out and supervise the aviation recreation covered by the application.

(2) The applicant for Aviation recreation organisation approval shall—

- (a) establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel authorised by the applicant to carry out and supervise the aviation recreation covered by the application; and
- (b) provide the personnel referred to in subsection (1) (b) above with written proof of the scope of their authorisation.

Manual of procedure

28. An applicant for an aviation recreation organisation approval shall provide the Authority with its manual of procedure for approval.

Personnel requirements

29. (1) The applicant for Aviation recreation organisation approval shall engage, employ or contract a senior person identified as the accountable manager of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this part.

(2) The accountable manager referred to in subsection (1) shall in addition to the requirements of subsection (1) be vested with the following powers and duties—

- (a) unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;
- (b) full rights of consultation with any such person in respect of such compliance by him or her;
- (c) to order cessation of any activity where such compliance is not effected;
- (d) to establish liaison mechanisms with the Authority with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Authority;
- (e) to facilitate liaison between the Director General and the organisation concerned; and
- (f) to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in paragraph (c), and with regard to the results of the liaison contemplated in paragraph (e).

Resource requirements

30. The applicant for Aviation recreation organisation approval shall ensure that the resources are adequate to enable the personnel to carry out and supervise the aviation recreation covered by the application.

Designation of body or institution

31. (1) The Director General may designate a body or institution to—

- (a) establish safety standards relating to aviation recreation;
- (b) exercise control over an aviation recreation organisation designated under the provisions of this Part;
- (c) determine standards for the operation or airworthiness of aircraft involved in aviation recreation;
- (d) issue special flight permits;
- (e) determine standards for the licensing of personnel involved in aviation recreation; and
- (f) issue licences to such personnel.

(2) The designation referred to in subsection (1) shall be made in writing; and published in the *Gazette* within 30 days from the date of such designation.

Display of aviation recreation organisation approval

32. (1) The holder of an aviation recreation organisation approval shall—

- (a) display the approval in a prominent place, generally accessible to the public at such holder's principal place of business;
- (b) produce the original approval to an authorised officer, inspector or authorised person if so requested by such officer or inspector.

(2) Any person who fails or refuses to produce the original approval referred to in subsection (1) shall have his or her operations suspended by the Authority.

Advertisements

33. Any advertisement by an organisation indicating that it is an aviation recreation organisation, shall—

- (a) reflect the number of the aviation recreation organisation approval issued by the Authority; and
- (b) contain a reference to the aviation recreation for which such approval was issued.

Safety inspections and audits

34. An applicant for an aviation recreation organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to—

- (a) verify the validity of any application made in terms of the applicable regulations;
- (b) determine compliance with the appropriate requirements prescribed in this Part.

Register of approval

35. (1) The Authority shall maintain a register of all aviation recreation organisation approvals issued in terms of these regulations.

(2) The register referred to in subsection (1) shall contain the following particulars—

- (a) the full name of the holder of the approval;
- (b) the postal address of the holder of the approval;
- (c) the date on which the approval was issued or renewed;
- (d) particulars of the scope of the approval issued to the holder of the approval; and
- (e) the nationality of the holder of the approval.

(3) The particulars referred to in subsection (2) shall be recorded in the register, referred to in subsection (1), within seven days from the date on which the approval is issued.

(4) The Authority shall furnish a copy of the register to any person who requests for it upon payment of the appropriate fee specified in the Schedule.

Duties of holder of approval

36. The holder of an aviation recreation organisation approval shall—

- (a) hold at least one complete and current copy of its manual of procedure referred to in section 28, at each recreation facility specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements prescribed in this Part.

Technical and regulatory data

37. (1) The holder of an aviation recreation organisation approval shall keep copies of all relevant equipment manuals, technical bulletins and instructions, legislation, and any other documents which may be necessary to establish procedures for the aviation recreation specified in its manual of procedures.

(2) The holder of the approval shall establish procedures to control and amend the documents referred to in subsection (1).

(3) The procedures referred to in subsection (2) shall ensure that—

- (a) all documents are reviewed and authorised before the issuing thereof;
- (b) changes to documents are reviewed and authorised by the holder of the approval;
- (c) the current version of each document can be identified to preclude the use of out of date editions;

to the helicopter external-load operation, may only be carried in a Class D helicopter-load combination.

(4) For the purposes of this Part, external-load operations include underslung load operations, winching operations and any operation in which the helicopter is connected by means of a cable to another object, including towing.

(5) Unless the context otherwise indicates, external-load operations shall be conducted in accordance with the provisions of this Part and in addition, the applicable provisions of the Civil Aviation (Operations of Aircraft) Regulations.

Requirements for commercial external-load operations

41. An operator of a helicopter engaged in a commercial external-load operation shall not operate the helicopter unless such operator is a holder of a valid Air Operators certificate issued by the Authority.

Operating rules

42. (1) No owner, operator or Pilot-In-Command of a helicopter engaged in an external-load operation shall operate the helicopter—

- (a) without, or contrary to, the helicopter-load combination flight manual;
- (b) without a valid certificate of airworthiness issued in respect of such helicopter; and
- (c) unless such helicopter complies with the certification provisions of airworthiness requirements in these regulations that apply to the applicable class of helicopter-load combination.

(2) No Pilot-In-Command of a helicopter, before operating a helicopter with an external load configuration, shall conduct an operation, in a manner that will endanger persons or property on the surface.

(3) The Pilot-In-Command of a helicopter engaged in external load operations shall conduct the following applicable flight-operational checks before each flight—

- (a) a determination that—
 - (i) the mass of the helicopter-load combination and the location of its centre of gravity are within approved limits;
 - (ii) the external load is securely fastened; and
 - (iii) the external load does not interfere with devices provided for its emergency release;
- (b) make an initial lift-off and verify that controllability is satisfactory;
- (c) while hovering, verify that directional control is adequate;
- (d) accelerate into forward flight to verify that no attitude of the helicopter or of the external load is encountered, in which the helicopter is uncontrollable or which is otherwise hazardous;
- (e) in forward flight, check for hazardous oscillations of the external load;
- (f) increase the forward airspeed and determine an operational airspeed at which no hazardous oscillation or hazardous aerodynamic turbulence is encountered.

(4) Where the external load is not visible to the Pilot-In-Command, other flight crew members or ground personnel may make the check referred to in subsection (3)(e) and signal the Pilot-In-Command.

(5) Notwithstanding the provisions of the Civil Aviation Air Operator Certification and Administration Regulations, the owner or operator of a helicopter, may conduct an external-load operation over densely inhabited areas, if the operation is conducted without hazard to persons or property on the surface and complies with the following—

- (a) an approved plan compiled by the operator for each complete operation, which shall include—
 - (i) an agreement with the appropriate local authority that local officials will exclude unauthorised

- persons from the area in which the operation will be conducted;
- (ii) coordination with the appropriate Air Traffic Control, if necessary; and
 - (iii) a detailed chart depicting the flight routes and altitudes; and
- (b) each flight shall be conducted at an altitude, and on a route, which will allow—
- (i) an external load for purposes of release, to be jettisoned; and
 - (ii) the helicopter to land in an emergency without hazard to persons or property on the surface.
- (6) No owner, operator or Pilot-In-Command of a helicopter engaged in an external-load operation shall—
- (a) conduct the operation under instrument meteorological conditions; or
 - (b) carry passengers during the external-load operation, unless—
 - (i) flight under instrument meteorological conditions, or external-load or passenger combination flights, or both, have been approved by the Authority on the conditions contained in the operations manual; or
 - (ii) unless prior written permission has been granted by the Authority for a specific flight or series of flights on conditions prescribed by him or her;
- (7) Subject to subsection (6)(b)(ii) passengers shall never be carried outside the helicopter in an undersling operation under instrument meteorological conditions.

Carriage of persons

43. (1) No owner or operator of a helicopter engaged in an external load operation shall carry a person in a helicopter conducting external load operation unless such person—

- (a) is a flight crew member;
- (b) is a flight crew member trainee;
- (c) is charged with duties essential to the helicopter external load operation; or
- (d) is necessary to accomplish the work activity directly associated with that operation.

(2) A Pilot-In-Command shall ensure that all persons are briefed before take-off on all pertinent procedures to be followed, including normal, abnormal and emergency procedures, and equipment to be used during the external-load operation.

Flight crew member training, currency and testing requirements

44. (1) The owner or operator of a helicopter engaged in an external load operation shall ensure that the Pilot-In-Command—

- (a) is the holder of a valid helicopter commercial licence pilot rating issued in terms of the Civil Aviation (Licensing) Regulations; and
- (b) has the knowledge with respect to the helicopter-load combination including the—
 - (i) steps to be taken before starting operations, including a survey of the flight area;
 - (ii) proper method of loading, rigging or attaching the external load;
 - (iii) performance capabilities, under approved operating procedures and limitations, of the helicopter to be used;
 - (iv) proper instructions of flight crew and ground personnel; and
 - (v) the applicable helicopter-load combination flight manual; and
- (c) has the skill in respect of the helicopter-load combination including—
 - (i) take-off and landing;

- (ii) directional control while hovering;
- (iii) acceleration from a hover;
- (iv) flight at operational airspeeds;
- (v) approaches to landing or working area;
- (vi) manoeuvring the external load into the release position; and
- (vii) winch operation, if a winch is installed to hoist the external load.

(2) The owner or operator of a helicopter engaged in an external load operation, shall ensure that each flight crew member or other operations personnel member successfully completes the appropriate training.

(3) Training shall be given by the holder of the appropriate Air Training Organisation approval issued in terms of the Civil Aviation Air Training Organisation Regulations.

(4) Upon successful completion of the training, the approved Air Training Organisation, referred to in subsection (3), shall issue a certificate of competency to the flight crew member or other operations personnel member concerned.

Flight characteristic requirements

45. (1) The owner or operator of a helicopter engaged in an external load operation shall demonstrate to the Authority, by performing the operational flight checks prescribed in subsection (3), (4) or (5), as the case may be, that the helicopter load combination to be used in the operations has satisfactory flight characteristics.

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

(3) In case of a Class A helicopter load combination, the operational flight check shall consist of at least the following manoeuvres—

- (a) take-off and landing;

- (b) demonstration of adequate directional control while hovering;
- (c) acceleration from a hover; and
- (d) horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested.

(4) In the case of Class B and Class D helicopter-load combination, the operational flight check shall consist of at least the following manoeuvres—

- (a) pick up of the external load;
- (b) demonstration of adequate directional control while hovering;
- (c) acceleration from a hover;
- (d) horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested;
- (e) demonstrating appropriate lifting device operation; and
- (f) manoeuvring of the external load into release position and its release, under probable flight operation conditions, by means of each of the quick-release controls installed on the helicopter.

(5) In the case of a Class C helicopter load combination, used in wire-stringing, cable-laying, or similar operations, the operational flight check shall consist of the appropriate manoeuvres prescribed in subsection (4).

Structures and design

46. (1) Each external load attaching means and each quick-release device shall be approved by the Authority.

(2) The total mass of the helicopter load combination shall not exceed the total mass approved for the helicopter during its type certification.

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

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

Operating limitations

47. (1) In addition to the operating limitations contained in the aircraft flight manual and any other limitations which the Authority may determine, the owner or operator of a helicopter engaged in an external-load operation shall—

- (a) establish operating limitations; and
- (b) publish the operating limitations in the helicopter-load combination flight manual, for helicopter-load combination operations.

(2) The operating limitations established by the owner or operator shall include—

- (a) the mass and centre of gravity limitations established in accordance with section 46(2), (3) or (4) within which the helicopter-load combination may be operated;
- (b) the external load mass of the helicopter-load combination which shall not exceed the external load mass limitations stipulated in the helicopter flight manual;
- (c) the airspeeds at which the helicopter-load combination may be operated, which airspeeds shall not be greater than the airspeeds established in accordance with section 45 (3), (4) or (5);
- (d) a prohibition on the conducting of an external-load operation in terms of this Part, with a helicopter—
 - (i) in the restricted areas;
 - (ii) over a densely inhabited area;
 - (iii) in a congested airway; or
 - (iv) near an aerodrome licensed in terms of applicable Civil Aviation Aerodrome Regulations;

and

- (e) in the case of a Class D helicopter-load combination, such combination may only be conducted in accordance with the following—
 - (i) the helicopter to be used shall be of a multi-engine type and shall provide hover capability with one engine inoperative at that operating mass and altitude;
 - (ii) the helicopter shall be equipped to allow direct radio inter-communication among required flight crew members;
 - (iii) the personnel lifting device shall be of an approved type; and
 - (iv) the lifting device shall have an emergency release requiring two distinct actions.

Helicopter-load combination flight manual

48. (1) The owner or operator of a helicopter to be used in an external-load operation shall compile and submit helicopter-load combination flight manual to the Authority for approval.

(2) The helicopter-load combination flight manual shall be prepared in accordance with the aircraft flight manual.

(3) The helicopter-load combination flight manual referred to in subsection (2) shall include—

- (a) the operating limitations, other than the limiting height-speed envelope data, normal, abnormal and emergency procedures, performance and any other information required in terms of this part;
- (b) the class of helicopter-load combinations for which the airworthiness of the helicopter has been demonstrated in accordance with sections 45 and 46; and
- (c) in the information section of the helicopter-load combination flight manual—

- (i) information on any peculiarities discovered when operating particular helicopter-load combinations;
- (ii) precautionary advice regarding static electricity discharges for Class B, Class C and Class D helicopter-load combinations; and
- (iii) any other information essential for safe operation with external loads.

(4) The operator of a helicopter engaged in commercial external-load operations shall include the helicopter-load combination flight manual in the operations manual.

Markings and placards

49. The owner or operator of a helicopter engaged in an external-load operation shall ensure that the following markings and placards are displayed in a conspicuous place and cannot be easily erased, disfigured, or obscured—

- (a) a placard displayed in the cockpit or cabin, stating the class of helicopter-load combination for which the helicopter has been approved and the occupancy limitation prescribed in section 47(2)(a); and
- (b) a placard, marking, or instruction, displayed next to the external-load attaching means, stating the maximum external load prescribed as an operating limitation in section 47(2)(b).

Equipment

50. When the pilot at the flight controls of a helicopter engaged in an external-load operation is not verbally guided by a flight crew member on board the helicopter, or by a person the ground using two-way radio communication or the appropriate hand signals, and such pilot is not able to monitor the external load from his or her station, such helicopter shall be fitted with a mirror in such manner that such pilot is able to monitor the external-load from his or her station and conduct the operation without such guidance.

PART VI

BANNER TOWING

Banner towing approval

51. (1) No person shall operate a banner towing aircraft without approval from the Authority.

(2) No person shall operate an aeroplane that is towing an object unless the aeroplane is equipped with a tow hook and release control system that meet the applicable standards of airworthiness.

(3) No person may operate a helicopter that is towing a banner unless the helicopter has a means to prevent the banner from becoming entangled in the helicopter's tail rotor during all phases of flight, including autorotations.

(4) No person may operate a helicopter that is towing a banner unless that banner can be jettisoned in flight.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding level 14 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

Experience and training requirements

52. (1) For non-revenue flights, the pilot of the tow aircraft shall hold at least a valid private pilot licence and have a minimum of 200 hours Pilot-In-Command time.

(2) When banner tow operations are conducted for compensation or hire, the pilot shall have at least a commercial pilot certificate (instrument rating not required) and at least a valid second class medical certificate.

(3) All pilots engaged in banner towing operations shall demonstrate competence to the Authority by performing at least one pickup and drop of the maximum number of letters (panels) to be used by the certificate holder.

(4) The demonstration referred to in subsection (3) shall be observed from the ground to allow the inspector to evaluate the competence of any essential ground personnel as well as the flight operation.

Operating rules

53. (1) All banner tow operations shall be conducted only—

- (a) in visual flight rules weather conditions; and
- (b) between the hours of official sunrise and official sunset.

(2) No person may conduct banner towing operations—

- (a) over congested areas; or
- (b) less than 1,000 feet above open air assemblies of persons;
- (c) lower than the minimum safe altitude requirements of applicable Civil Aviation Aircraft Operations Regulations.

(3) Notwithstanding requirements of subsection (2) helicopters may be operated at less than the minimums prescribed altitude if the operation is conducted without hazard to persons or property on the surface.

(4) If banner towing operations take place at an airport with a control tower or in close proximity to such airport, the certificate holder shall—

- (a) obtain the airport manager's approval;
- (b) inform that control tower of the time of the operation.

(5) No Pilot-In-Charge shall allow any person to board the banner towing aircraft unless that person is an essential crew member.

(6) When banner tow operations are conducted around congested areas, the pilot shall exercise due care so that, in the event of emergency release of the banner and towrope, it will not cause undue hazard to persons or property on the surface.

(7) No pilot shall drop the towrope in a predesignated area less than 500 feet from persons, buildings, parked automobiles, and aircraft.

(8) If the tow plane lands with the rope attached, due care shall be exercised to avoid trailing the rope and endangering other aircraft in the air, or persons, property or aircraft on the surface.

Tow hook installation approval

54. (1) A tow hook system shall meet the requirements for flight test, structural analysis or static test approved by the Authority.

(2) The adequacy of the aeroplane structure to meet the structural requirements of this section shall be determined by either static test or structural analysis.

Towing aeroplane engine cooling

55. (1) The towing aeroplane shall be fitted with a functioning cylinder head temperature gauge.

(2) Compliance with cooling requirements with the towed load must have been demonstrated.

Climb performance

56. When towing a glider or banner at its maximum permitted operating weight with the tow aeroplane at its maximum approved operating weight, the rate of climb must be—

- (a) 100 fpm at 1000 ft above the take-off surface for each altitude and temperature for which approval is requested; or
- (b) 300 fpm at sea level on a standard day.

Towing speed limits

57. The maximum tow speed shall be as indicated in the flight manual unless there is a specific maximum speed limitation for the tow plane.

Rear view mirror

58. A mirror shall be mounted on the tow plane to monitor the glider.

Tow line assembly

59. (1) The towline assembly shall consist of the—

- (a) towrope;
- (b) weak link; and
- (c) tow-rings.

(2) The towrope referred to in subsection (1) shall—

- (a) have a breaking strength not less than 80% of the maximum operating weight of the glider; and
- (b) not be more than twice the operating weight.

(3) For banners, the towrope must have a breaking strength of 10 times the banner weight.

(4) The strength of the weak link referred in subsection (1) shall not be more than 90% of the strength of the towrope, or 90% of the allowable towing force specified for either the tow hook or the glider.

(5) The weak link shall be installed—

- (a) for gliders, at the point of attachment of the tow rope to the glider; and
- (b) for banners, at the point of attachment of the tow rope to the tow plane.

(6) Tow rings shall not interfere with the correct operation of the hook on the tow plane within the 20-degree cone angle for gliders and 10 degrees for banners and be of sufficient strength not to yield under 110% of the limiting load.

Inspection and maintenance

60. (1) Inspection procedures and the service lives of towing installation components, including towlines, shall be in accordance with manufacturers' instructions.

(2) Where such instructions referred to in subsection (1) are not available—

- (a) the tow rope and weak link shall be inspected at the start of every flying day;
- (b) the tow hook release mechanism shall be inspected daily, when in use, for wear and proper operation.

(3) Subject to subsection (2) above, the following shall be replaced before conducting any flight operation—

- (a) broken strands;
- (b) damaged thimbles and deformed rings.

Flight manual supplement

61. The following information shall be included in the approved section of the supplement—

- (a) the maximum load that can be applied to the tow hook;
- (b) the maximum size of a banner that could be towed (if applicable);
- (c) aircraft weight restrictions, if any, associated with towing;
- (d) manoeuvre limitations, if any;
- (e) any additional equipment required, such as temperature gauges, mirrors etc.;
- (f) kinds of operation and occupancy restrictions;
- (g) recommended normal and emergency procedures associated with towing operations, including the recommended operating speeds, power settings and pre-flight inspection of tow line assembly;
- (h) any special notes, cautions, and warnings associated with the operations;
- (i) any changes to the aircraft stall speeds; and
- (j) pertinent comments regarding the impact of the towed load on the performance of the aircraft.

Glider towing

62. (1) No person may operate an aircraft that is towing a glider unless—

- (a) the aircraft is equipped with a tow hook and release control system that meet the applicable standards of airworthiness; and
- (b) the towline used has a breaking strength not less than 80 percent of the maximum certificated operating weight of the glider.

(2) Notwithstanding the requirements of subsection (1), the towline used may have a breaking strength more than twice the maximum certificated operating weight of the glider if a safety link is installed at the point of attachment of the towline to the—

- (a) glider with a breaking strength not less than 80 percent of the maximum certificated operating weight of the glider and not greater than twice this operating weight; or
- (b) towing aircraft with a breaking strength greater, but not more than 25 percent greater, than that of the safety link at the towed glider end of the towline and not greater than twice the maximum certificated operating weight of the glider.

Experience and training requirements

63. (1) No person may act as a tow pilot for a glider unless that person has—

- (a) at least a private pilot certificate with a category rating for the tow aircraft;
- (b) logged at least 100 hours of pilot in command time in same aircraft category, class, and type, if applicable, as the tow aircraft;
- (c) received training in and instructor endorsement for—
 - (i) the techniques and procedures essential to the safe towing of gliders, including airspeed limitations;

- (ii) emergency procedures;
 - (iii) signals used; and
 - (iv) maximum angles of bank;
- (d) has completed and had endorsed at least three flights as the sole manipulator of the controls of an aircraft towing a glider or simulating glider towing flight procedures while accompanied by a pilot who meets the requirements of this section; and
- (e) within the preceding 12 months has made at least three actual glider tows; or flights as pilot in command of a glider towed by an aircraft.

Operating rules

64. (1) No pilot may conduct any towing operation in controlled airspace unless the pilot has received the appropriate clearance from the air traffic control service.

(2) No pilot may conduct any towing operation in uncontrolled airspace unless the pilot has notified the appropriate Authority for such activity to be entered into the notice to airman service of Zimbabwe.

(3) No pilot shall engage in towing operations, either as a pilot of a towing aircraft or as the pilot of the towed glider, until all pilots have agreed upon a general course of action, including takeoff and release signals, airspeeds and emergency procedures for each pilot.

(4) No pilot of a civil aircraft may intentionally release a towline, after release of a glider, in a manner that endangers the life or property of another.

(5) Any person who contravenes this section shall be liable to fine not exceeding level 14 and to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

PART VII

FILMING OPERATIONS

Certificate or authorisation required

65. (1) No person shall conduct television and movie operations without approval from the Authority.

(2) The Authority shall issue a certificate or authorisation to each applicant who qualifies for it under the provisions of these regulations.

Aircraft requirement

66. An aircraft in the experimental category shall have an airworthiness certificate issued for the purpose of exhibition in order to be used in motion picture and television filming operations.

Experience and training requirements

67. No pilot may conduct television and movie operations unless he or she has—

- (a) a commercial licence with ratings appropriate to the category and class of aircraft to be used; and
- (b) at least 500 hours as Pilot-In-Command; and
- (c) a minimum of 100 hours in the category and class of aircraft to be used; and
- (d) a minimum of five hours in the make and model of aircraft to be used.

Operating rules and waiver requirements

68. (1) Each operator shall conduct operations so as not to endanger persons or property on the surface nor aircraft in flight.

(2) Each operator shall obtain a waiver from the Authority if filming sequences require an aircraft to be flown—

- (a) in aerobatic flight below 1,500 above ground level;
- (b) over a congested area;
- (c) in controlled airspace; or
- (d) in other instances where a departure from the requirements in the applicable Civil Aviation Aircraft Operations Regulations is needed.

(3) The holder of the waiver shall provide a schedule of events that lists the—

- (a) identification of the aircraft; and
- (b) performers in the sequence of their appearance.

(4) Any manoeuvres added or time changes to the schedule of events shall be approved by the Authority.

(5) The waiver holder shall develop and adhere to the Motion Picture and Television Flight Operations Manual.

(6) The Motion Picture and Television Flight Operations Manual referenced in subsection (5) shall be approved by the Authority.

(7) The certificate holder shall ensure that all reasonable efforts are made to confine spectators to designated areas when conducting any filming operation requiring a waiver.

(8) If reasonable efforts have been taken and unauthorised persons or vehicles enter the airspace where manoeuvres are being performed during the filming production event, efforts must be made to remove them.

Contents of a Motion Picture and Television Flight Operations Manual

69. Each Motion Picture and Television Flight Operations Manual shall contain at least the following—

- (a) company organisation name;
- (b) business name, address, and telephone number of applicant;

- (c) list of pilots to be used during the filming, including—
 - (i) their pilot licence numbers;
 - (ii) medical class; and
 - (iii) date of expiry of medical certificate;
- (d) make and model of aircraft to be used and type of airworthiness certificate, including category;
- (e) distribution and revision procedure;
- (f) procedures to ensure that no persons, except those persons consenting to be involved and necessary for the filming production, are allowed within 500 m of the filming production area;
- (g) the area that will be used during the term of the waiver;
- (h) procedures for the submission, within three days of scheduled filming, of a written plan of activities to the Authority containing at least the following—
 - (i) dates and times for all flights;
 - (ii) name and phone number of person responsible for the filming production event;
- (i) name of pilots involved in the filming production event;
- (j) a statement that permission has been obtained from property owners and/or local officials to conduct the filming production event;
- (k) signature of waiver holder or a designated representative;
- (l) a general outline, or summary, of the production schedule, to include maps or diagrams of the specific filming location, if necessary;
- (m) requirements and procedures that the waiver holder will use to obtain permission from property owners or local officials (e.g., police, fire departments, etc.) as appropriate for the conduct of all filming operations when using the waiver;
- (n) method of security that will be used to exclude all persons not directly involved with the operation from the location;

- (o) procedures that will be used to stop activities when unauthorised persons, vehicles, or aircraft enter the operations area, or for any other reason, in the interest of safety;
- (p) procedures to brief personnel of the risks involved, emergency procedures, and safeguards to be followed during the filming production event;
- (q) procedures to ensure that required safety inspections will be conducted by the Authority;
- (r) procedures to provide communications capability with all participants during the actual operation and filming;
- (s) procedures for notification and reporting of incidents and accidents.

PART VIII

SIGHT-SEEING FLIGHTS

Certificate or authorisation required

70. (1) No person shall conduct sight-seeing operations without an operating certificate issued by the Authority.

(2) An operating certificate issued by the Authority under this Part shall be in accordance with the provisions of the applicable Civil Aviation Air Operator Certificate and Administration Regulations.

Experience and training requirements

71. No pilot may conduct sightseeing operations unless he or she has—

- (a) at least a commercial licence with ratings appropriate to the category and class of aircraft to be used under the terms of the waiver;
- (b) at least 500 hours as Pilot-In-Command;
- (c) a minimum of 100 hours in the category and class of aircraft to be used.

Operating rules

72. (1) No operator shall conduct operations so as not to endanger persons or property on the surface nor aircraft in flight.

(2) All sightseeing operations shall be conducted only—

- (a) in Visual Flight Rules weather conditions; and
- (b) between the hours of official sunrise and official sunset.

(3) Unless approved by the Authority, no person may conduct sightseeing operations—

- (a) 1,000 feet above congested areas or open air assemblies of persons; and
- (b) lower than the minimum safe altitude requirements of the applicable Civil Aviation Aircraft Operations Regulations.

PART XI

FISH SPOTTING OPERATIONS

Certificate or authorisation required

73. No person shall conduct fish spotting operations without a certificate or authorisation issued by the Authority.

Operating rules

74. (1) No operator shall conduct fish spotting operations so as to endanger persons or property on the surface or aircraft in flight.

(2) The minimum cloud clearance requirements and minimum altitude requirements of the Civil Aviation Aircraft Operations Regulations do not apply to those persons to whom the Authority has specifically approved different minimums as a part of an authorisation in this Part.

Experience and training requirements

75. No pilot may conduct fish spotting operations unless he or she has—

- (a) at least a commercial licence with ratings appropriate to the category and class of aircraft to be used under the terms of the waiver;
- (b) at least 500 hours as Pilot-In-Command;
- (c) minimum of 100 hours in the category and class of aircraft to be used.

PART X

NEWS MEDIA, TRAFFIC REPORTING AND STATIC DISPLAYS

Certificate or authorisation required

76. No person shall conduct news media and traffic reporting operations without a certificate or equivalent authorisation issued by the Authority.

Operating rules

77. (1) No operator shall conduct operations so as to endanger persons or property on the surface nor aircraft in flight.

(2) The minimum cloud clearance requirements and minimum altitude requirements of the Civil Aviation Aircraft Operations Regulations do not apply to those persons to whom the Authority has specifically approved different minimums as a part of an authorisation in this part.

Experience and training requirements

78. No pilot may conduct news media or traffic reporting operations unless he or she has—

- (a) at least a commercial licence with ratings appropriate to the category and class of aircraft to be used under the terms of the waiver;
- (b) at least 500 hours as Pilot-In-Command;
- (c) a minimum of 100 hours in the category and class of aircraft to be used.

Static displays

79. (1) No person shall conduct static displays away from their Air Operator Certificate holder operating base unless approved by the Authority.

(2) An Air Operator Certificate holder who wishes to conduct static displays away from his or her base shall—

- (a) apply to the Authority in a manner prescribed by the Authority; and
- (b) produce procedures approved by the Authority that do not allow tempering with aircraft equipment during such displays; and
- (c) ensure that before landing at any unmanned aerodrome the runway is barricaded from participants.

(3) The Authority shall issue approval of static display operation in the operations specifications upon payment of a fee specified in the Schedule.

(4) For helicopter operations no person other than operating crew shall be allowed less than 50 m from the helicopter while engines or blades are turning.

(5) Static Displays shall only be conducted by approved Air Operator Certificate holder/holders whose Air Operator Certificate holder operations specifications include such an approval.

PART XI

GENERAL PROVISIONS

Requirement for application for exemption

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

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

(3) A request for an exemption must contain the applicant's—

- (a) name;
- (b) physical address and mailing address;
- (c) telephone number;
- (d) fax number if available; and
- (e) email address if available.

(4) The application shall be accompanied by the appropriate fee specified in the Schedule.

Substance of the request for exemption

81. (1) An application for an exemption must contain the following—

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

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

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

Review, publication and issue or denial of the exemption

82. (1) The Authority shall review the application for accuracy and compliance with the requirements of subsections (4) and (5).

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

(3) Where the filing requirements of subsections (4) and (5) have not been met, the Authority will notify the applicant and take no further action until and unless the applicant corrects the application and re-files it in accordance with these regulations.

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

Evaluation of the request

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

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

- (d) whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(3) The summary referred to in subsection (2) shall specify the duration of the exemption and any conditions or limitations of the exemption.

(4) If the exemption affects a significant population of the aviation community of Zimbabwe the Authority shall publish the summary in Aeronautical Information Circular.

Appeals

84. Subject to this Part, any person who is aggrieved by a decision, proposal or action of the Authority under these regulations may appeal against the decision, proposal or action in terms of section 78 of the Act.

Offences and penalties

85. Any person who contravenes any other section of these regulations shall be guilty of an offence and liable to a fine not exceeding level 12 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Repeal

86. Part II of the Civil Aviation (Air Navigation) Regulations, 2004, published in Statutory Instrument 151 of 2004, is repealed.

S.I. 47 of 2018

SCHEDULE (Sections 19, 24, 35, 79 and 80)

FEEES

<i>Item</i>	<i>Description</i>	<i>US\$</i>
	Aviation recreation approvals Renewal	500,00
	Amendment Aviation recreation approval	100,00
	Designation of recreation body	300,00
	Static Display approvals	600,00
	Agriculture operations approval Manual approval Renewal Amendment	30,00 per text page up to 10 pages
	Rotorcraft external loads operations Helicopter load manual Renewal	300,00
	Banner towing approvals	100,00
	Tow hook installation approval	50,00
	Flight manual supplement	150,00
	Glider towing	100,00
	Filming operations Filming operations waiver	500,00
	Sight seeing	450,00
	Fish spotting	100,00
	News and traffic reporting	150,00
	Motion picture and television flight ops manual	50,00
	Operations over populous area approval	100,00
	Application for exemption	150,00

