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THE CIVIL AVIATION ACT

(No. 21 of 2013)

CIVIL AVIATION (APPROVED TRAINING ORGANIZATIONS) REGULATIONS,
2018

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THE CIVIL AVIATION ACT

(No. 21 of 2013)

IN EXERCISE of the powers conferred by section 82 of the Civil Aviation Act, 2013, the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development makes the following Regulations—

CIVIL AVIATION (APPROVED TRAINING ORGANIZATIONS)
REGULATIONS, 2018

PART I—PRELIMINARY

1. These Regulations may be cited as the Civil Aviation (Approved Training Organizations) Regulations, 2018. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“accountable manager” means the manager who has corporate authority for ensuring that all training commitments can be financed and carried out to the standard required by the Authority and any additional requirements defined by the approved training organization;

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

“aircraft” means 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;

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

“approved training organization” means an organization approved by the Authority to perform approved training as specified in these Regulations and operating under the supervision of the Authority;

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

“Authority” means the Kenya Civil Aviation Authority;

“procedures manual” means a manual containing procedures, instructions and guidance for use by personnel of the approved training organization in the execution of their duties in meeting the requirements of the certificate;

“quality manager” means the manager, acceptable to the Authority, responsible for the management of the quality system, monitoring function and requesting corrective actions;

“quality system” means the documented organizational procedures and policies; the internal audit of those policies and procedures; and the management review and recommendation for quality improvement;

“satellite approved training organisation” means an approved training organisation at a location other than primary location of the approved training organisation;

“flight simulation training device” means any one of the following three types of apparatus in which flight conditions are simulated on the ground—

- (a) a flight simulator, which provides an accurate representation of the cockpit of a particular aircraft type to the extent that the mechanical, electrical, electronic, etc. aircraft systems control functions, the normal environment of flight crew members and the performance and flight characteristics of that type of aircraft are realistically simulated;
- (b) a flight procedures trainer, which provides a realistic cockpit environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic, etc. aircraft systems, and the performance and flight characteristics of aircraft of a particular class; or
- (c) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the cockpit environment of an aircraft in flight in instrument flight conditions;

“training manual” means a manual containing the training goals, objective, standards syllabi, and curriculum for each phase of the approved training course; and

“training specifications” means a document issued to an approved training organization certificate holder by the Authority that specifies training program requirements and authorizes the conduct of training, checking, and testing with any of the attendant limitations.

PART II—CERTIFICATION AND LOCATION REQUIREMENTS

3. (1) A person, other than—

- (a) an air operator certificate or an approved maintenance organisation certificate holder conducting training of its own personnel under the Civil Aviation (Air Operator Certification and Administration) Regulations, and the Civil Aviation (Approved Maintenance Organisation) Regulations, respectively; and
- (b) an operator with an approved training programme in its operations manual under Civil Aviation (Operation of Aircraft) Regulations,

shall not hold out as or operate an approved training organization without, or in violation of, an approved training organization certificate and training specifications issued under these Regulations.

(2) A person shall not conduct training, testing or checking in

Requirements for an
ATO Certificate.

synthetic flight trainers without, or in violation of, an approved training organization certificate and training specifications required under these Regulations.

(3) The Authority will issue to an approved training organization that meets the requirements of these Regulations, an ATO certificate and training specifications for providing courses for flight crew licences and ratings and for courses for personnel, other than flight crew members, as approved by the Authority.

(4) A holder of an approved training organization certificate shall, at all times, display that certificate in a place in the school that is normally accessible to the public and that is not obscured.

4. Where the Authority has authorized an approved training organization to conduct the testing required for the issue of a licence or rating, the testing shall be conducted by personnel authorized by the Authority or designated by the training organization in accordance with criteria approved by the Authority.

Evaluation and checking.

5. (1) An applicant for an approved training organization certificate and training specifications, or for an amendment to an approved training organization certificate and training specifications shall apply at least ninety days before the beginning of any proposed training which was not approved before.

Application for issuance or amendment of an ATO certificate.

(2) An applicant for an approved training organisation certificate shall submit an application on a form and manner prescribed by the Authority; and

(3) An application shall contain the following information—

- (a) a statement showing that the minimum qualification requirement for each management position are met;
- (b) a description of the minimum qualifications and ratings for each instructor;
- (c) a statement acknowledging that the applicant may notify the Authority within ten working days of any change made in the assignment of persons in the required management or instructors positions;
- (d) the proposed training specifications requested by the applicant;
- (e) a description of the training equipment that the applicant proposes to use including the aircraft, the synthetic flight trainers including any special equipment used for each phase of training;
- (f) a listing of the aerodromes or sites at which training flights originate, if applicable, and a description of the applicant's training facilities, equipment and qualifications of personnel to be used;
- (g) a training program, including manuals, curricula, outlines, course ware, procedures and documentation to support

the items required in Regulations 23, 27 and 28;

- (h) a description of a recordkeeping system that will identify and document the details of training, qualification, and licencing of students, instructors, and evaluators;
- (i) a description of quality control measures proposed;
- (j) a method of demonstrating the applicant's qualification and ability to provide training for a licence or rating in fewer than the minimum hours prescribed in the Civil Aviation (Personnel Licencing) Regulations, if the applicant proposes to do so; and
- (k) a statement of compliance showing how the applicant has met all applicable requirements in these Regulations.

(4) An approved training organisation shall submit manual establishing procedures acceptable to the Authority to ensure compliance with all relevant requirements of these Regulations and the procedures shall include a quality system which meets the requirements specified in these Regulations.

(5) An applicant for an approved training organisation certificate shall ensure that the facilities and equipment described in the application are—

- (a) available for inspection and evaluation prior to approval; and
- (b) in place and operational at the location of the approved training organisation prior to the issue of a certificate under these Regulations.

(6) The Authority shall after inspection, issue to an applicant who meets the requirements of these Regulations and is approved by the Authority—

- (a) an approved training organisation certificate containing—
 - (i) the name and location of an approved training organisation;
 - (ii) the date of issue and period of validity of the certificate;
 - (iii) the authorized locations of operations; and
 - (iv) training courses for the following categories, as applicable, flight crew training, training for personnel other than flight crew and other training as approved by the Authority—
- (b) training specifications containing—
 - (i) authorization for an approved training organisation;
 - (ii) the type of training authorized, including approved

training courses;

- (iii) the rating, category, class and type of aircraft, or parts of the aircraft, that may be used for training, testing and checking;
- (iv) for each synthetic flight trainer that may be used for training, testing and checking, the make, model and series of aircraft being simulated, the qualification level and the identification number assigned by the Authority;
- (v) any aircraft, or part of the aircraft, approved for training, as appropriate;
- (vi) the staff required to perform and meet the requirements of these Regulations; and
- (vii) any other items the Authority may require or allow.

(7) The Authority shall not issue an approved training organisation certificate if it finds that the applicant does not comply with the approval requirements of these Regulations.

(8) The Authority may amend an approved training organisation certificate or the training specifications—

- (a) on the Authority's own initiative, under the applicable legislation; or;
- (b) upon application by the certificate holder.

(9) A training organisation located outside Kenya may apply for a Kenyan approved training organisation certificate, to provide training leading to a license issued by Authority provided the requirements of these Regulations are met.

(10) If changes are made by an approved training organisation to the items listed in sub regulations above, without notification to the Authority and amendment of an approved training organisation certificate by the Authority, the approved training organisation certificate may be suspended or revoked by the Authority.

6. A certificate issued or renewed to an approved training organization shall be valid for twelve months from the date of issue or renewal, unless a shorter period is specified by the Authority and unless—

- (a) the Authority amends, suspends, revokes or otherwise terminates the certificate; or
- (b) an approved training organisation surrenders it to the Authority;
- (c) the Authority establishes that an approved training organisation has suspended provision of the approved courses for more than 90 continuous days;
- (d) an approved training organisation holder notifies the

Validity of the certificate.

Authority of the suspension of approved courses.

7. (1) The Authority may, at any time, inspect an approved training organization approved training organisation certificate holder's facilities, records, personnel and equipment to determine the approved training organisation's ongoing compliance with these Regulations. Inspection.

(2) The Authority shall conduct inspections at least once annually.

(3) After the inspection specified in sub-regulation (1), an approved training organisation certificate holder shall be notified, in writing, of any deficiencies found during the inspection.

(4) An inspection shall also be conducted on the applicant for, or on the holder of an approved training organisation certificate based outside Kenya.

(5) An inspection carried out pursuant to this regulation shall focus on—

- (a) adequacy of, and qualifications of staff;
- (b) validity of instructors' licences, ratings and logbooks;
- (c) training aircraft, associated documents and maintenance records;
- (d) synthetic flight trainers qualification and approval;
- (e) facilities: library, class rooms, training equipment adequacy to the courses being conducted and the number of students;
- (f) documentation: documents related to the courses; updating system;
- (g) training and operations manuals;
- (h) training records and assessment forms;
- (i) flight instruction including pre-flight briefing, actual flight debriefing for approved training organisations for flight crew training;
- (j) examination: management and control;
- (k) instruction program for personnel other than flight crew; and
- (l) quality assurance system.

(6) The issuance of an approval for a training organization and the continued validity of the approval shall depend upon the training organization being in compliance with the requirements of this regulation.

8. (1) An approved training organization may apply for renewal of its approved training organisation certificate at least sixty days before the expiry date in order to ensure continuity of the training, provided the approved training organisation meets the requirements prescribed in

Renewal of the certificate.

these Regulations.

(2) The Authority shall inspect an approved training organisation that applies for a renewal to ensure that the approved training organisation meets the requirements prescribed in these Regulations.

9. (1) The Authority shall suspend or revoke an approved training Organisation certificate if it is established that a certificate holder has not met, or no longer meets the requirements of these Regulations.

Suspension or revocation.

(2) The Authority may suspend, or revoke an approved training organisation certificate if it finds that the applicant does not comply with the approval requirements of these Regulations.

10. A holder of an approved training organization certificate shall—

Certificate holder responsibilities.

- (a) ensure that the facilities and working environment of an ATO are appropriate for the tasks to be performed;
- (b) ensure that it has the necessary technical data, equipment, training devices and material to conduct the courses for which it is approved;
- (c) not make a substantial change in facilities, equipment or material that have been approved for a particular training program, unless that change is approved by the Authority in advance;
- (d) maintain the records required by these Regulations in facilities adequate for that purpose; and
- (e) provide the method used for the completion and retention of the training records.

11. (1) An approved training organisation shall establish a quality system acceptable to the Authority which includes but not limited to—

Quality system for ATO

- (a) an independent audit procedure to monitor training standards;
- (b) the integrity of knowledge examinations and practical assessments; and
- (c) compliance with and adequacy of procedures.

(2) The management of the quality system must include feedback of the independent audit findings to an approved training organisation senior management personnel and ultimately to the accountable manager to ensure, as necessary, corrective action.

(3) The quality system shall meet the requirements prescribed in the First Schedule to these Regulations.

12. An applicant for, or holder of an approved training organisation certificate shall establish and maintain a principal business office that is physically located at the address shown on the certificate.

Location of principal business office.

13. (1) A holder of an approved training organisation approved training organization certificate may conduct training in accordance with a training program approved by the Authority at a satellite approved training organisation if—

Satellite approved training organisations.

- (a) the facilities, equipment, personnel and course content of the satellite approved training organisation meet the applicable requirements;
- (b) the instructors at the satellite approved training organisation are under the direct supervision of management personnel of the principal approved training organisation; and
- (c) an approved training organisation certificate holder's training specifications reflect the name and address of the satellite approved training organisation and the approved training courses offered at the satellite approved training organisation.

(2) The Authority shall issue training specifications which prescribe the operations required and authorized at each satellite approved training organisation.

(3) An approved training organisation may sub-contract certain activities to any other organizations subject to the approval of the Authority.

(4) The ultimate responsibility for the training provided by the satellite approved training organisation remains with the principal approved training organisation.

(5) An approved training organisation and its satellite approved training organisation will execute a written agreement defining the safety and quality-related services to be provided, the satellite approved training organisation's safety related activities relevant to the agreement should be included in the approved training organisation's quality assurance programme.

14. (1) An approved training organization shall notify the Authority within thirty days of any of the following changes—

Changes requiring notice to the Authority.

- (a) the Accountable Manager;
- (b) the Head of Quality;
- (c) the instructors;
- (d) the housing, training facilities and equipment, procedures, training programs and work scope that could affect the approval;
- (e) a description of the method used for the completion and retention of the training records; and
- (f) any changes to an approved manual.

(2) The Authority may prescribe the conditions under which an approved training organisation may operate during the period such

changes as specified in sub-regulation (1) occurs unless the Authority determines that the approval be suspended.

15. (1) An applicant or a holder of an approved training organization certificate shall prepare and maintain a training manual and procedures manual, approved by the Authority containing information and instructions to enable staff to perform their duties and to give guidance to students on how to comply with course requirements, as listed in the training manual and procedures manual set out in the Second Schedule to these Regulations.

Training Manual and
Procedures Manual

(2) An approved training organisation may combine the training manual and the procedures manual.

(3) An approved training organisation shall ensure that the training manual and procedures manual is amended and approved by the Authority as necessary to keep the information contained therein up to date.

(4) Proposed amendments to the training manual and procedures manual shall be furnished promptly to the Authority for approval.

(5) An approved training organisation shall provide the approved amendments to all organizations or persons to whom the manual has been issued.

(6) An approved training organization shall provide training and procedures manual for the use and guidance of personnel concerned.

16. (1) The Authority shall establish a safety programme in order to achieve an acceptable level of safety in an approved training organisation under these Regulations.

Safety Programme
and management
System.

(2) An approved training organisation holder shall establish and maintain a safety management system acceptable to the Authority as outlined in the Civil Aviation (Safety Management) Regulations.

PART III—TRAINING FOR FLIGHT CREW LICENCES AND RATINGS

17. The Authority may approve, as provided in the training specifications, the following courses of instruction to an applicant for, or a holder of an approved training organisation certificate, provided the applicant meets the requirements of the Civil Aviation (Personnel Licensing) Regulations, and these Regulations—

Flight crew training
courses.

- (a) private pilot licence course;
- (b) commercial pilot licence course;
- (c) instrument rating course;
- (d) commercial pilot licence or instrument rating-multi-engine or crew resource management integrated course;
- (e) airline transport pilot licence course;
- (f) multi-crew pilot licence;

- (g) flight engineer licence course;
- (h) flight navigator licence course;
- (i) class rating course;
- (j) type rating course;
- (k) flight instructor course;
- (l) instructor course for additional type or class ratings;
- (m) instructor course for synthetic flight training;
- (n) refresher courses;
- (o) category II and III Ops;
- (p) EDTO;
- (q) human factors;
- (r) safety management systems; and
- (s) any such other course as the Authority may approve.

18. (1) An approved training organisation must have the following required management personnel, approved by the Authority—

- (a) an accountable manager;
- (b) a head of quality;
- (c) a head of training;
- (d) a chief flight instructor, as applicable;
- (e) a chief ground instructor as applicable; and
- (f) an adequate number, as approved by the Authority, of ground and flight instructors relevant to the courses provided.

(2) A person serving in a required management position of an approved training organisation shall not serve simultaneously in a management position in another approved training organisation.

(3) An instructor to be used for flight training must hold an instructor rating or authorization in accordance with the Civil Aviation (Personnel Licensing) Regulations relevant to the instructions given.

(4) An approved training organisation shall ensure that all instructional personnel receive initial and continuation training appropriate to their assigned tasks and responsibilities; the training program for instructional personnel established by the approved training organisation shall include training in knowledge and skills related to human performance.

(5) The responsibilities and qualifications of the management personnel employed in an approved training organisation shall be as specified in the Third Schedule to these Regulations.

(6) The Authority may approve positions, other than those listed, if an approved training organisation is able to show that it can conduct the training with the high training standard under the direction of fewer or different categories of management personnel due to the—

- (a) kind of training conducted;
- (b) number of students; and
- (c) locations of training.

(7) An approved training organisation shall prescribe the duties and qualification of the personnel designated as responsible for planning, performing and supervising the training of the personnel referred to in sub regulation (1).

(8) The competence of training personnel shall be in accordance with procedures prescribed and accepted by the Authority.

19. (1) An applicant for, or a holder of an approved training organisation certificate, shall apply to the Authority for training program approval.

Training program
and approval.

(2) An applicant for, or holder of an approved training organisation certificate shall develop training program for each type of course offered which shall include—

- (a) a breakdown of flying and theoretical knowledge instruction in either a week-by-week or phase presentation, a list of standard exercises and a curriculum summary, in particular, synthetic flight training and theoretical knowledge instruction shall be phased in such a manner as to ensure that students shall be able to apply to flying exercises the knowledge gained on the ground;
- (b) minimum aircraft and flight training equipment requirements for each proposed program;
- (c) minimum instructor qualifications for each proposed program; and
- (d) a program for initial training and continuing training of each instructor employed to instruct in a proposed program.

(3) The content and sequence of the training program shall be acceptable to the Authority.

(4) An approved training organisation shall provide the training and procedure manual for the use and guidance of personnel concerned and the manual may be issued in separate parts and shall contain at least the following information.

- (a) a general description of the scope of training authorized under the organization's terms of approval;
- (b) the content of the training programmes offered including the course ware and equipment to be used;
- (c) a description of the organization's quality assurance

system;

- (d) a description of the organization's facilities;
- (e) the name, duties and qualification of the person designated as responsible for compliance with the requirements of the approval;
- (f) a description of the procedures used to establish and maintain the competence of instructional personnel; and
- (g) a description, when applicable, of additional training needed to comply with an operator's procedures and requirements.

(5) Approved training shall provide a level of competency at least equal to that provided by the minimum experience requirements for personnel not receiving such approved training.

(6) The qualifications required for the issue of personnel licenses can be more readily and speedily acquired by applicants who undergo closely supervised, systematic and continuous courses of training, conforming to a planned syllabus or curriculum. Provision has accordingly been made for some reduction in the experience requirements for the issue of certain licenses and ratings prescribed in the Civil Aviation (Personnel Licensing) Regulations, in respect of an applicant who has satisfactorily completed a course of approved training.

(7) Approved training for flight crew shall be conducted within an approved training organisation.

20. (1) A holder of an approved training organization certificate shall provide an adequate fleet of training aircraft, as approved by the Authority, appropriate to the courses of training for flight crew licences and ratings.

Training aircraft.

(2) A training aircraft provided under sub-regulation (1) shall be fitted with duplicated primary flight controls for use by the instructor and the student and shall not have swing-over flight controls.

(3) The fleet provided under sub-regulation (1) shall include—

- (a) as appropriate to the courses of training, aeroplanes suitable for demonstrating stalling and spin avoidance;
- (b) helicopters shall include, as appropriate to the courses of training, a helicopter suitable for auto-rotation demonstration; and
- (c) aircraft suitably equipped to simulate instrument meteorological conditions and suitably equipped for instrument flight training and testing.

21. (1) An applicant for, or a holder of an approved training organisation certificate providing synthetic flight training shall—

Synthetic flight trainers.

- (a) satisfy the Authority that suitably equipped synthetic flight

trainers are provided having regard to the number of students and organization of courses; and

- (b) show that each flight simulation training device used for training, testing and checking will be or is specifically qualified and approved by the Authority for—
 - (i) each manoeuvre and procedure for the make, model and series of aircraft, set of aircraft, or aircraft type simulated, as applicable; and
 - (ii) each training program or training course in which the synthetic flight trainer is used, if that program or course is used to satisfy any requirement of these Regulations.

(2) Synthetic training devices shall be qualified according to the requirements established by Kenya and their use shall be approved by the Licensing Authority to ensure that they are appropriate to the task

22. (1) An applicant for, or a holder of, an approved training organisation certificate that intends to conduct or conducts flight training shall show that it has continuous use of each airport and sites for helicopter training at which training flights originate and that the airport has an adequate runway and other necessary equipment.

Aerodrome and sites.

(2) A base aerodrome and any alternative base aerodrome at which flying training is being conducted shall have at least the following facilities—

- (a) at least one runway or take-off area that allows training aircraft to make a normal take-off or landing at the maximum take-off or maximum landing mass authorized, and touch down autorotation as appropriate—
 - (i) under calm wind of not more than five knots conditions and temperatures equal to the mean high temperature for the hottest month of the year in the operating area;
 - (ii) clearing all obstacles in the take-off flight path by at least fifty feet;
 - (iii) with the powerplant operation and the landing gear, if applicable recommended by the manufacturer;
 - (iv) with a smooth transition from lift-off to the best rate of climb speed without exceptional piloting skills or techniques;
- (b) wind direction indicator that is visible at ground level from the ends of each runway;
- (c) have adequate runway electrical lighting if used for night training; and
- (d) have a traffic direction indicator when—
 - (i) the airport does not have an operating control

tower; and

- (ii) traffic and wind advisories are not available;
- (e) sites shall be available for—
 - (i) confined area operation training;
 - (ii) simulated engine off autorotation; and
 - (iii) sloping ground operation.

23. (1) An applicant for, or a holder of an approved training organisation certificate shall, subject to the determination by the Authority, have facilities appropriate for the maximum number of students expected to be taught at any time.

Training facilities.

(2) The minimum facilities shall be—

- (a) for flight operations—
 - (i) an operation room;
 - (ii) a flight planning room;
 - (iii) adequate briefing rooms;
 - (iv) an office for the instructors;
- (b) for knowledge instructions—
 - (i) classroom accommodation;
 - (ii) suitable demonstration equipment;
 - (iii) a radio telephony training and testing facility;
 - (iv) a library; and
 - (v) an office for instructors.

(3) A holder of an approved training organisation certificate shall not make a substantial change in facilities, equipment or material that have been approved for a particular training program unless that change is approved by the Authority in advance.

(4) A facility that is an approved training organisation's principal place of business—

- (a) shall not be shared with or used by another approved training organisation; and
- (b) shall be adequate, as approved by the Authority, to maintain the files and records required to operate the business of an approved training organisation.

PART IV — TRAINING FOR LICENCES AND RATINGS FOR AIRCRAFT MAINTENANCE ENGINEERS, AIR TRAFFIC CONTROLLERS AND FLIGHT OPERATION OFFICERS

24. The Authority may approve the following courses of instruction to an applicant for, or holder of an approved training

Training courses for licenses and ratings for aircraft

organisation certificate, provided the applicant meets the requirements of the Civil Aviation (Personnel Licensing) Regulations—

maintenance engineers, air traffic controllers and flight operation officers.

- (a) aircraft maintenance engineers basic course;
- (b) airframe rating, powerplant rating, avionics rating course;
- (c) air traffic controller licence course;
- (d) training for ratings for air traffic controller licences;
- (e) flight operation officer course;
- (f) flight radio telephony operator course;
- (g) cabin crewmember course;
- (h) any other such course as the Authority may approve.

25. (1) An approved training organisation must have the following required adequate number of qualified, competent management personnel—

Personnel.

- (a) an accountable manager;
- (b) a head of quality;
- (c) a head of training;
- (d) a chief instructor; and
- (e) an adequate number of instructors relevant to the courses provided, qualified in accordance with the requirements of the Civil Aviation (Personnel Licensing) Regulations.

(2) A person serving in a required management position in an approved training organisation shall not serve in a management position in another approved training organisation unless approved by the Authority.

(3) An approved training organisation shall ensure that all instructional personnel receive initial and continuation training appropriate to their assigned tasks and responsibilities of the training programme established by the training organization and shall include training in knowledge and skills related to human performance.

(4) The personnel specified in this regulation shall submit their credentials to the Authority and shall show that they have relevant qualifications and satisfactory experience related to approved training as appropriate in accordance with the Third Schedule to these Regulations.

26. (1) An applicant for, or a holder of an approved training

Training

organisation certificate shall —

Program and approval.

- (a) apply to the Authority for an approval of a training program;
- (b) ensure that each training program submitted to the Authority for approval meets the applicable requirements;
- (c) indicate in the application —
 - (i) courses which are part of the program; and
 - (ii) requirements of the Civil Aviation (Personnel Licensing) Regulations which may be satisfied.

(2) Where the Authority finds that the approved training programme does not meet the applicable requirements, it shall require the holder to make revision in the training programme.

(3) Approved training for air traffic controllers shall be conducted within an approved training organization.

27. (1) An applicant for, or a holder of an approved training organization certificate that intends to conduct or conducts aircraft maintenance engineer courses shall have suitable facilities, as determined by the Authority, appropriate for the maximum number of students expected to be taught at any time and the ratings sought, as follows —

Training facilities, equipment and material for aircraft maintenance engineer courses

- (a) an enclosed adequately equipped classroom;
- (b) a well equipped library;
- (c) workshops, equipment, tools, adequate supply of materials, special tools and similar articles for the rating sought;
- (d) adequate office facilities; and
- (e) secure storage facilities for examination papers and training records.

(2) An applicant for, or holder of an approved training organisation certificate with approved licenced maintenance engineer courses shall have and maintain the adequate instructional equipment as is appropriate to the rating sought.

(3) A holder of an approved training organisation certificate shall not make any change in facilities, equipment or material that have been approved for a particular training program, unless that change is approved by the Authority in advance.

(4) An applicant for, or holder of, an approved training

organisation certificate to conduct aircraft maintenance engineer courses shall ensure that the tools, equipment, materials, and instructional equipment required by paragraph (1) and (2) be in satisfactory working condition for instructional and practice purposes.

28. (1) An applicant for, or holder of, an approved training organization certificate to train air traffic controllers or flight radio telephony operators shall have facilities as determined by the Authority, appropriate for the maximum number of students expected to be taught at any time and the ratings sought, as follows—

Training facilities, equipment and material for air traffic controllers or flight radio telephony operator.

- (a) an enclosed adequately equipped classroom;
- (b) well equipped library;
- (c) well designed simulators appropriate for the rating sought;
- (d) adequate office accommodation for instructors;
- (e) control desk or console where applicable;
- (f) international Civil Aviation Organisation approved syllabus for rating being sought; and
- (g) secure storage facilities for examination papers and training records.

(2) An applicant for, or a holder of, an approved training organisation certificate with air traffic control or flight radio telephony operator courses shall maintain instructional equipment as is appropriate to the rating sought.

(3) A holder of an approved training organisation certificate to train air traffic controllers or flight radio telephony operators shall not make any change in facilities, equipment, simulators or materials that have been approved for a particular training unless that change is approved by the Authority in advance.

(4) An applicant for, or holder of, an approved training organisation certificate to train air traffic controllers or flight radio telephony operators shall ensure that the equipment, materials, and simulators required by paragraph (1) and (2) be in satisfactory working condition for instructional and practice purposes.

29. (1) An applicant for, or holder of an approved training organization certificate to train flight operations officers or cabin crew members shall have facilities, as determined by the Authority, appropriate for the maximum number of students expected to be taught at any time, as follows—

Training facilities, equipment and material for flight operations officers or cabin crew members.

- (a) adequate enclosed classroom;
- (b) flight operations facilities, including
 - (i) an operations room;
 - (ii) a flight planning room;
 - (iii) an office for the instructors;
- (c) suitable demonstration equipment and cabin mock-ups;
- (d) suitable radio telephony training and testing facility (for flight operations officer training only);
- (e) a library; and
- (f) secure storage facilities for examination papers and training records.

(2) An applicant for, or a holder of an approved training organisation certificate for flight operations officers or cabin crew members courses shall have and maintain instructional equipment appropriate for the training sought.

(3) A holder of an approved training organisation certificate shall not make a substantial change in facilities, equipment or material that have been approved for a particular training program, unless that change is approved by the Authority in advance.

(4) An applicant for, or holder of, an approved training organisation certificate to train flight operations officers or cabin crew members shall ensure that the equipment and materials, required by paragraph (1) and (2) be in satisfactory working condition for instructional and practice purposes.

30. (1) An approved training organization shall not—

- (a) conduct or advertise to conduct any training, testing, or checking that is not approved by the Authority if that training is designed to satisfy any requirement of these Regulations;
- (b) make any statement relating to its approved training organisation certification and training specifications that is false or designed to mislead any person contemplating enrolment in that approved training organisation; or
- (c) advertise that the approved training organisation is certified unless it clearly differentiates between courses that have been approved under these Regulations and those that

Advertising
limitations.

have not been approved under these Regulations.

(2) An approved training organisation whose certificate has been surrendered, suspended, revoked, or terminated shall promptly—

- (a) remove all indications, including signs, wherever located, that the approved training organisation was certified by the Authority; and
- (b) notify all advertising agents, and advertising media employed by the approved training organisation to cease all advertising indicating that the ATO is certified by the Authority.

PART V—EXEMPTIONS

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

Requirements for application.

(2) An application for an exemption shall be submitted to the Authority at least sixty days in advance of the proposed effective date, 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 a fee prescribed by the Authority.

32. (1) An application for an exemption shall contain the following—

Substance of the request for exemption.

- (a) a citation of the specific requirement from which the applicant seeks exemption;
- (b) an explanation of why the exemption is needed;
- (c) a description of the type of operations to be conducted under the proposed exemption;
- (d) the proposed duration of the exemption;
- (e) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (f) a detailed description of the alternative means by which the

applicant will ensure a level of safety equivalent to that established by the regulation in question;

- (g) a review and discussion of any known safety concerns with therequirement, including information about any relevant accidents or incidents of which the applicant is aware; and
- (h) if the applicant seeks to operate under the proposed exemption outside of Kenya's airspace, an indication whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organization as well as the Regulations pertaining to the airspace in which the operation will occur.

(2) Where the applicant seeks expedient processing of the application, the application must contain supporting facts and reasons that the application was not filed in time, and the reasons why it should be processed expeditiously.

(3) The Authority may deny an application for exemption from theapplication of any of the provisions of these Regulations if the Authority finds that the applicant has not given sufficient reasons for the exemption within the period specified in regulation 31(2).

33. (1) The Authority shall review the application for accuracy^{review by the Authority.} andcompliance with the requirements of regulations 31 and 32.

(2) If the application appears on its face to satisfy the provisions of thisregulation and the Authority determines that a review of its merits is justified, the Authority will publish a detailed summary of the application in the Government Gazette for comment and specify the date by which comments must be received by the Authority for consideration.

(3) Where the filing requirements of Regulations 31 and 32 have notbeen 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.

34. (1) Upon the initial review and if the filing requirements have beensatisfied, the Authority shall conduct an evaluation of the request to determine whether—

Evaluation of the request

- (a) an exemption would be in the public interest;

- (b) the applicant's proposal would provide a level of safety equivalent to that established by the regulation, although where the Authority decides that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis;
- (c) a grant of the exemption would contravene the applicable International Civil Aviation Organisation Standards and Recommended Practices; and
- (d) the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

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

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

(4) If the exemption affects a significant population of the aviation community of Kenya the Authority shall publish the summary in the aeronautical information circular.

PART VI—GENERAL PROVISIONS

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

Possession of the licence.

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

36. (1) A person who performs any function requiring the Authority's approval may be tested for drug or alcohol usage.

Drug and alcohol testing and reporting.

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

- (a) refuses to submit to the test; or

- (b) having submitted to the test, refuses to authorise the release of the test results, the Authority may suspend or revoke the certificate of the approved training organisation that employs that person.

(3) In determining whether to suspend or revoke the certificate of an approved training organisation, the Authority shall consider all relevant factors, including—

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

(4) The Authority shall require an approved training organisation to show cause why that person should not be dismissed from the employment of the approved training organisation.

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

(6) The Authority may suspend or revoke the certificate of an approved training organisation that refuses to dismiss from its employment a person convicted under sub regulation (4).

37. A person who holds a certificate, approval, or authorisation required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorised by the Authority

Inspection of
certificate and
authorisations.

38. (1) A holder of a certificate or authorisation issued under these Regulations may apply to change the name on a certificate or authorisation.

Change of name.

(2) The holder of a certificate shall include with any such request—

- (a) the current certificate or authorisation; and
- (b) a court order, or other legal document verifying the

namechange.

(3) The Authority may change the certificate or authorisation and issue a replacement thereof.

(4) The Authority reserves the right to refuse the change of name.

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

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

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

(b) mailing address upon the change.

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

40. A person may apply to the Authority in the prescribed form and after paying a prescribed fee for replacement of documents issued under these Regulations if such documents are lost or destroyed.

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

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

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

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

(5) The breach of any condition subject to which any certificate, approval, exemption or any other document, has been granted or issued

Change of address.

Replacement of documents.

Certificate suspension and revocation.

under these Regulations shall render the document invalid during the continuance of the breach.

42. (1) A person shall not—

Use and retention
of certificates and
records.

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

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

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

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

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

43. (1) A holder of an approved training organization certificate shall have a system to maintain and retain the following records for a minimum period of ten years from the date of completion of training—

Record keeping

- (a) details of training given to individual students;

- (b) detailed and regular progress reports from instructors including assessments, and regular progress tests and examinations;
- (c) trainee information, including, names, course, certificates held, expiry dates of medical certificates and if applicable, ratings.

(2) An approved training organisation shall maintain a system for recording the qualifications and training of instructional and examining staff, where appropriate.

(3) Records of qualifications and training of instructors and examiners shall be retained for a minimum period of ten years after the instructor or examiner ceases to perform a function for the training organization.

(4) An approved training organisation shall submit training records and report as required by the Authority.

(5) The format of the student training records shall be specified in the training manual.

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

Reports of violation.

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

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

Enforcement of directions.

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

Aeronautical user fees

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

(3) If, after payment has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused, the

Authority shall not refund the payment made.

47. Except where the context otherwise requires, the provisions of these Regulations—

Extra-territorial application of Regulations.

- (a) in so far as they apply, whether by express reference or otherwise, to aircraft registered in Kenya, shall apply to such aircraft wherever they may be;
- (b) in so far as they apply, whether by express reference or otherwise, to other aircraft, shall apply to such aircraft when they are within Kenya;
- (c) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything by any person in, or by any of the crew of, any aircraft registered in Kenya, shall apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate, whether by express reference or otherwise, the doing of anything in relation to any aircraft registered in Kenya by other persons shall, where such persons are citizens of Kenya, apply to them wherever they may be.

PART VII—OFFENCES AND PENALTIES

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

Contravention of Regulations.

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

Penalties.

(2) If it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of these Regulations, orders, notices or proclamations made there under was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not

to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of these Regulations orders, notices or proclamations made there under by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport operations, the flight shall be treated, without prejudice to the liability of any other person under these Regulations, as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose.

(4) A person who contravenes any provision of these Regulations orders, notices or proclamations made thereunder not being a provision referred to in sub-regulation (11) shall, upon conviction, be liable to a fine provided for under this regulation, and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence.

(5) A person who contravenes any provision of these Regulations orders, notices or proclamations made thereunder not being a provision referred to in sub-regulation (11) shall, upon conviction, be liable to a fine provided for under this regulation, and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence.

(6) Any aircraft subject to alien for the purpose of sub-regulation (7) may be seized by and placed in the custody of the Authority.

(7) The aircraft shall be released from custody of the Authority upon—

(a) payment of the penalty or the amount agreed upon in compromise;

(b) deposit of a bond in such amount as the Authority may prescribe, conditioned upon payment of the penalty or the amount agreed upon in compromise; and

(c) receiving an order of the court to that effect.

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

(9) The Authority or any person specifically authorised by name, by the Authority or any police officer not below the rank of

inspector specifically authorised by name by the Cabinet Secretary, may compound offences under Part A of the Schedule to these Regulations by assessing the contravention and requiring the person reasonably suspected of having committed the offence to pay to the Authority a sum not exceeding one (1) million for provisions referred to in sub-part (i) and sub-part (ii) respectively in Part A of the Fourth Schedule to these Regulations.

(10) A person who contravenes any provision specified as a "B" provision in the Fourth Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding two million shillings for each offence and or to imprisonment for a term not exceeding three years or to both.

(12) A person who contravenes any provision of these Regulations not being a provision referred to in the Fourth Schedule to these Regulations commits an offence and is liable on conviction to a fine not exceeding two million shillings, and in the case of a second or subsequent conviction for the like offence to a fine not exceeding four million shillings.

PART VIII—REVOCATION

50. The Civil Aviation (Approved Training Organisations) Regulations, 2013 are revoked.

Revocation. L.N.
77/2013

51. (1) A license, certificate, approval or any other document issued to a person or operator prior to the commencement of these Regulations shall continue in force as if it was issued under these Regulations until it expires, varied or cancelled by the Authority.

Transition.

(2) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out any acts, duties or operations affected by these Regulations shall, within one (1) year from the date of commencement, or within such longer time that the Cabinet Secretary may, by notice in the Gazette prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

FIRST SCHEDULE QUALITY SYSTEM

(Regulation 11 (3))

1. Interpretation

In this Schedule—

“quality” means the totality of feature and characteristics of a product or service that bear on its ability to satisfy stated or implied

needs.

“quality assurance” means all those planned and systematic actions necessary to provide adequate confidence that all training activities satisfy given requirements, including the ones specified by an approved training organisation in relevant manuals;

“quality audit” means a systematic and independent examination to determine whether quality activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.

“quality manual” means the document containing the relevant information pertaining to an approved training organisation’s quality system and quality assurance programme;

“small approved training organisation” means an approved training organisation with capacity to train a maximum of 50 students;

The quality system of an approved training organisation for training for licences and ratings shall address the following five elements —

(a) determination of the organization’s training policy and training and flight safety standards;

(b) determination and establishment of assignment of responsibility, resources, organization and operational processes, which will make allowance for policy and training and flight safety standards;

(c) follow up system to ensure that policy, training and flight safety standards are complied with;

(d) registration and documentation of deviations from policy, training and flight safety standards together with necessary analysis, evaluations and correction of such deviations; and

(e) evaluation of experiences and trends concerning policy, training and flight safety standards.

2. Requirements For A Quality System —

(1) Purpose of a Quality System —

The implementation and employment of a Quality System will enable an approved training organisation to monitor compliance with the relevant parts of the Procedures Manual and the Training Manual, and any other standards as established by an approved training organization or the Authority, to ensure safe and efficient training.

(2) Quality Policy and Strategy—

(a) an approved training organisation shall describe how it formulates, deploys, and reviews its policies and strategies and turns them into plans and actions. A formal written Quality Policy Statement shall be established as a commitment by the Accountable Manager as to what the Quality System is intended to achieve. The Quality Policy shall reflect the achievement and continued compliance with relevant parts of the Procedures Manual and the Training Manual together with any additional standards specified by an approved training organisation or the Authority.

(b) the Accountable Manager will have overall responsibility for the Quality System including the frequency, format and structure of the internal management evaluation activities.

(3) Quality system—

(a) the Quality System of an approved training organisation shall ensure compliance with and the adequacy of training activities conducted;

(b) an approved training organisation will specify the basic structure of the Quality System applicable to all training activities conducted;

(c) the Quality System will be structured according to the size of an approved training organisation and the complexity of the training to be monitored.

(4) Scope—

A quality System will address the following—

(a) leadership;

(b) policy and strategy;

(c) process;

(d) the relevant provisions of Civil Aviation (Personnel Licensing) Regulations and these Regulations;

(e) additional standards and training procedures as stated by an approved training organisation;

(f) the organizational structure of an approved training organisation;

(g) responsibility for the development, establishment and management of the Quality System;

- (h) documentation, including manuals, reports and records;
- (i) Quality Assurance Programme;
- (j) the required financial, material and human resources;
- (k) training requirements; and
- (l) customer satisfaction.

(5) Feedback System—

The quality system will include a feedback system to ensure that corrective actions are both identified and promptly addressed. The feedback system also specifies who is required to rectify discrepancies and non-compliance in each particular case, and the procedure to be followed if corrective action is not completed within an appropriate time scale.

(6) Documentation—

(a) relevant documentation includes the relevant part(s) of the TPM, which may be included in a separate Quality Manual.

(b) in addition, the relevant document also includes the following—

- (i) quality Policy;
- (ii) terminology;
- (iii) specified training standards;
- (iv) a description of the organization;
- (v) the allocation of duties and responsibilities;
- (vi) training procedures to ensure regulatory compliance; and
- (vii) quality Assurance Programme.

(7) Quality Assurance Programme—

(a) the Quality Assurance Programme includes all planned and systematic actions necessary to provide confidence that all training are conducted in accordance with all applicable requirements, standards and procedures;

(b) the Quality Assurance Programme describes—

- (i) schedule of the monitoring process;
- (ii) audit procedures;
- (iii) reporting procedures;

(iv) follow-up and corrective action procedures;

(v) recording system;

(vi) the training syllabus;

(vii) Document control;

(c) the Quality Assurance Programme of an approved training organisation shall identify the persons within that approved training organisation who have the experience, responsibility and authority to —

(i) perform quality inspections and audits as part of ongoing Quality Assurance;

(ii) identify and record any concerns or findings, and the evidence necessary to substantiate such concerns or findings;

(iii) initiate or recommend solutions to concerns or findings through designated reporting channels;

(iv) verify the implementation of solutions within specific Timescales; and

(v) report directly to the Quality Manager.

(8) Quality Inspections —

(a) the primary purpose of a quality inspection is to observe a particular event, action or document etc., in order to verify whether established training procedures and requirements are followed during the accomplishment of that event and whether the required standard is achieved.

(b) typical subject are as for quality inspections are —

(i) all Training courses covered under these Regulations;

(ii) maintenance;

(iii) technical standards; and

(iv) training standards.

(9) Audits —

(a) an audit is a systematic, and independent comparison of the way in which a training is being conducted against the way in which the published training procedures say it should be conducted.

(b) audits include at least the following quality procedures and processes —

- (i) an explanation of the scope of the audit;
 - (ii) planning and preparation;
 - (iii) gathering and recording evidence; and
 - (iv) analysis of the evidence.
- (c) the various techniques that make up an effective audit are—

- (i) interviews or discussions with personnel;
 - (ii) are view of published documents;
 - (iii) the examination of an adequate sample of records;
 - (iv) the witnessing of the activities which make up the training;
- and
- (v) the preservation of documents and the recording of observations.

(10) Auditors —

(a) an approved training organisation must decide, depending on the complexity of the training, whether to make use of a dedicated audit team or a single auditor and in any event, the auditor or audit team shall have relevant training or operational experience;

(b) the responsibilities of the auditors will be clearly defined in the relevant documentation.

(11) Auditor's independence—

(a) auditors shall not have any day-to-day involvement in the area of the operation or maintenance activity which is to be audited and an approved training organization may, in addition to using the services of full-time dedicated personnel belonging to a separate quality department, undertake the monitoring of specific areas or activities by the use of part-time auditors;

(b) an approved training organisation whose structure and size does not justify the establishment of full-time auditors may undertake the audit function by the use of part-time personnel from within its own organization or from an external source under the terms of an agreement acceptable to the Authority.

(c) in all cases, an approved training organisation will develop suitable procedures to ensure that persons directly responsible for the activities to be audited are not selected as part of the auditing team and where external auditors are used, it is essential that any external

specialist is familiar with the type of training conducted by an approved training organisation.

(12) Audit scope—

Approved training organisations are required to monitor compliance with the Training and Procedures Manuals they have designed to ensure safe and efficient training and in doing so they should as a minimum, and where appropriate, monitor—

3. (1) Organization—

- (a) plans and objectives;
- (b) training procedures;
- (c) flight safety;
- (d) Manuals, Logs and Records;
- (e) Flight and Duty Time limitations;
- (f) rest requirements and scheduling;
- (g) Aircraft Maintenance and operations interface; maintenance programmes and continued airworthiness;
- (h) Maintenance accomplishment.

(2) Audit Scheduling—

(a) a Quality Assurance Programme will include a defined audit schedule and a periodic review cycle and the schedule may be flexible, and allow unscheduled audits when trends are identified. Follow-up audits will be scheduled when necessary to verify that corrective action was carried out and that it was effective;

(b) an approved training organisation will establish a schedule of audits to be completed during a specific calendar period. All aspects of the training are to be reviewed within a period of 12 months in accordance with the programme unless an extension to the audit period is accepted as explained below;

(c) an approved training organisation may increase the frequency of their audits at their discretion but should not decrease the frequency without the acceptance of the Authority. It is considered unlikely that a period of greater than 24 months would be acceptable for any audit topic;

(d) when an approved training organization defines the audit schedule, significant changes to the management, organization, training, or technologies must be considered, as well as changes to the

regulatory requirements.

(3) Monitoring and corrective action—

(a) the primary aim of monitoring within the Quality System is to investigate and judge its effectiveness, there by ensuring that defined policies and training standards are complied with continuously. Monitoring activity is based upon quality inspections, audits, corrective action and follow-up. An approved training organisation shall establish and publish a quality procedure to monitor regulatory compliance on a continuing basis. The objective of this monitoring activity is eliminating the causes of unsatisfactory performance;

(b) any non-compliance identified shall be communicated to the manager responsible for taking corrective action or, if appropriate, the Accountable Manager. Such non-compliance shall be documented to support further investigation, to determine the cause, and to enable the development of recommendations of appropriate corrective actions;

(c) the Quality Assurance Programme shall include procedures to ensure that corrective actions are developed in response to findings. These quality procedures will allow for the monitoring of corrective actions to verify their effectiveness and that they have been completed. Organizational responsibility and accountability for the implementation of corrective action resides with the department cited in the report identifying the finding. The Accountable Manager will have the ultimate responsibility for ensuring, through the Quality Manager(s), that corrective action has re-established compliance with the standard required by the Authority and any additional requirements established by an approved training organisation.

(4) Corrective action—

Subsequent to the quality inspection or audit, an approved training organisation will determine—

(i) the seriousness of any findings and any need for immediate corrective action;

(ii) the origin of the finding;

(iii) what corrective actions are required to ensure that then on-compliance does not recur;

(iv) a schedule for corrective action;

(v) the identification of individuals or departments

responsible for implementing corrective action; and

(vi) allocation of resources by the Accountable Manager, where appropriate.

(6) The Quality Manager will—

(i) verify that corrective action is taken by the manager responsible in response to any finding of non-compliance;

(ii) verify that corrective action includes the elements outlined in paragraph (14) above;

(iii) monitor the implementation and completion of corrective action;

(iv) provide management with an independent assessment of corrective action, implementation and completion;

(v) evaluate the effectiveness of corrective action through the follow-up process.

(7) Management Evaluation—

(a) a management evaluation is a comprehensive, systematic documented review by the management of the quality system, training policies, and procedures;

(b) a management evaluation considers the results of quality inspections, audits and any other relevant indicators, as well as the over all effectiveness of the management organization in achieving stated objectives. A management evaluation also identifies and corrects trends, and prevents, where possible, future non-conformities. Conclusion and recommendations made as a result of an evaluation should be submitted in writing to the responsible manager for action;

(c) the responsible manager is an individual who has the authority to resolve issues and take action. The Accountable Manager will decide upon the frequency, format, and structure of internal management evaluation activities.

(8) Recording—

(a) accurate, complete and readily accessible records documenting the result of the Quality Assurance Programme are to be maintained by an approved training organisation. Records are essential to enabling an approved training organization to analyze and determine the root causes of non-conformity, so that areas of non-compliance can be identified and subsequently addressed.

(b) The following records are to be retained for a period of 5 years—

- (i) Audit schedules;
- (ii) Quality inspection and audit reports;
- (iii) Responses to findings;
- (iv) Corrective action reports;
- (v) Follow-up and closure reports; and
- (vi) Management evaluation reports.

(9) Quality Assurance Responsibility for Satellite approved training Organisations.

An approved training organisation will ensure that its satellite approved training organisation has the necessary authorisations or approvals, and commands the necessary resources and competence to undertake the tasks. If an approved training organisation requires its satellite approved training organisation to conduct activity which exceeds the satellite approved training organisation's authorisation or approval, the approved training organisation is responsible for ensuring that the satellite approved training organisation's quality assurance takes account of such additional requirements.

(10) Quality System Training—

(a) correct and thorough training is essential to optimise quality in every organization. In order to achieve significant outcomes of such training an approved training organisation will ensure that its staff understands the objectives as laid down in the Quality Manual.

Those responsible for managing the Quality System are to receive training covering—

- (i) an introduction to the concept of Quality System;
- (ii) quality management;
- (iii) concept of Quality Assurance;
- (iv) quality manuals;
- (v) audit techniques; and
- (vi) reporting and recording.

The way in which the Quality System will function in an approved training organisation.

(b) time must be provided to train every individual

involved in quality management and for briefing the remainder of the employees. The allocation of time and resources is to be governed by the size and complexity of the operation concerned.

(c) Sources of Training —

quality management courses are available from the various national or international institutions, and an approved training organisation may consider whether to rely on such institutions in training those personnel likely to be involved in the management of Quality Systems. Organizations with sufficient, appropriately-qualified staff may consider whether to carry out in-house training.

(11) Quality Systems for small approved training organisation.

- (a) the requirement to establish and document a Quality System, and to employ a Quality Manager applies to all approved training organisations;
- (b) complex quality systems may be inappropriate for small approved training organisations and the clerical effort required to draw up manuals and quality procedures for a complex system may stretch their resources. An approved training organisation will tailor its quality system to suit the size and complexity of its training and allocate resources accordingly;
- (c) small approved training organisations may develop a Quality Assurance Programme that employs a checklist. The checklist must have a supporting schedule that requires completion of all checklist items within a specified time scale, together with a statement acknowledging completion of a periodic review by top management. An occasional independent overview of the checklist contents and achievement of the Quality Assurance should be undertaken;
- (d) a small approved training organisation may decide to use internal or external auditors or a combination of the two. In these circumstances, external specialists and or qualified organizations may perform the quality audits on behalf of the Quality Manager;
- (e) if the independent quality audit function is conducted by external auditors, the audit schedule will be described in the relevant documentation;

- (f) whatever arrangements are made, the main approved training organisation retains the ultimate responsibility for the quality system and especially the completion and follow-up of corrective actions.

SECOND SCHEDULE

r.15(1)

APPROVED TRAINING ORGANISATION TRAINING MANUAL AND PROCEDURES MANUAL CONTENTS

1. General

The Training Manual for approved training courses shall include the following—

- (a) a list and description of all volumes in the training manual;
- (b) a list of effective pages and revision pages;
- (c) corporate commitment statement;
- (d) a list of Management Staff;
- (e) responsibilities and qualifications of Management staff;
- (f) Organisation Chart;
- (g) description of facilities, equipment and data;
- (h) type of approved training courses and the capability lists;
- (i) Amendment of Training Manual;
- (j) Number of instructors; and
- (k) Notification Procedure to Authority.

2. Pilot Training—

the Training Manual for use at an approved training organisation conducting approved training courses for pilots shall include the following—

- (a) the training plan —
 - (i) aim of the course—

A statement of what the student is expected to do as a result of the training, the level of performance, and the training constraints to be observed;

- (ii) Pre-entry requirements—

Minimum age, educational requirements including language, and medical requirements;

(iii) Credits for previous experience —

To be obtained from the Authority before training begins;

(iv) Training Curricula —

The single engine flying curriculum, the multi-engine flying curriculum, the synthetic flight training curriculum and the theoretical knowledge training curriculum;

(v) the time scale and scale in weeks —

For each curriculum: arrangements of the course and the integration of curricula time;

(vi) training program —

the general arrangements of daily and weekly programs for flying, ground and synthetic flight training; bad weather constraints; program constraints in terms of maximum student training times (flying, theoretical knowledge, synthetic) e.g. per day or week or month; restrictions in respect of duty periods for students; duration of dual and solo flights at various stages; maximum flying hours in any day or night; maximum number of training flights in any day or night and minimum rest period between duty period for students;

(vii) training records —

rules for security of records and documents; attendance records; the form of training records to be kept; persons responsible for checking records and students' log books; the nature and frequency of records checks; standardisation of entries in training records and rules concerning logbook entries;

(viii) safety training —

individual responsibilities; essential exercises; frequency of emergency drills; frequency of dual checks at various stages and requirement before first solo day or night or navigation;

(ix) checks and tests —

Flying: Progress checks and skill tests. Knowledge: Progress tests and knowledge tests. Authorization for test. Rules concerning refresher training before retest. Test reports and records. Procedures for test paper preparation, type of question and assessment, standard required for 'Pass'. Procedure for question analysis and review and for raising replacement papers. Test resit procedures.

(x) training effectiveness —

individual responsibilities; General Assessment; liaison between departments; identification of unsatisfactory progress individual students; actions to correct unsatisfactory progress; procedure for changing instructors; maximum number of instructor changes per student; internal feedback system for detecting training deficiencies; procedure for suspending a student from training; discipline and

reporting and documentation;

(xi) standards and level of performance at various stages:

Individual responsibilities. Standardization. Standardization requirements and procedures. Application of test criteria.

(b) briefing and air exercises —

(i) Air exercise —

a detailed statement of the content specification of all the air exercises to be taught, arranged in the sequence to be flown with main and sub-titles;

(ii) air exercise reference list —

an abbreviated list of the exercises referred to paragraph (i) giving only main and sub-titles for quick reference, and preferably in flip-card form to facilitate daily use by instructors;

(iii) course structure—Phase of training —

A statement of how the course will be divided into phases, indication of how the air exercises referred to in paragraph(ii) will be divided between the phases and how they will be arranged to ensure that they are completed in the most suitable learning sequence and that essential emergency exercises are repeated at the correct frequency. Also, the curriculum hours for each phase and for groups of exercises within each phase shall be stated and when progress tests are to be conducted, etc.

(iv) course structure integration of curricula —

the manner in which the theoretical knowledge, synthetic flight training and flying training will be integrated so that as the flying training exercises are carried out students will be able to apply the knowledge gained from the associated theoretical knowledge instruction and synthetic flight training.

(v) student progress —

the requirement for student progress including a brief but specific statement of what a student is expected to be able to do and the standard of proficiency the student must achieve before progressing from one phase of air exercise training to the next. Include minimum experience requirements in terms of hours, satisfactory exercise completion, as necessary before significant exercises, such as night flying;

(vi) instructional methods —

the requirements, particularly in respect of pre and post-flying briefing, adherence to curricula and training specifications and authorisation of solo flights;

(vii) progress tests —

the instructions given to examining staff in respect of the conduct and document of all progress tests;

(viii) Glossary of terms—

Definition of significant terms as necessary; and

(ix) Appendices—

Samples of: Progress report forms, progress test report forms, skill test report forms, certificates of experience, competence, etc. as required, issued by an approved training organisation.

(c) Synthetic flight training: Structure generally as in (b);

(d) Knowledge instruction: Structure generally as in (b) with a training specification and objectives for each subject. Individual lesson plans to include mention of the specific training aids available for use.

3. Training other than for pilots—

The Training Manual for use by an approved training organisation conducting approved training courses other than pilots training shall include the following—

(a) the Course Plan—

(i) the objectives and learning outcomes;

(ii) pre-entry requirements: Minimum age, educational Requirements including language, and medical requirements as applicable for trainings ought;

(iii) a list showing each subject and the topics covered in the subject;

(iv) a description of the examination or assessment methods and the examination or assessment criteria;

(v) a description of—

(aa) methods in which training is conducted (for example: lecture, computer-based training, simulators or practical training); and

(bb) available equipment and data necessary for training;

(vi) a description of the facilities including classroom, laboratory and workshop necessary to deliver the training;

(vii) a list showing the prerequisites, if any, for each subject;

(viii) credits for previous experience: to be obtained from the Authority before training begins;

(ix) a statement showing the number of hours of training that are necessary for each topic and for the whole course;

(x) the minimum and maximum student attendance requirements for each subject and description of the way in which

students' attendance is checked and recorded.

(xi) for each subject, a copy of—

(aa) the course notes that are to be given to student;

(bb) any examination paper or examinations question bank that is to be used;

(xii) a list showing the units of competency that must be completed for each course;

(b) Training—

(i) organisation of courses and course schedules;

(ii) preparation of courses material;

(iii) preparation of class room equipment;

(iv) preparation of work shops, simulation media and equipment;

(v) method of conducting knowledge and practical training;

(vi) retention of records of training conducted;

(vii) rules for security of records and documents attendance records; the form of training records to be kept; persons responsible for checking records and students' log books; the nature and frequency of records checks; and standardisation of entries in training records;

(viii) use of locations other than location for which the approved training organisation is approved.

(ix) conduct of basic practical training;

(c) examinations—

(i) organisation and conduct of examinations;

(ii) security of examination materials;

(iii) preparation of examination room;

(iv) marking and record of examinations;

(v) storage and retention of examination records;

(vi) examination or assessment at satellite locations;

(vii) preparation, control and issue of training course records;

(viii) to rage of course material and equipment; and

(ix) prevention, Investigation and reporting of examination or assessment misconduct.

- (d) certification—
 - (i) course transcript; and
 - (ii) certificates.

PROCEDURES MANUAL

The Procedures Manual for approved training courses shall include the following—

1. General

- (a) a list and description of all volumes in the procedure Manual;
- (b) a list of effective pages and revision pages;
- (c) corporate commitment statement;
- (d) a list of management staff;
- (e) responsibilities and qualifications of management staff;
- (f) organisation chart;
- (g) description of facilities, equipment and data;
- (h) type of approved training courses and the capability lists;
- (i) amendment of Procedures Manual and Training Manual;
- (j) number of instructors; and
- (k) notification Procedure to Authority.

2. (1) Pilot Training—

- (a) a list and description of all volumes in the Procedures Manual;
- (b) administration (function and management);
- (c) schedules of responsibilities for all management and administrative staff;
- (d) student discipline and disciplinary action;
- (e) approval or authorization off lights;
- (f) preparation of flying programme (restriction of numbers of aircraft in poor weather);
- (g) control of training aircraft;
- (h) responsibilities of pilot-in-command;
- (i) carriage of passengers;
- (j) aircraft documentation;

- (k) retention of documents;
 - (l) flight crew qualification records,;
 - (m) renewal of licences and medical certificates;
 - (n) flying duty period and flight time limitations for flying instructors;
 - (o) flying duty period and flight time limitations for students;
 - (p) rest periods for flying instructors;
 - (q) rest periods for students;
 - (r) pilots' logbooks;
 - (s) flight planning; and
 - (t) safety covering general: equipment, radio listening watch, hazards, accidents and incidents (including reports) and safety pilots.
- (2) Technical—
- (a) aircraft descriptive notes;
 - (b) aircraft handling (including checklists, limitations, aircraft maintenance and technical logs, in accordance with relevant requirements, etc.);
 - (c) emergency procedures;
 - (d) radio and radio navigation aids;
 - (e) minimum equipment list; and
 - (f) configuration deviation list.
- (3) Route—
- (a) performance (legislation, take-off, route, landing, etc.);
 - (b) flight planning (fuel, oil, minimum safe altitude, navigation equipment, etc.);
 - (c) loading (load sheets, mass, balance, limitations);
 - (d) weather minima (flying instructors);
 - (e) weather minima (students: at various stages of training); and training routes or areas.
- (4) Staff training—
- (a) appointments of persons responsible for standards or competence of flying staff;
 - (b) initial training;

- (c) refresher training;
 - (d) standardization training;
 - (e) proficiency checks;
 - (f) upgrading training; and
 - (g) staff standards evaluation.
- (5) Quality Management System—
- (a) the procedure for quality control of training;
 - (b) the procedures used to audit examination and competency assessment system;
 - (c) the procedures used to analyse the results of any examination or assessment;
 - (d) the procedures used to rectify deficiencies identified by analysis in paragraph (c);
 - (e) the procedure used for conducting periodic reviews including information on review timetable;
 - (f) the procedure for maintenance of instructors' skill and qualifications;
 - (g) the procedure used for recording instructors' qualification; and
 - (h) the procedures to assess compliance and
 - (i) adequacy of the procedures.

3. Training other than Pilots.

- (1) Training and Examination Procedures—
- (a) courses organization procedures;
 - (b) the procedures used to develop or acquire documents for training and examinations;
 - (c) the procedures used to prepare and use of equipment for theory and basic practical training;
 - (d) the procedures for conducting knowledge and practical training;
 - (e) training record storage and retention procedures;
 - (f) procedures for conducting examinations and practical skill assessments;
 - (g) procedures for marking of examinations and recording the results;
 - (h) procedures for storage of examination records;

- (i) the procedures for storage of course material and equipment used for instruction;
 - (j) procedures to prevent, investigate and report to Authority any examination or assessment misconduct.
- (2) Quality Management System—
- (a) the procedure for quality control of training;
 - (b) the procedures used to audit examination and competency assessment system;
 - (c) the procedures used to analyse the results of any examination or assessment;
 - (d) the procedures used to rectify deficiencies identified by analysis in (c);
 - (e) the procedure used for conducting periodic reviews including information on review timetable;
 - (f) the procedure for maintenance of instructors' skills and qualifications;
 - (g) the procedure used for recording instructors' qualification;
 - (h) the procedures to assess compliance and adequacy of the procedures.
- (3) Appendices—
- (a) samples of documents and forms used;
 - (b) syllabus of each training course;
- (4) Staff training—
- (a) appointments of persons responsible for standards or competence of training staff;
 - (b) initial training;
 - (c) refresher training;
 - (d) standardization training;
 - (e) proficiency checks;
 - (f) upgrading training; and
 - (g) staff standards evaluation.

THIRD SCHEDULE (r 18(4) and 25(3))

APPROVED TRAINING ORGANISATION MANAGEMENT PERSONNEL
RESPONSIBILITIES AND QUALIFICATIONS

PART A: GENERAL—FOR ALL APPROVED TRAINING ORGANISATIONS

1. Accountable Manager—

(1) The Accountable Manager—

- (a) is the Chief Executive and corporate authority for ensuring that all training commitments are financed and carried out to the standard required by the Authority and any additional requirements defined by the aviation training organisation; and
- (b) may delegate in writing to another person within the organization the overall approval management responsibility.

(2) The Accountable Manager shall possess the following qualifications—

- (a) a background in the management of training organizations;
- (b) knowledge of the Civil Aviation (Approved Training Organization) Regulations and the regulations and other materials published by the Authority that are applicable to the courses taught by an approved training organisation; and
- (c) a thorough understanding of the organization and training program of an approved training organisation.

2. Quality Manager—

(1) the Quality Manager shall—

- (a) have the primary role to verify, by monitoring activities in the field of training, that the standards required by the Authority, and any additional requirements as established by an approved training organisation are being carried out properly;
- (b) be responsible for ensuring that the Quality Assurance;
- (c) programme is properly implemented, maintained and continuously reviewed and improved;
- (d) have direct access to all parts of an approved training organisation's organization; and
- (e) in the case of small approved training organisation's, the posts of the Head of Training and the Quality manager may be combined.

(2) in the case that the posts of the Head of Training and the

Quality manager are combined the quality audits shall be conducted by an independent personnel.

(3) The minimum qualifications for Quality Manager are as follows—

- (a) a technically qualified person in one field of training to be conducted;
- (b) a t least three years experience in the training to be conducted;
- (c) must have successfully completed a training in quality management recognized by the Authority;

PART B—FLIGHTCREWTRAINING

1. Head of Training—

The Head of Training shall have—

- (a) overall responsibility for ensuring satisfactory integration of flying training, synthetic flight training and theoretical knowledge instruction and for supervising the progress of individual students; and
- (b) had extensive experience in training as a flight instructor for professional pilot licences and possess a sound managerial capability.
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and posses the ability to get along with other people.

2. Chief Flight Instructor—

The Chief Flight Instructor shall—

- (a) be responsible for the supervision of flight and synthetic flight instructor sand for the standardisation of all flight instruction and synthetic flight instruction;
- (b) hold the highest professional pilot licence related to the flying training courses conducted;
- (c) hold the rating(s) related to the flying training courses conducted;
- (d) hold a flight instructor rating for at least one of the types of aircraft used on the course; and
- (e) must have good interpersonal and communication;
- (f) skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and posses the ability to get along with other people.

3. Flight and Synthetic Flight Instructors —

- (a) a Flight instructor shall hold —
- (i) a professional pilot licence and ratings related to the flying training courses conducted;
 - (ii) a flight instructor rating on the types of aircraft used on the course; and
 - (iii) an instrument rating instructor endorsement if he is to conduct instrument rating training.
- (b) a Synthetic flight instructor shall —
- (i) be a holder or have held a professional pilot licence; and
 - (ii) possess an authorization from the Authority.

4. Chief Ground Instructor —

The Chief Ground Instructor shall —

- (a) be responsible for the supervision of ground instructors and for the standardisation of all ground instruction;
- (b) hold a Ground Instructor's licence in the field he is to give instructions;
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (d) have received training in the teaching and instructional;
- (e) techniques.

5. Ground instructors —

A Ground Instructor shall —

- (a) hold a Ground Instructor's licence in the field he is to give instructions;
- (b) have good interpersonal and communication skills;
- (c) be technically competent and a person of integrity; and
- (d) have received training in the teaching and instructional;
- (e) techniques.

6. Flight engineer Instructors —

A Flight Engineer Instructor shall —

- (a) hold a flight engineer licence and ratings related to the

training courses to be conducted;

- (b) hold an authorisation from the Authority on the course to be conducted; and
- (c) hold an authorization in accordance with the Civil Aviation (Personnel Licensing) Regulations if he is to conduct training in synthetic flight trainer.

PART C—AIRCRAFT MAINTENANCE ENGINEERING TRAINING

1. Head of Training—

The Head of Training shall have—

- (a) overall responsibility for ensuring satisfactory integration of engineering training, that includes practical and theoretical knowledge instruction and for supervising the progress of individual students;
- (b) or had a Aircraft Maintenance Engineering licence and extensive experience in training aircraft maintenance engineers and possess a sound managerial capability; and
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and posses the ability to get along with other people.

2. Chief Aircraft Maintenance Engineering Instructor—

The Chief Aircraft Maintenance Engineering Instructor shall—

- (a) be responsible for the supervision of instructions and for the standardisation of all engineering instructions and shall;
- (b) hold an Aircraft Engineering licence with ratings related to the courses to be conducted;
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and posses the ability to get along with other people; and
- (d) have received training in the teaching and instructional techniques.

3. Aircraft Maintenance Engineering Instructor—

An Aircraft Maintenance Engineering Instructor shall—

- (a) hold an AME licence with ratings related to the courses to be conducted; and

- (b) have received training in the teaching and instructional techniques.

PART D—AIR TRAFFIC CONTROL TRAINING

1. Head of Training—

The Head of Training shall have—

- (a) overall responsibility for ensuring satisfactory integration of ATS training in both, theoretical and simulator training, and for supervising the progress of individual students;
- (b) had extensive experience in training techniques and managerial capability; and
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Air Traffic Control Chief Instructor—

The Air Traffic Control Chief Instructor shall—

- (a) have had extensive experience in training techniques in the field of air traffic control;
- (b) be responsible for the supervision of the instructor and for the standardization of all theoretical and simulator instructions;
- (c) hold all the air traffic control ratings related to the air traffic control courses conducted;
- (d) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (e) have received training in the teaching and instructional techniques.

3. Air Traffic Control Instructor—

An Air Traffic Control Instructor shall—

- (a) hold an air traffic control licence with ratings related to the air traffic control courses to be conducted; and
- (b) have received training in the teaching and instructional techniques.

PART E—FLIGHT OPERATIONS OFFICER TRAINING

1. Head of Training

The Head of Training shall have—

- (a) overall responsibility for ensuring satisfactory integration of Flight Operations training in both, theoretical and practical training, and for supervising the progress of individual students;
- (b) had extensive experience in training techniques and managerial capability; and
- (c) must have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people.

2. Flight Operations Chief Instructor—

The Chief Instructor shall—

- (a) hold or held a Flight Operations Officer's Licence; or
- (b) possess experience and training requirements for Flight Operations Officer licence as prescribed in the Civil Aviation (Personnel Licensing) Regulations;
- (c) be responsible for the supervision of all instructors and for the standardisation of all the instruction;
- (d) have good interpersonal and communication skills, be technically competent and a person of integrity, be impartial in carrying out tasks, be tactful, have good understanding of human nature and possess the ability to get along with other people; and
- (e) have received training in the teaching and instructional techniques.

3. Flight Operations Instructor—

The Flight operations Instructor shall—

- (a) hold a Flight Operations Officer's Licence;
- (b) possess experience and training requirements for Flight Operations Officer licence as prescribed in the Civil Aviation (Personnel Licensing) Regulations; and
- (c) have received training in the teaching and instructional techniques.

FOURTH SCHEDULE

rr 50(8),(9) and 51(3),(4)

OFFENCES AND PENALTIES

<i>Regulation Number</i>	<i>Regulation Title</i>	<i>Penalties</i>
7(1),(2)	Requirements for an approved training organisation Certificate	A(ii)
10	Certificate holder responsibilities	A(ii)
11	Quality systems for an approved training organisation	A(ii)
23(3)	Training facilities	B
27(3)	Training facilities equipment and material for aircraft maintenance engineer course	B
28(3)	Training facilities, equipment and material for air traffic controllers or flight radiotelephony operator.	B
29(3)	Training facilities, equipment and material for flight operations officers or cabin crewmembers.	B
30	Advertising limitations.	B
37	Inspection of licences and certificates.	A(ii)
42(1),(2),(4),(5)	Use and retention of certificates and records.	B
45	Enforcement of directions	A

Made on the 26th March, 2017.

JAMES MACHARIA,
Cabinet Secretary for Transport,



SPECIAL ISSUE

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(Legislative Supplement No. 25)

LEGAL NOTICE NO. 96

THE CIVIL AVIATION

(No. 21 of 2013)

THE CIVIL AVIATION (APPROVED MAINTENANCE
ORGANIZATION) REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

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THE CIVIL AVIATION ACT

(No. 12 of 2013)

IN EXERCISE of powers conferred by section 82 of the Civil Aviation Act, 2013, the Cabinet Secretary for Transport, Infrastructure, Housing, and Urban Development makes the following Regulations—

THE CIVIL AVIATION (APPROVED MAINTENANCE ORGANIZATIONS) REGULATIONS, 2018

PART I—PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Civil Aviation (Approved Maintenance Organization) Regulations, 2018. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“acceptable” means the Authority has reviewed the method, procedure or policy and has neither objected to nor approved its proposed use or implementation;

“accountable manager” means the manager who has corporate authority for ensuring that all maintenance activities required by the owner or operator of an aircraft are financed and carried out to the standard required by the Authority;

“Act” means the Civil Aviation Act, 2013;

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

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

“aircraft” means 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;

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

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

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

“airworthiness data” means any information necessary to ensure that an aircraft or aircraft component can be maintained in a condition such that airworthiness of the aircraft, or serviceability of operational and emergency equipment, as appropriate, is assured;

“AMO” means Approved Maintenance Organization;

“AOC” means Air Operator Certificate;

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

“approved by the Authority” means approved by the Authority directly or in accordance with a procedure approved by the Authority;

“approved data” means technical information approved by the Authority;

“approved continuous maintenance program” means a maintenance program approved by the State of Registry;

“Approved Maintenance Organization” means an organization approved to perform specific aircraft maintenance activities by the Authority;

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

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

“Authority” means the Kenya Civil Aviation Authority;

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

“certificate of release to service” means a document containing a certification that inspection and maintenance work has been performed satisfactorily in accordance with the methods prescribed;

“certifying staff” means personnel authorized by the approved maintenance organization in accordance with a procedure acceptable to the Authority to certify aircraft or aircraft components for release to service;

“composite” means structural materials made of substances, including, but not limited to, wood, metal, ceramic, graphite, boron, epoxy, plastic, fiber-reinforced built-in strengthening agents that may be in the form of filaments, foils, powders or flakes, of a different material;

“composite structure” means a type of aircraft structure made of plastic resins reinforced with strong light weight filaments;

“computer system” means any electronic or automated system capable of receiving, storing, and processing external data, and transmitting and presenting such data in a usable form for the accomplishment of a specific function;

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

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

“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;

“housing” means buildings, hangers and other structures to accommodate the necessary equipment and materials of a maintenance organization that—

- (a) provide working space for the performance of maintenance, preventive maintenance, or modifications for which the maintenance organization is certificated and rated;
- (b) assembly and testing;
- (c) provide structures for the proper protection of aircraft, airframes, aircraft engines, propellers, appliances, components, parts, and subassemblies thereof during disassembly, cleaning, inspection, repair, modification; and
- (d) provide for the proper storage, segregation, and protection of materials, parts, and supplies;

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

“Limited-Rating” means rating issued to an AMO for the performance on particular makes and models of sub-parts of the airframes, power plants, propellers, radios, instruments, accessories or parts;

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

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

“minor modification” means a modification other than a major modification;

“minor repair” means a repair other than major repair;

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

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

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

“prescribed” means prescribed by the Authority;

“preventive maintenance” means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations;

“quality system” means documented organizational procedures and policies, internal audits of those policies and procedures, management review and recommendation for quality improvement;

“specific operating provisions” means the Authorizations, Conditions and limitations associated with the maintenance organization and subject to the conditions in the maintenance procedures manual;

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

“State of Manufacture” means the Contracting State, under whose authority an aircraft was assembled, approved for compliance with the type certificate and all supplemental type certificates, test flown and approved for operation; the State of Manufacture may or may not also be the State of Design;

“State of Registry” means the Contracting State on whose registry an aircraft is registered; and

“Tribunal” means the National Civil Aviation Administrative Review Tribunal established under section 66 of the Act.

3. These Regulations shall apply to all persons operating or maintaining aircraft registered in Kenya wherever they may be. Application.

PART II—CERTIFICATION

4. (1) A person shall not operate as an Approved Maintenance Organization without or in violation of an Approved Operating Maintenance Organization Certificate issued under these Regulations. Certificate & Specific Operating Provisions.

(2) An AMO may perform maintenance, preventive maintenance, or modifications on an aircraft, airframe, engine, propeller, appliance, component or its part only for which it is rated and within the limitations placed in its Specific Operating Provisions.

(3) AMO certificate shall consist of—

- (a) a certificate for public display issued by the Authority; and
- (b) specific operating provisions issued by the Authority containing the terms and conditions applicable to the AMO.

(4) An AMO certificate shall contain—

- (a) a certificate number specifically assigned to the AMO;
- (b) name and location of the main place of business of the AMO;
- (c) date of issue and period of validity; and
- (d) ratings issued to the AMO.

(5) The AMO Certificate shall be in the form prescribed.

(6) Specific Operating Provisions shall contain—

- (a) a certificate number specifically assigned to the AMO;
- (b) class or limited ratings issued in detail, including special approvals and limitations issued;
- (c) date issued or revised; and
- (d) signatures of the Accountable Manager and Authority.

(7) The certificate issued to an AMO shall be displayed in the premises for inspection by the public and the Authority.

5. (1) An AMO shall not advertise as a certificated approved maintenance organization unless an approved maintenance organization certificate has been issued to that organization. Advertising.

(2) A certificated AMO shall not make any statement, either in writing or orally, about itself that is false or is designed to mislead any person.

(3) When the advertising of an AMO indicates that it is certificated, the advertisement shall clearly state the AMO's certificate number.

6. An applicant for an AMO certificate shall submit the following to the Authority at least ninety days before the intended day of operations— Application for an AMO Certificate.

- (a) an application on a form and in a manner prescribed;
- (b) the applicant's maintenance procedures manual in duplicate;
- (c) a list of the maintenance functions to be performed for it, under contract, by another AMO;

- (d) a list of all AMO certificates and ratings pertinent to those certificates issued by any Contracting State other than Kenya; and
- (e) any additional information the Authority may require the applicant to submit.

7. An applicant shall be issued an AMO certificate if after inspection, the Authority finds that the applicant—

Issue of an AMO Certificate.

- (a) meets the requirements for the holder of an AMO specified under these Regulations; and
- (b) is properly and adequately equipped for the performance and maintenance of aircraft or aircraft component for which it seeks approval.

8. (1) A certificate issued to an AMO shall be valid for twelve months from the date of issue or renewal, unless a shorter period is specified by the Authority or—

Validity and renewal of the certificate.

- (a) the Authority amends, suspends, revokes or otherwise terminates the certificate;
- (b) the AMO surrenders it to the Authority; or
- (c) the AMO suspends operations for more than 180 continuous days.

(3) A person issued with an AMO certificate shall upon suspension or revocation of the certificate return the certificate to the Authority.

(4) An application for renewal of an AMO certificate shall be made on a form prescribed at least sixty days before the certificate expires.

(5) Where a request for renewal is made after the expiry of an AMO certificate the applicant shall meet initial application requirements provided for in regulation 6.

(6) Subject to sub-regulation (1)(a), a certificate issued to an AMO in another contracting state approved under these Regulations, shall be valid for two years from the date of issue or renewal or for a shorter period prescribed as long as the AMO certificate issued by their National Authority is valid.

9. Unless the AMO certificate has previously been surrendered, superseded, suspended, revoked or expired by virtue of exceeding any expiration date that may be specified in the certificate, the continued validity of the certificate is dependent upon—

Continued validity of approval.

- (a) the AMO remaining in compliance with these Regulations; and
- (b) the Authority being granted access to the organization's facilities to determine continued compliance with these Regulations.

10. (1) An AMO shall notify the Authority of any proposal to carry out any changes to enable the Authority to determine compliance with these Regulations and to amend if necessary, the AMO certificate.

Changes to the AMO and certificate amendments.

(2) An AMO shall not affect the following changes without prior approval of the Authority—

- (a) the name of the AMO;
- (b) the location of the AMO;
- (c) additional locations of the AMO;
- (d) the accountable manager;
- (e) any of the management personnel specified in the AMO's maintenance procedure manual;
- (f) the facilities, equipment, tools, material, procedures, work scope and certifying staff that could affect the approval; and
- (g) ratings held by the AMO.

(3) Unless the Authority determines that the approval should be suspended, the Authority may prescribe the conditions under which the AMO may operate during the changes.

(4) An AMO certificate may be suspended by the Authority if changes in items listed under sub-regulation (2) have been made by the AMO without notifying the Authority.

(5) An application for the amendment of an existing AMO certificate shall be made on a form and in a manner prescribed, and where applicable, the AMO shall submit the required amendment to the maintenance procedures manual to the Authority for approval.

11. The following ratings may be issued to an AMO certificated under these Regulations—

Ratings of the AMO.

- (b) airframe ratings—
 - (i) class 1: composite construction of small aircraft;
 - (ii) class 2: composite construction of large aircraft;
 - (iii) class 3: all-metal construction of small aircraft; and
 - (iv) class 4: all-metal construction of large aircraft;
- (c) power plant ratings—
 - (i) class 1: reciprocating engines of 400 horsepower or less;
 - (ii) class 2: reciprocating engines of more than 400 horsepower; and
 - (iii) class 3: turbine engines;
- (d) propeller ratings—
 - (i) class 1: all fixed pitch and ground adjustable propellers of wood, metal, or composite construction; and

- (ii) class 2: all other propellers, by make;
- (e) radio ratings—
- (i) class 1: communication equipment: any radio transmitting equipment or receiving equipment, or both, used in aircraft to send or receive communications in flight, regardless of carrier frequency or type of modulation used; including auxiliary and related aircraft interphone systems, amplifier systems, electrical or electronic inter-crew signaling devices, and similar equipment; but not including equipment used for navigation of the aircraft or as an aid to navigation, equipment for measuring altitude or terrain clearance, other measuring equipment operated on radio or radar principles, or mechanical, electrical, gyroscopic, or electronic instruments that are a part of communications radio equipment;
 - (ii) class 2: navigational equipment: any radio system used in aircraft for en-route or approach navigation, except equipment operated on radar or pulsed radio frequency principles, but not including equipment for measuring altitude or terrain clearance or other distance equipment operated on radar or pulsed radio frequency principles; and
 - (iii) class 3: radar equipment: any aircraft electronic system operated on radar or pulsed radio frequency principles;
- (f) instrument ratings—
- (i) class 1: mechanical: any diaphragm, bourdon tube, aneroid, optical, or mechanically driven centrifugal instrument that is used on aircraft or to operate aircraft. Including tachometers, airspeed indicators, pressure gauges drift sights, magnetic compasses, altimeters, or similar mechanical instruments;
 - (ii) class 2: electrical: any self-synchronous and electrical indicating instruments and systems, including remote indicating instruments, cylinder head temperature gauges, or similar electrical instruments;
 - (iii) class 3: gyroscopic: any instrument or system using gyroscopic principles and motivated by air pressure or electrical energy, including automatic pilot control units, turn and bank indicators, directional gyros, and their parts, and flux gate and gyrosyn compasses; and
 - (iv) class 4: electronic: any instruments whose operation depends on electron tubes, transistors, or similar devices including capacitance type quantity gauges, system amplifiers, and engine analyzers;
- (g) computer systems rating—

- (i) class 1: aircraft computer systems;
- (ii) class 2: power plant computer systems; and
- (iii) class 3: avionics computer systems;
- (h) accessory ratings—
 - (i) class 1: mechanical accessories that depend on friction, hydraulics, mechanical linkage, or pneumatic pressure for operation, including aircraft wheel brakes, mechanically driven pumps, carburetors, aircraft wheel assemblies, shock absorber struts and hydraulic servo units;
 - (ii) class 2: electrical accessories that depend on electrical energy for their operation, and generators, including starters, voltage regulators, electric motors, electrically driven fuel pumps magnetos, or similar electrical accessories;
 - (iii) class 3: electronic accessories that depend on the use of an electron tube transistor, or similar device, including supercharger, temperature, air conditioning controls, or similar electronic controls; and
 - (iv) class 4: Auxiliary Power Unit (APU) that may be installed on aircraft as self-contained units to supplement the aircraft's engines as a source of hydraulic, pneumatic, or electrical power.

12. (1) Whenever the Authority finds it appropriate, it may issue a limited rating to an AMO that maintains or alters only a particular type of airframe, power plant, propeller, radio, instrument, computer or accessory, or parts thereof, or performs only specialized maintenance requiring equipment and skills not ordinarily found in an AMO with ratings as specified in regulation 11.

Limited ratings to AMO.

- (2) A rating issued under sub-regulation (1) may be limited to—
 - (a) a specific model aircraft, engine, or constituent part, or to any number of parts made by a particular manufacturer;
 - (b) airframes of a particular make and model;
 - (c) engines of a particular make and model;
 - (d) propellers of a particular make and model;
 - (e) instruments of a particular make and model;
 - (f) computers of a particular make and model;
 - (g) radio equipment of a particular make and model accessories of a particular make and model;
 - (h) landing gear components;
 - (i) floats, by make;

- (j) non-destructive inspection, testing, and processing;
- (k) emergency equipment rotor blades, by make and model;
- (l) rotor blades by make and model;
- (m) aircraft fabric work; and
- (n) any other purpose for which the Authority finds the applicant's request is appropriate.

(3) A specialized service rating may be issued to an AMO to perform specific maintenance or processes and the specific operating provisions of the AMO shall identify the specification used in performing specialized services which may be—

- (a) a civil or military specification that is currently used by industry and approved by the Authority; or
- (b) a specification developed by the AMO and approved by the Authority.

13. (1) Except for functions that are contracted out, each Certificated AMO shall provide equipment and material so that the functions listed in this Regulation as appropriate to the class or limited rating held or applied for, can be performed as required. AMO Capability.

- (2) For an airframe rating, classes 3, 4—
 - (a) the functions in respect to metal skin and structural components are to—
 - (i) repair and replace steel tubes and fittings using the proper welding;
 - (ii) techniques, when appropriate;
 - (iii) apply anti-corrosion treatment to the interior and exterior of parts;
 - (iv) perform simple machine operations;
 - (v) fabricate steel fittings;
 - (vi) repair and replace metal skin;
 - (vii) repair and replace alloy members and components;
 - (viii) assemble and align components using jigs or fixtures;
 - (ix) make up forming blocks or dies; or
 - (x) repair or replace ribs;
 - (b) the functions in respect to wood structure are to—
 - (i) repair ribs and spars;
 - (ii) align interior of wings;
 - (iii) repair or replace plywood skin; or
 - (iv) apply treatment against wood decay;

- (c) the functions in respect to fabric covering are repair of fabric surfaces;
- (d) the functions in respect to aircraft control systems are to—
 - (i) repair and replace control cables;
 - (ii) rig complete control system;
 - (iii) replace and repair all control system components; or
 - (iv) remove and install control system units and components;
- (e) the functions in respect to aircraft systems are—
 - (i) replace and repair landing gear hinge point components and attachments;
 - (ii) maintain elastic shock absorber units; conduct landing gear retraction cycle tests;
 - (iii) maintain electrical position indicating and wiring systems;
 - (iv) repair and fabricate fuel, pneumatic, hydraulic and oil lines;
 - (v) diagnose electrical and electronic malfunctions;
 - (vi) repair and replace electrical wiring and electronic data transmission lines;
 - (vii) install electrical and electronic equipment; or
 - (viii) perform bench check of electrical and electronic components, not to be confused with the more complex functional test after repair or overhaul;
- (f) the functions in respect to assembly operations are—
 - (i) assemble aircraft components or parts, such as landing gear, wings, and controls;
 - (ii) rig and align aircraft components, including the complete aircraft and control system; install power plants;
 - (iii) install instruments and accessories;
 - (iv) assemble and install cowlings fairings, and panels;
 - (v) maintain and install windshields and windows;
 - (vi) maintain and install windshields and panels;
 - (vii) jack or hoist complete aircraft; or
 - (viii) balance flight control surfaces;
- (g) non-destructive inspection and testing using dye penetrants and magnetic, ultrasonic, radiographic, fluorescent, or holographic inspection techniques; and

- (h) the functions in respect to inspection of metal structures are the inspection of metal structures using appropriate inspection equipment to perform the inspections required on an aircraft.

(3) For an airframe rating classes 1 and 2, in addition to having the capability to perform the appropriate functions set forth for class 1, 2, 3, or 4 airframe ratings, an approved maintenance organization holding a class 1 or 2 airframe rating for composite aircraft must have the following equipment—

- (a) autoclave capable of providing positive pressure and temperature consistent with materials used;
- (b) a circulating oven with vacuum capability storage equipment, such as freezer, refrigerator, and temperature-control cabinets or other definitive storage areas;
- (c) honeycomb core cutters;
- (d) non-destructive inspection equipment such as x-ray, ultrasonic, or other types of acoustic test equipment as recommended by the manufacturer;
- (e) cutting tools, such as diamond or carbide saws or router bits, suitable for cutting and trimming composite structures;
- (f) scales adequate to ensure proper proportioning by mass of epoxy adhesive and resins;
- (g) mechanical pressure equipment such as vacuum bagging or sand bags, as appropriate;
- (h) thermocouple probes necessary to monitor cure temperatures;
- (i) hardness testing equipment using heat guns that are thermostatically controlled for curing repairs; and
- (j) appropriate inspection equipment to perform inspection of composite structures as recommended by the manufacturer and as required for inspection of an aircraft under these Regulations.

(4) For a power plant rating, class 1 and 2—

- (a) the functions in respect to maintenance and alteration of power plants, including replacement of parts are to—
 - (i) perform chemical and mechanical cleaning;
 - (ii) perform disassembly operations;
 - (iii) replace bushings, bearings, pins, and inserts;
 - (iv) perform heating operations that may involve the use of recommended techniques that require controlled heating facilities;
 - (v) perform chilling or shrinking operations;

- (vi) remove and replace studs;
 - (vii) inscribe or affix identification information;
 - (viii) paint power plants and components; and
 - (ix) apply anticorrosion treatment for parts;
- (b) the functions in respect to inspection of all parts, using appropriate inspection aids are to—
- (i) determine precise clearances and tolerances of all parts; and
 - (ii) inspect alignment of connecting rods crankshafts and impeller shafts;
- (c) accomplishment of routine machine work—
- (i) ream inserts, bushings, bearings, and other similar components;
 - (ii) reface valves;
- (d) the functions in respect to accomplishment of assembly operations are to—
- (i) perform valve and ignition-timing operations;
 - (ii) fabricate and test ignition harnesses;
 - (iii) fabricate and test rigid and flexible fluid lines;
 - (iv) prepare engines for long or short term storage; and
 - (v) hoist engines by mechanical means.
- (5) For a power plant rating classes 3, in addition to having the capability to perform the appropriate functions as required for class 1 and 2 power plant ratings, a maintenance organisation holding a class 3 power plant rating must have the following equipment—
- (a) testing equipment;
 - (b) surface treatment anti gallant equipment;
 - (c) functional equipment requirements as recommended by the manufacturer; and
 - (d) appropriate inspection equipment.
- (6) For propeller rating class 1, the functions are to—
- (a) remove and install propellers;
 - (b) maintain and alter propellers, including installation and replacement of parts to—
 - (i) replace bladed tipping;
 - (ii) refinish wood propellers;
 - (iii) make wood inlays;

- (iv) refinish plastic blades;
 - (v) straighten bent blades within repairable tolerances;
 - (vi) modify blade diameter and profile;
 - (vii) polish and buff; and
 - (viii) perform painting operations;
- (c) inspect components using appropriate inspection aids to inspect—
- (i) propellers for conformity with manufacturer's drawings and specifications;
 - (ii) hubs and blades for failures and defects using all visual aids, including the etching of parts; and hubs for wear of splines or keyways or any other defect;
- (d) balance propellers to test—
- (i) for proper track on aircraft; and
 - (ii) for horizontal and vertical unbalance using precision equipment.
- (7) For propeller rating class 2, the functions are to—
- (a) remove and install aircraft propellers, which may include installation and replacement of parts and—
- (i) perform all functions listed under class 1 propellers when applicable to the make and model of propeller in this class;
 - (ii) properly lubricate moving parts;
 - (iii) assemble complete propeller and subassemblies using special tools when required;
- (b) inspect components using appropriate inspection aids for those functions listed for Class 1 propellers under sub-regulation (b) and (c) when applicable to the make and model of the propeller being worked on;
- (c) repair or replace components or parts and—
- (i) replace blades, hubs or any of their components;
 - (ii) repair or replace anti-icing devices;
 - (iii) remove nicks or cratches from metal blades; or
 - (iv) repair or replace electrical propeller components;
- (d) balance propellers, including those functions listed for class 1 propellers under sub-regulation 6(d) when applicable to the make and model of the propeller being worked on; and
- (e) test propeller pitch-changing mechanism for—

- (i) hydraulically operated propellers and components; or
 - (ii) electrically operated propellers and components.
- (8) For radio rating Class 1, 2, and 3, the functions are to—
- (a) perform physical inspection of radio systems and components by visual and mechanical inspection;
 - (b) perform electrical inspection of radio systems and components by means of appropriate electrical or electronic test equipment;
 - (c) check aircraft wiring, antennas, connectors, relays and other associated avionics components to detect installation faults;
 - (d) check engine ignition systems and aircraft accessories to determine sources of electrical interference;
 - (e) check aircraft power supplies for adequacy and proper functioning;
 - (f) remove, repair and replace aircraft antennas;
 - (g) measure transmission line attenuation;
 - (h) measure radio component values such as inductance, capacitance and resistance;
 - (i) determine waveforms and phase in avionics equipment when applicable;
 - (j) determine proper aircraft radio antenna, lead-in, and transmission-line characteristics and determine proper locations for type of radio equipment to which the antenna is connected;
 - (k) determine the operational condition of radio equipment installed in aircraft by using appropriate portable test apparatus;
 - (l) test all types of transistors, solid-state, integrated circuits or similar devices in equipment appropriate to the class rating; or
 - (m) test radio indicators.
- (9) For radio rating Class 1, in addition to having the capability listed in sub-regulation (8), other functions are to—
- (a) test and repair headsets, speakers, and microphones;
 - (b) measure radio transmitter power output; and
 - (c) measure modulation values, noise, and distortion in communication equipment.
- (10) For radio rating Class 2, in addition to having the capability listed in sub-regulation (8), other functions are to—
- (a) test and repair headsets;

- (b) test speakers; measure loop antenna sensitivity by appropriate methods; and
- (c) calibrate to approved performance standards any radio navigational equipment, en route and approach aids, or similar equipment, as appropriate to this rating.

(11) For radio rating Class 3, in addition to having the capability listed in sub-regulation (8) the other function is to measure transmitter power output.

(12) For computer systems rating Class 1, 2, and 3 the functions are to—

- (a) maintain computer systems in accordance with manufacturer's specifications, test requirements, and recommendations;
- (b) remove, maintain, and replace computer systems in aircraft; and
- (c) inspect, test, and calibrate computer system equipment, including software.

(13) For instrument rating class 1, the functions are to—

- (a) diagnose instrument malfunctions on the following instruments—
 - (i) rate-of-climb indicators;
 - (ii) altimeters;
 - (iii) airspeed indicators;
 - (iv) vacuum indicators;
 - (v) oil pressure gauges;
 - (vi) hydraulic pressure gauges;
 - (vii) de-icing pressure gauges;
 - (viii) pitot-static tube;
 - (ix) direct indicating compasses;
 - (x) accelerometer;
 - (xi) direct indicating tachometers; or
 - (xii) direct reading fuel quantity gauges;
- (b) inspect, test, and calibrate the instruments listed in paragraph (a) on and off the aircraft, as appropriate.

(14) For instrument rating, class 2 the functions are to—

- (a) diagnose instrument malfunctions of the following instruments—
 - (i) tachometers;

- (ii) synchro scope;
 - (iii) electric temperature indicators;
 - (iv) electric resistance-type indicators;
 - (v) moving magnet-type indicators;
 - (vi) warning units (oil and fuel);
 - (vii) sensing systems and indicators;
 - (viii) self-synchronous systems and indicators;
 - (ix) remote indicating compasses;
 - (x) quantity indicators;
 - (xi) avionics indicators;
 - (xii) ammeters;
 - (xiii) avionics indicators; or
 - (xiv) voltmeters; or frequency meters;
- (b) inspect, test, and calibrate instruments listed in paragraph (a) on and off the aircraft, as appropriate.
- (15) For instrument rating class 3 the functions are to—
- (a) diagnose instrument malfunctions of the following instruments—
 - (i) turn and bank indicators;
 - (ii) directional gyros;
 - (iii) horizon gyros; or
 - (iv) auto pilot control units and components; and
 - (b) inspect, test, and calibrate instruments listed in paragraph (a) of this regulation on and off the aircraft, as appropriate.
- (16) For instrument rating class 4 the functions are to—
- (a) diagnose instrument malfunctions of the following instruments—
 - (i) capacitance-type quantity gauge;
 - (ii) laser gyros; or
 - (iii) other electronic instruments; and
 - (b) inspect, test, and calibrate instruments listed in paragraph (a) on and off the aircraft, as appropriate.
- (17) For accessory rating class 1, 2, 3, and 4, the AMO shall perform the following functions in accordance with the manufacturer's specifications and recommendations and—
- (a) diagnose accessory malfunctions;

- (b) maintain and alter accessories, including installing and replacing parts; and
- (c) inspect, test, and calibrate accessories on and off the aircraft as appropriate.

14. (1) An AMO may contract its maintenance functions to another Approved Maintenance Organization provided that—

Contracted or
Sub-contracted
maintenance
functions.

- (a) the contracted AMO shall be appropriately rated and capable of performing the work contracted for; and
- (b) the AMO must ensure that the contracted maintenance work to be performed shall be in the form of a written maintenance contract detailing the required maintenance functions and defining the support of the quality functions approved or accepted by the Authority.

(2) An AMO may sub-contract maintenance functions to an organisation which is not approved by the Authority provided that the AMO meets the following conditions—

- (a) the AMO must be approved for work which is to be subcontracted and have the capability to assess the competence of the sub-contractor;
- (b) the AMO must retain responsibility for quality control and release of the sub-contracted activities, including the appropriate airworthiness requirements; and
- (c) have necessary procedures for the control of the sub-contracted activities, together with the terms for the personnel responsible for the management.

15. An Approved Maintenance Organizations providing services to operators of aeroplanes or helicopters shall implement a safety management system in accordance with the Civil Aviation (Safety Management) Regulations.

Safety
Management.

PART III—FACILITIES

16. An AMO shall have technical data, personnel, facilities, equipment, tools and materials to perform the work for which it is approved.

General.

17. (1) Facilities shall be provided as appropriate for all planned work ensuring, in particular, protection from weather.

Facilities.

(2) All work environments shall be appropriate for the task carried out and shall not impair the effectiveness of personnel.

(3) Office accommodation shall be appropriate for the management of planned work including, in particular, the management of quality, planning and technical records.

(4) Specialized workshops and bays shall be segregated, as appropriate, to ensure that environmental and work area contamination is unlikely to occur.

(5) Storage facilities shall be provided for parts, equipment, tools and materials.

(6) Storage conditions shall be such as to provide security and prevent deterioration of and damage to stored items.

(7) For ongoing maintenance of aircraft, aircraft hangars shall be available and large enough to accommodate the largest aircraft the AMO is rated for, during maintenance activities.

(8) Where the hangar is not owned by the AMO, the AMO shall—

- (a) provide evidence to the Authority that the AMO is authorized to use the hangar;
- (b) demonstrate sufficiency of hangar space to carry out planned base maintenance by preparing a projected aircraft hangar visit plan relative to the maintenance program;
- (c) update the aircraft hangar visit plan on a regular basis;
- (d) ensure that aircraft component maintenance and aircraft component workshops are large enough to accommodate the components on planned maintenance;
- (e) ensure that aircraft hangar and aircraft component workshop structures prevent the ingress of rain, hail, ice, snow, wind and dust;
- (f) ensure that workshop floors are sealed to minimize dust generation; and
- (g) demonstrate access to hangar accommodation for usage during adverse weather for minor scheduled work or lengthy defect rectification.

(9) Aircraft maintenance personnel shall be provided with an area where they may study maintenance instructions and complete maintenance records in a manner acceptable to the Authority.

(10) Hangars used to house aircraft together with office accommodation shall be such as to have a clean, effective and comfortable working environment by ensuring that—

- (a) temperatures are maintained at a comfortable level;
- (b) dust and any other airborne contamination are kept to a minimum and not permitted to reach a level in the work task area where visible aircraft or component surface contamination is evident;
- (c) lighting is such as to ensure each inspection and maintenance task can be carried out; and
- (d) noise levels are not permitted to rise to the point of distracting personnel from carrying out inspection tasks and where it is impractical to control the noise source, such personnel shall be provided with the necessary personal

equipment to stop excessive noise causing distraction during inspection tasks.

(11) Where a particular maintenance task requires the application of specific environmental conditions different from those specified in sub-regulation (10), such specific conditions shall be observed as specified in the approved maintenance instructions.

(12) Where the working environment for line maintenance deteriorates to an unacceptable level with respect to temperature, moisture, hail, ice, snow, wind, light, dust or other airborne contamination, the particular maintenance or inspection tasks shall be suspended until satisfactory conditions are re-established.

(13) For both base and line maintenance where dust or other airborne contamination results in visible surface contamination, all susceptible systems shall be sealed until acceptable conditions are re-established.

(14) Storage facilities for serviceable aircraft components shall be secure, clean, well-ventilated, maintained at an even dry temperature to minimise the effects of condensation and segregated from unserviceable components or parts.

(15) Manufacturer standards and recommendations shall be followed for specific aircraft components. Storage racks shall provide sufficient support for large aircraft components so that the component is not distorted.

(16) All aircraft components, wherever practicable, shall remain packaged in protective material to minimize damage and corrosion during storage.

18. (1) An AMO shall have available the necessary equipment, tools and material to perform the approved scope of work, and these items shall be under full control of the AMO.

Equipment, tools
and material.

(2) Equipment and tools shall be available at all times except in the case of any tool or equipment that is so rarely needed that its permanent availability is not necessary.

(3) The Authority may exempt an AMO from possessing specific tools and equipment for maintenance or repair of an aircraft or aircraft component specified in the AMO's certificate, if the tools and equipment can be acquired temporarily, by prior arrangement and be under full control of the AMO when needed to perform required maintenance or repairs.

(4) The Authority may not amend the approval to delete the aircraft or aircraft component on the basis that it is a temporary situation and there is a formal agreement from the AMO to reacquire tools, equipment, or other items before performing any maintenance or repair.

(5) An AMO shall control all applicable tools, equipment and test equipment used for product acceptance or for making a finding of airworthiness.

(6) An AMO shall ensure that all applicable tools, equipment and test equipment used for product acceptance or for making a finding of airworthiness are calibrated to ensure correct calibration to a standard acceptable to the Authority and traceable to national or international standards.

(7) An AMO shall keep all records of calibrations and the standards used for calibration.

(8) Except as provided in sub-regulation (6), in the case of foreign manufactured tools, equipment and test equipment, the standard provided by the country of manufacture may be used if approved by the Authority.

(9) Where the manufacturer specifies a particular tool, equipment or test equipment then that tool, equipment or test equipment shall be used unless the manufacturer has identified the use of an equivalent.

(10) Except as provided in sub-regulation (9), tools, equipment or test equipment other than those recommended by the manufacturer shall be acceptable based on at least the following—

- (a) the AMO shall have a procedure in the Maintenance Procedure Manual if it intends to use equivalent tools, equipment or test equipment other than that recommended by the manufacturer; and
- (b) the AMO shall have a program to include—
 - (i) a description of the procedures used to establish the competence of personnel that make the determination of equivalency of tools, equipment or test equipment;
 - (ii) conducting and documenting the comparison made between the specification of the tool, equipment or test equipment recommended by the manufacturer and the equivalent tool, equipment or test equipment proposed;
 - (iii) ensuring that the limitations, parameters and reliability of the proposed tool, equipment or test equipment are equivalent to the manufacturer's recommended tools, equipment or test equipment;
 - (iv) ensuring that the equivalent tool, equipment or test equipment is capable of performing the appropriate maintenance function, all normal tests, or calibrations and checking all parameters of the aircraft or aircraft component undergoing maintenance or calibration; and
 - (v) the AMO shall have full control of the equivalent tool, equipment or test equipment through an ownership, lease or other legal arrangement.

(11) An AMO approved for base maintenance shall have sufficient aircraft access equipment and inspection platforms or docking such that the aircraft may be properly inspected.

(12) The AMO shall have a procedure to inspect or service and where appropriate, calibrate tools, equipment and test equipment on a regular basis and indicate to users that an item is within any inspection or service or calibration time limit.

(13) The AMO shall have a procedure to ensure that if it uses either a primary, secondary or transfer standard for performing calibration, that standard cannot be used to perform maintenance.

(14) A clear system of labelling all tooling, equipment and test equipment shall be used to give information on when the next inspection or service or calibration is due and where the item is unserviceable for a reason that is not obvious.

(15) A clear system of labelling all tooling, equipment and test equipment shall be used to give information on when such tooling, equipment and test equipment is not used for product acceptance or for making a finding of airworthiness.

(16) A register shall be maintained for all calibrated tools, equipment and test equipment together with a record of calibrations and standards used.

(17) Inspection, service or calibration on a regular basis shall be in accordance with the equipment manufacturers' instructions except where the AMO can show by results that a different time period is appropriate in a particular case and is acceptable to the Authority.

PART IV—ADMINISTRATION

19. (1) An AMO shall appoint a management person or group of persons acceptable to the Authority, whose responsibilities include ensuring that the AMO is in compliance with these Regulations.

AMO personnel
and training
requirement.

(2) A person appointed as manager shall represent the maintenance management structure of the AMO, and shall be responsible for all functions specified in these Regulations.

(3) A manager shall be directly responsible to an Accountable Manager who shall be acceptable to the Authority.

(4) An AMO shall employ sufficient personnel to plan, perform, supervise, inspect and release the work in accordance with the AMO approval.

(5) The competence of personnel involved in maintenance shall be established in accordance with a procedure and to a standard acceptable to the Authority.

(6) A person signing a certificate of release to service shall be qualified in accordance with the Civil Aviation (Personnel Licensing) Regulations as appropriate to the work performed and as acceptable to the Authority.

(7) The maintenance and certifying personnel shall meet the qualification requirements and receive initial and continuation training to their assigned tasks and responsibilities in accordance with a program approved by the Authority.

(8) The maintenance and certifying personnel shall receive sufficient continuous training in each two year period to ensure that such staff have up-to-date knowledge of relevant technology, change in standard of aircraft or aircraft component maintained, organizational procedure and human factor issues.

(9) The training program established by the AMO shall include training in knowledge and skills related to human performance, including coordination with other maintenance personnel and flight crew.

(10) An AMO's functions shall be allocated to individual managers or combined in any number of ways, dependent upon the size of the AMO.

20. (1) An AMO shall have an Accountable Manager acceptable to the Authority, with corporate authority for ensuring that all the necessary resources are available to support the AMO approval.

Management Personnel required for Aircraft Maintenance Organisation (AMO).

(2) The AMO shall have qualified Personnel with proven competence in civil aviation available and serving in the following positions—

- (a) Head of Base Maintenance;
- (b) Head of line Maintenance;
- (c) Head of workshop;
- (d) Head of Quality; and
- (e) Head of Safety.

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

(4) The maintenance organization shall employ the necessary personnel to plan, perform, supervise, inspect and release the work to be performed.

(5) The AMO shall make temporal arrangements to ensure continuity of supervision of its functions if maintenance is conducted in the absence of any required management Personnel.

(6) A person serving in a required management position in an AMO except for the Accountable Manager shall not serve in any other AMO management position unless approved by the Authority.

21. (1) The Management Personnel required for Approved Maintenance Organisation shall have the following qualifications and responsibilities—

Qualifications and responsibilities of AMO Personnel.

- (a) the Accountable Manager shall establish and promote the safety and quality policy and possess the following qualifications—
 - (i) a background in aviation management;

- (ii) knowledge of the Civil Aviation Act and Regulations made thereunder, and materials published by the Authority that are applicable to aircraft maintenance; and
 - (iii) knowledge of the organization's maintenance procedures.
- (b) the Accountable Manager shall notify the Authority when he or she delegates part of his or her responsibility in writing to another person in a management position within the organisation.
- (2) The Head of Base Maintenance shall, dependent upon the scope of approval of an AMO, be responsible for ensuring that all maintenance carried out in the hangar is carried out in accordance with the approved maintenance schedule or programme.
- (3) The minimum qualification for the Head of Base Maintenance shall be as follows—
- (a) a licensed maintenance engineer with appropriate ratings for which the AMO has applied for or is approved;
 - (b) at least five years' experience in maintaining the same category of aircraft including one year as a certifying staff for the most complex or largest aircraft applied for in the AMO;
 - (c) have received type training on every aircraft maintained within the approved scope of the AMO; and
 - (d) have attended a management or supervisory course.
- (4) The Head of line Maintenance shall be responsible for ensuring that all maintenance required to be carried out on the line, including line defect rectification, is performed to the required standards; and any corrective action resulting from quality compliance monitoring.
- (5) The minimum qualifications for Head of line Maintenance are—
- (a) a licensed maintenance engineer with appropriate ratings for which the AMO has applied for or is approved; and
 - (b) at least five years' experience in maintaining the same category of aircraft including one year as a certifying staff for the most complex or largest aircraft applied for in the AMO; and
 - (c) have attended management or supervisory course.
- (6) A Head of workshop shall be responsible for ensuring that all work on aircraft components in the workshop and any corrective action resulting from quality compliance monitoring is performed to required standards.

(7) The minimum qualifications for a Head of workshop are—

- (a) a licensed maintenance engineer;
- (b) OEM training on components capability applied for;
- (c) at least five years' experience in maintaining components for the same category of aircraft including one year in the capacity of returning components to service; and
- (d) have attended management or supervisory course.

(8) A Head of Quality shall be responsible for monitoring the AMO's compliance with these Regulations and coordinating the activities required to meet these standards.

(9) The minimum qualifications for a Head of Quality are—

- (a) a licensed maintenance engineer;
- (b) at least five years' experience in the field of aircraft maintenance of which three years should have been acquired in a quality department; and
- (c) must have successfully completed training in quality management course recognized by the Authority.

(10) The AMO shall appoint a Head of Safety who is responsible for the implementation and maintenance of an effective safety management systems.

(11) The minimum qualifications for appointment as Head of Safety are—

- (a) a technically qualified person in the field of aircraft maintenance or flight operations;
- (b) at least five years' experience in the field of aircraft maintenance or flight operations; and
- (c) must have successfully completed a training in safety management systems course recognized by the Authority.

22. (1) An AMO shall have a maintenance man-hour plan showing that the organisation has sufficient staff to plan, perform, supervise, inspect and release the work in accordance with the approval.

Man hours.

(2) The organisation shall have a procedure to reassess work intended to be carried out when actual staff availability is less than the planned staffing level for any particular work shift or period.

(3) Where an AMO is certified for base maintenance, the man-hours plan shall relate to the aircraft hangar visit plan.

(4) Man-hours plans shall be regularly updated.

(5) The AMO shall have sufficient Quality assurance staff to monitor and evaluate its functions.

23. (1) Planners, aircraft maintenance engineers, mechanics, supervisors and certifying staff of an AMO shall be assessed for

Assessment of personnel.

competence by approved assessors “on the job” evaluation or by examination relevant to their particular role within the AMO before unsupervised work is permitted.

(2) The assessment specified in sub-regulation (1) shall be based on job description for each post in and shall establish that—

- (a) planners are able to interpret maintenance requirements into maintenance tasks, and have an appreciation that they have no authority to deviate from the aircraft maintenance program;
- (b) aircraft maintenance engineers and mechanics are able to carry out maintenance tasks to any standard specified in the maintenance instructions and will notify supervisors of mistakes requiring rectification to re-establish required maintenance standards;
- (c) supervisors are able to ensure that all required maintenance tasks are carried out and where not done or where it is evident that a particular maintenance task cannot be carried out to the maintenance instructions, then such problems will be reported to and agreed upon by the quality department of the AMO; and
- (d) certifying staff are able to determine when an aircraft or an aircraft component is or is not ready for release to service.

(3) Planners, supervisors, and certifying staff, shall demonstrate knowledge of AMO procedures relevant to their particular role.

(4) The assessors specified in sub-regulation (1) shall be approved in a manner and form prescribed.

24. (1) Initial and continuing training of maintenance and certifying personnel shall be performed by an AMO or a training organisation selected by the AMO.

Training of
maintenance and
certifying staff.

(2) An AMO shall establish the curriculum and standards for training of maintenance and certifying personnel and establish pre-qualification standards intended to ensure that the trainee has a reasonable chance of successfully completing any course.

(3) The training programme, training facilities and the curriculum to train maintenance and certifying personnel as provided for in sub-regulation (2) shall be approved by the Authority.

(4) The training programme submitted to the Authority under sub-regulation (3) shall include—

- (a) details of the number of personnel who will receive initial training to qualify as certifying staff over specified time periods; and
- (b) for maintenance and certifying personnel of the AMO, training in knowledge and skills related to live performance including coordination with other maintenance personnel and flight crew.

(5) All trained personnel shall be examined at the end of each training course.

(6) All certifying staff of an AMO shall undergo initial training that covers—

- (a) basic engineering theory relevant to the scope of work performed by the AMO;
- (b) specific information on the actual aircraft type on which the person is intended to become a certifying person including the impact of repairs and system or structural defects; and
- (c) company procedures relevant to the certifying staff's tasks.

(7) All maintenance and certifying personnel of the AMO shall receive sufficient continuous training in each two year period to ensure that such staff have up-to-date knowledge of relevant technology, change in standard of aircraft or aircraft component maintained, organizational procedure and human factor issues.

25. (1) A person shall not—

- (a) assign maintenance functions for aircraft unless the assignee has had a minimum rest period of eight hours prior to the beginning of duty;
- (b) schedule a person performing maintenance functions on an aircraft for more than twelve consecutive hours of duty.

Rest and duty limitations for persons performing maintenance functions in an AMO.

(2) A person shall not—

- (a) perform maintenance functions on an aircraft unless that person has had a minimum rest period of eight hours prior to the beginning of duty; or
- (b) perform maintenance functions on an aircraft for more than twelve consecutive hours of duty; and
- (c) perform maintenance functions for aircraft for more than twelve consecutive hours of duty.

(3) In situations involving unscheduled aircraft unserviceability, persons performing maintenance functions for aircraft may be continued on duty for—

- (a) up to sixteen consecutive hours; or
- (b) twenty hours in twenty-four consecutive hours.

(4) Following unscheduled duty periods, the person performing maintenance functions for aircraft shall have a mandatory rest period of ten hours.

(5) An AMO shall relieve the person performing maintenance functions from all duties for twenty-four consecutive hours during any seven consecutive day period.

26. (1) An AMO shall maintain a roster of all maintenance and certifying staff, which includes details of the scope of their

Record of maintenance and certifying staff.

authorisation and the certifying staff shall be notified in writing of the scope of that authorization.

(2) The following minimum information shall be kept on record in respect of each maintenance and certifying person—

- (a) name;
- (b) date of birth;
- (c) basic training;
- (d) type training;
- (e) continuation training;
- (f) experience;
- (g) qualifications relevant to the approval;
- (h) scope of the authorization (for certifying staff);
- (i) date of first issue of the authorisation;
- (j) expiration date of the authorisation, where appropriate;
and
- (k) identification number of the authorisation.

(3) Records of maintenance and certifying staff shall be controlled by the AMO's quality department.

(4) The number of persons authorised to access the records system shall be limited to minimise the possibility of records being altered in an unauthorised manner and to limit confidential records from becoming accessible to unauthorised persons.

(5) The maintenance and certifying staff shall be given reasonable access on request to their records.

(6) The Authority may investigate the records system for initial and continued approval or when the Authority has cause to doubt the competence of a particular certifying person.

(7) An AMO shall keep the record of maintenance and certifying staff for at least two years following a date on which a staff has ceased employment with the AMO or upon withdrawal of the certifying staff authorisation.

(8) The maintenance and certifying staff shall upon request be furnished with a copy of their record on leaving the AMO.

(9) The authorisation document issued to the maintenance and certifying staff under this regulation shall be in a style that makes its scope clear to maintenance and certifying staff and the Authority that may be required to examine the document and where codes are used to define scope, an interpretation document shall be readily available.

(10) Certifying staff shall be required to carry the authorisation document at all times and shall produce it on request from the Authority.

PART V—AMO OPERATING RULES

27. (1) An AMO shall provide a Maintenance Procedures Manual for the use by maintenance personnel.

AMO
maintenance
procedures
manual.

(2) An AMO Maintenance Procedure Manual and any subsequent amendments shall be approved by the Authority prior to use.

(3) An AMO Maintenance Procedures Manual shall specify the scope of work required of the AMO in order to satisfy the relevant requirements for an approval of an aircraft or aircraft component for return to service.

(4) An AMO Maintenance Procedures Manual and any other manual it identifies shall—

- (a) include instructions and information necessary to allow the personnel to perform their duties and responsibilities with a high degree of safety;
- (b) be in a form that is easy to revise and contain a system which allows personnel to determine current revision status;
- (c) have the date of the last revision printed on each page containing the revision;
- (d) not be contrary to any Laws of Kenya or the AMO's operations specifications; and
- (e) include a reference to appropriate civil aviation regulations.

(5) Without prejudice to the preceding provisions of this regulation, an AMO Maintenance Procedure Manual shall contain the following information—

- (a) a statement signed by the Accountable Manager confirming that the AMO Maintenance Procedures Manual and any associated manuals define the AMO's compliance with this regulation and will be complied with at all times;
- (b) a list which describes the duties and responsibilities of the management personnel and the matters on which they may deal directly with the Authority on behalf of the AMO;
- (c) a procedure to establish and maintain a current list of the titles and names of the AMO's management personnel accepted by the Authority;
- (d) an organisation chart showing associated chains of responsibility of the management personnel;
- (e) a procedure to establish and maintain a current roster of certifying staff;
- (f) a description of the procedures used to establish the competence of maintenance personnel;
- (g) a general description of manpower resources;
- (h) description of the method used for the completion and retention of the maintenance records;

- (i) a description of the procedure for preparing the certificate of release to service and the circumstances under which the certificate of release to service is to be signed;
- (j) a description, when applicable, of additional procedures for complying with an AOC holder's maintenance procedures and requirements;
- (k) a description of the procedures for complying with the service information reporting requirement contained in regulation 36;
- (l) a description of the procedure for receiving, amending and distributing within the maintenance organisation all necessary airworthiness data from the type certificate holder or the type design organisation;
- (m) a general description of the facilities located at each physical address specified in the AMO's certificate;
- (n) a general description of the AMO's scope of work relevant to the extent of approval;
- (o) the notification procedure for the AMO to use when requesting the approval of changes to the organisation of the AMO from the Authority;
- (p) the amendment procedure for the AMO Maintenance Procedures Manual, including the submission to the Authority;
- (q) the AMO's procedures, acceptable to the Authority, to ensure manual good governance practices and compliance with the requirements of these Regulations;
- (r) the AMO's procedures to establish and maintain an independent quality system to monitor compliance with the adequacy of the procedures to ensure good quality maintenance practices and airworthy aircraft and aircraft components compliance monitoring shall include a feedback system, acceptable to the Authority, to the person or group of persons specified in regulation 23, and ultimately to the Accountable Manager to ensure, as necessary, corrective action, such feedback system shall be acceptable to the Authority;
- (s) AMO procedures for self-evaluations, including methods and frequency of such evaluations, and procedures for reporting results to the Accountable Manager for review and action;
- (t) a list of operators, if appropriate, to which the AMO provides an aircraft maintenance service;
- (u) a list of organisations performing maintenance on behalf of the AMO; and
- (v) a list of the AMO's line maintenance locations and procedures, where applicable.

(6) The list of personnel and certifying staff for sub-regulation (5) (b) and (5) (e) may be separate from the AMO Maintenance Procedures Manual, but shall be kept current and available for review by the Authority when requested.

(7) AMO personnel shall be familiar with those parts of the manuals that are relevant to the maintenance work they perform.

(8) An AMO shall specify in the AMO Maintenance Procedures Manual who should amend the manual, particularly in the case where the manual consists of several parts.

(9) The Head of Quality of an AMO shall be responsible for—

- (a) monitoring the amendment of the AMO Maintenance Procedures Manual, including associated procedures manuals; and
- (b) submitting proposed amendments to the Authority, unless the Authority has agreed, by a procedure stated in the amendment section of the Procedures Manual, that some defined class of amendments may be incorporated without prior approval by the Authority.

(10) The AMO Maintenance Procedures Manual shall address four main areas—

- (a) the management procedures covering the parts previously specified;
- (b) the maintenance procedures covering all aspects of how aircraft components may be accepted from outside sources and how aircraft will be maintained to the required standard;
- (c) the quality system procedures, including the methods of qualifying mechanics, inspection, certifying staff and quality audit personnel; and
- (d) Contracted AOC holder procedures and paperwork.

(11) An AMO Maintenance Procedures Manual shall be in a format set out in the First Schedule of these Regulations.

28. (1) An AMO shall establish maintenance procedures acceptable to the Authority to ensure good maintenance practices and compliance with all relevant requirements in these Regulations, such that aircraft and aircraft components may be properly released to service.

Maintenance procedures and independent quality system.

(2) The maintenance procedures established under sub-regulation (1) shall—

- (a) cover all aspects of maintenance activity and describe standards to which the AMO intends to work;
- (b) take into account the aircraft and aircraft component design and AMO standards; and
- (c) address the provisions and limitations of these Regulations.

(3) An AMO shall establish an independent quality system, acceptable to the Authority, to monitor compliance with and adequacy of the procedures and by providing a system of inspection to ensure that all maintenance is properly performed.

(4) The compliance monitoring specified in sub-regulation (3) shall include a feedback system to the designated management person or group of persons directly responsible for the quality system and ultimately to the accountable manager to ensure where necessary, corrective action is taken.

(5) The quality system established under sub-regulation (3)—

(a) may be an independent system under the control of the Head of Quality that evaluates the maintenance procedures and the correctness of the Equivalent Safety Case process; and

(b) shall include a procedure to initially qualify and periodically perform audits on persons performing work on behalf of the AMO:

(6) An AMO's quality system shall be—

(a) sufficient to review all maintenance procedures as described in the Maintenance Procedures Manual in accordance with an approved program once a year for each aircraft type maintained; and

(b) indicate when audits are due, when they are completed and establish a system of audit reports which can be reviewed by the Authority on request.

(7) The audit system established under sub-regulation (6)(b) shall clearly establish a means by which audit reports containing observations about non-compliance or poor standards are communicated to the Accountable Manager.

(8) The maintenance organization shall ensure that the procedures manual is amended as necessary to keep the information contained therein up to date.

(9) Copies of all amendments to the procedures manual shall be furnished promptly to all organizations or persons to whom the manual has been issued.

29. (1) An AMO shall prepare and retain a current capability list approved by the Authority. Capability list.

(2) An AMO shall not perform maintenance, preventive maintenance or modifications on an article until the article has been listed on the capability list in accordance with these Regulations.

(3) A capability list specified in sub-regulation (2) shall identify each article by make and model, part number or other nomenclature designated by the article's manufacturer.

(4) An article may be listed on the capability list only if the article is within the scope of the ratings and classes of the AMO's

certificate, and only after the AMO has performed a self-evaluation in accordance with Regulation 27(5)(s).

(5) An AMO shall perform the self-evaluation described in sub-regulation (4) to determine that the maintenance organisation has all of the facilities, equipment, material, technical data, processes, housing and trained personnel in place to perform the work on the article as required by this regulation.

(6) Where an AMO makes a positive determination under sub-regulation (5), it may list the article on the capability list.

(7) The document of the evaluation described in sub-regulation (4) must be signed by the Accountable Manager and must be retained on file by the AMO.

(8) Upon listing an additional article on its capability list, the AMO shall send a copy of the list to the Authority.

(9) The capability list shall be available in the premises for inspection by the public and the Authority.

(10) The self-evaluations must be available in the premises for inspection by the Authority.

(11) An AMO shall retain a capability list and self-evaluation for two years from the date accepted by the accountable manager.

30. (1) An AMO shall only carry out the following tasks as permitted by and in accordance with the AMO Maintenance Procedures Manual—

AMO privileges.

- (a) maintain an aircraft or aircraft components for which it is rated at the locations identified in the approval certificate;
- (b) maintain any aircraft for which it is rated at any location subject to the need for such maintenance arising from unserviceability of the aircraft;
- (c) describe the activities in support of a specific AOC holder where that AOC has requested the service of the AMO at locations other than the location identified on the AMO certificate, and the AMO has been rated to maintain the aircraft of that specific AOC holder at the requested location in the AMO specific operating provisions approved by the Authority; and
- (d) issue a certificate of release to service in respect of paragraphs (a), (b) and (c) upon completion of maintenance in accordance with limitations applicable to the AMO.

(2) The AMO may maintain or alter any article for which it is rated at a place other than the AMO location if—

- (a) the function would be performed in the same manner as when performed at the AMO and in accordance with this Part; or
- (b) all necessary personnel, equipment, material, and technical or approved standards are available at the place where the work is to be done; and
- (c) the maintenance procedure manual of the station specified approved procedures governing work to be performed at that place other than the location of the AMO.

31. An AMO may maintain an aircraft or aircraft component for which it is approved when all necessary housing, facilities, equipment, tools, material, approved technical data and certifying staff are available.

AMO limitations.

32. (1) The operator shall provide, for the use and guidance of maintenance and operational personnel concerned, an aircraft maintenance programme, approved by the Authority and shall contain the following information—

Availability of Aircraft Maintenance programme.

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

(2) The design and application of the operator's maintenance programme shall observe Human Factors principles.

33. (1) A Certificate of Release to Service shall be issued by certifying staff when satisfied that all required maintenance of the aircraft or aircraft component has been properly carried out by the AMO in accordance with the maintenance procedures specified in the maintenance procedures manual.

Certificate of Release to Service.

(2) An aircraft component, which has been maintained off the aircraft, requires the issue of a Certificate of Release to Service for such maintenance and another certificate of release to service in regard to being installed properly on the aircraft.

(3) A Certificate of Release to Service shall contain—

- (a) basic details of the maintenance carried out including detailed reference of the approved data used;

- (b) the date such maintenance was completed; and
 - (c) the identity, including the authorization reference, of the AMO and certifying staff issuing the certificate.
- (4) Certificate of Release to Service is required—
- (a) before flight at the completion of any package of maintenance scheduled by the approved aircraft maintenance program on the aircraft, whether such maintenance took place as base or line maintenance;
 - (b) before flight at the completion of any defect rectification, while the aircraft operates between scheduled maintenance; and
 - (c) at the completion of any maintenance on an aircraft component when off the aircraft.
- (5) A Certificate of Release to Service shall contain the following statement: "The undersigned certifies that the work specified was carried out in accordance with current Regulations and in respect of that work, the aircraft or aircraft component is considered ready for release to service."
- (6) A Certificate of Release to Service shall reference the data specified in the manufacturer's or operator's instructions or the aircraft maintenance program, which itself may cross-reference to a manufacturer's instruction in a maintenance manual, service bulletin, or other maintenance-related document.
- (7) Where instructions include a requirement to ensure that a dimension or test figure is within a specific tolerance as opposed to a general tolerance, the dimension or test figure shall be recorded unless the instruction permits the use of GO or NO GO gauges and, it shall not be sufficient to state that the dimension or the test figure is within tolerance.
- (8) When extensive maintenance has been carried out, it is acceptable for the certificate of release to service to summarize the maintenance as long as there is a cross-reference to the work-pack containing full details of maintenance carried out.
- (9) The date such maintenance was carried out shall include when the maintenance took place relative to any life or overhaul limitation in terms of date, flying hours, cycles, landings or some other relevant value as appropriate.
- (10) Dimensional information shall be retained in the work-pack record.
- (11) The person issuing the Certificate of Release to Service shall use a full signature and preferably a certification stamp.
- (12) Where a computer release to service system is used, the Authority will need to be satisfied that only the particular person can electronically issue the certificate of release to service.

34. (1) An AMO shall record, in a form acceptable to the Authority all details of work carried out. Maintenance records.
- (2) An AMO shall provide the original Certificate of Release to Service to the aircraft operator, together with a copy of any specific maintenance data used for repairs or modifications carried out.
- (3) An AMO shall retain a copy of all detailed maintenance records and any associated maintenance data for two years from the date the aircraft or aircraft component to which the work relates was released from the AMO in a safe, secure and fireproof environment.
- (4) A person who maintains, performs preventive maintenance, rebuilds, or modifies an aircraft or aircraft component shall—
- (a) make an entry in the maintenance record of that equipment showing—
 - (i) a description and reference to data acceptable to the Authority of work carried out;
 - (ii) the date of completion of the work carried out;
 - (iii) the name of the person performing the work if other than the person specified in this Regulation;
 - (iv) the work performed on the aircraft or aircraft component has been performed satisfactorily, the signature, certificate number, and kind of certificate held by the person approving the work; and
 - (v) the authorized signature, which constitutes the approval for return to service, the AMO certificate number and kind of certificate held by the person approving or disapproving for return to service the aircraft, airframe, aircraft engine, propeller, appliance, component part, or portions thereof;
 - (b) in addition to the entry specified in paragraph (a), enter on a form major repairs executed by the person performing the work, in the manner prescribed.
- (5) A person shall not describe in any required maintenance entry or form an aircraft or aeronautical component as being overhauled unless—
- (a) using methods, techniques and practices acceptable to the Authority, it has been disassembled, cleaned, inspected as permitted, repaired as necessary and reassembled; and
 - (b) it has been tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Authority which have been developed and documented by the holder of the type certificate, supplemental type certificate, or a material, part, process or appliance approval under a TSO.
- (6) A person shall not describe in any required maintenance entry or form, an aircraft or other aircraft components as being rebuilt unless it has been—

- (a) disassembled, cleaned, inspected as permitted;
- (b) repaired as necessary; and
- (c) re-assembled and tested to the same tolerances and limits as a new item, using either new parts or used parts that either conforms to new part tolerances and limits, or to approved oversized or undersized dimensions.

(7) A person shall not issue a certificate of release to service to any aircraft or aircraft component that has undergone maintenance, preventive maintenance, rebuilding, or modification unless —

- (a) the appropriate maintenance record entry specified in sub-regulation (4) has been made; and
- (b) the major repair and major modification form specified in sub-regulation (4) authorized by or furnished by the Authority has been executed in a manner prescribed.

(8) If a repair or modification 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 shall be appropriately revised and set forth as prescribed.

(9) A person approving or disapproving for return to service an aircraft or aircraft component, after any inspection performed in accordance with this regulation, shall make an entry in the maintenance record of that equipment containing the following information —

- (a) the type of inspection and a brief description of the extent of the inspection;
- (b) the date of the inspection and aircraft total time in service;
- (c) the authorised signature, an AMO certificate number, and kind of certificate held by the person approving or disapproving for return to service the aircraft, airframe, aircraft engine, propeller, appliance, component part, or portions thereof;
- (d) if the aircraft is found to be airworthy and approved for return to service, the following or a similarly worded statement “I certify that this aircraft has been inspected in accordance with (insert type of inspection) inspection and was determined to be in airworthy condition”;
- (e) if the aircraft is not approved for return to service because of needed maintenance, non-compliance with the applicable specifications, airworthiness directives, or other approved data, the following or a similarly worded statement: “I certify that this aircraft has been inspected in accordance with (insert type of inspection) inspection and a list of discrepancies and non-airworthy items dated (insert date) has been provided for the aircraft owner or operator;” and
- (f) if an inspection is conducted under an inspection program provided for in this Regulation, the entry shall identify the

inspection program accomplished, and contain a statement that the inspection was performed in accordance with the inspections and procedures for that particular program.

(10) If the person performing any inspection required by this Regulation finds that the aircraft is not airworthy or does not meet the applicable type certificate data sheet, airworthiness directives or other approved data upon which that aircraft airworthiness depends, that person shall give the owner a signed and dated list of those discrepancies.

35. (1) An AMO shall have airworthiness data appropriate as to support the maintenance work performed on the aircraft or aircraft component from the Authority, the design organisation or any other approved design organisation in the State of Manufacture or State of Design, as appropriate.

Airworthiness data.

(2) Maintenance documents include, but are not limited to—

- (a) the civil aviation (Approved Maintenance Organizations) Regulations and associated advisory material;
- (b) airworthiness directives;
- (c) manufacturers' maintenance manuals;
- (d) repair manuals;
- (e) supplementary structural inspection documents;
- (f) service bulletins;
- (g) service letters;
- (h) service instructions;
- (i) modification leaflets;
- (j) aircraft maintenance program;
- (k) non-destructive testing manual; and
- (l) Airworthiness Notices issued by the Authority.

(3) The Authority may classify data from another authority or organisation as mandatory and may require the AMO to hold such data.

(4) Where the AMO modifies airworthiness data specified in sub-regulation (1) or (2) to a format or presentation more useful for its maintenance activities, the AMO shall submit to the Authority an amendment to the maintenance procedure manual for any such proposed modifications for acceptance.

(5) All airworthiness data used by the AMO shall be kept current and made available to all personnel who require access to that data to perform their duties.

(6) A procedure shall be established to monitor the amendment status of all data and maintain a check that all amendments are being received by being a subscriber to any document amendment scheme.

(7) Airworthiness data shall be made available in the work area in close proximity to the aircraft or aircraft components being maintained and for supervisors, mechanics and certifying staff to refer to.

(8) Where computer systems are used to maintain airworthiness data, the number of computer terminals shall be sufficient in relation to the size of the work program to enable easy access, unless the computer system can produce paper copies.

(9) Where microfilm or microfiche reader-printers are used, a similar requirement as specified in sub-regulation (8) is applicable.

36. (1) An AMO shall report to the Authority and the aircraft design organisation of the State of Design any identified condition that could present a serious hazard to the aircraft.

Reporting of non-airworthy conditions.

(2) Reports shall be made on a form prescribed and contain all pertinent information about the condition known to the AMO.

(3) Where the AMO is contracted by an AOC holder to carry out maintenance, that AMO shall report to the AOC holder any condition affecting the airworthiness of aircraft or aircraft component.

(4) Reports shall be made as soon as practicable, but in any case within three days of the AMO identifying the condition to which the report relates.

37. (1) An AMO shall allow the Authority unlimited access to inspect an approved maintenance organisation and any of its contract maintenance facilities at any time to determine compliance with these Regulations.

Inspections.

(2) Arrangements for maintenance, preventive maintenance or modifications by a contractor must include provisions for inspections of the contractor by the Authority.

(3) The Authority shall inspect an AMO at least annually.

(4) The Authority shall inspect an AMO in another contracting state approved under the Regulations at least once in every two years as long the AMO certificate issued under their National Authority remains valid.

38. (1) An AMO that performs any maintenance, preventive standards, maintenance, or modifications for an AOC holder certificated under the Civil Aviation (Air Operator Certification and Administration) Regulations, having an approved maintenance programme or an approved continuous maintenance programme shall perform that work in accordance with the AOC holder's manuals.

Performance standards.

(2) Except as provided in sub-regulation (1) of this regulation, each AMO shall perform its maintenance and modification operations in accordance with the applicable standards in the Civil Aviation (Airworthiness) Regulations.

(3) An AMO shall maintain, in current condition, all manufacturer's service manuals, instructions, and service bulletins that relate to the articles that it maintains or modifies.

(4) An AMO with an avionics rating shall comply with those requirements of these Regulations that apply to electronic systems, and shall use materials that conform to approved specifications for equipment appropriate to its rating and test apparatus, shop equipment, performance standards, test methods, modifications, and calibrations that conform to the manufacturer's specifications or instructions, approved specification, and if not otherwise specified, in accordance with good practices of the aircraft avionics industry.

PART VI—EXEMPTIONS

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

Requirements
for
Application.

(2) An application for exemption shall be submitted not less than sixty days before the proposed effective date, 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 a fee prescribed, for technical evaluation.

40. (1) An application for exemption shall contain the following—

Substance of
the request for
exemption.

- (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 shall benefit the public;
- (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 as to why it is an emergency.

(3) The Authority may deny an application if it finds that the applicant has not justified the failure to apply for an exemption within the prescribed time.

41. (1) The Authority shall review the application for accuracy and compliance with the requirements of Regulations 39 and 40.

Initial review
by the
Authority.

(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 shall publish a detailed summary of the application in either *Kenya Gazette*, aeronautical information circular or at least one local daily newspaper for comment and specify the date by which comments shall be received by the Authority for consideration.

(3) Where the filing requirements of Regulations 39 and 40 have not been met, the Authority shall 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.

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

Evaluation of
the request.

- (a) whether an exemption shall be in the public interest;
- (b) whether the applicant's proposal shall provide a level of safety equivalent to that established by the regulation, provided that where the Authority decides that a technical evaluation of the request shall 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 shall contravene the applicable ICAO Standards and Recommended Practices; and
- (d) whether the request shall be granted or denied, and if any conditions or limitations shall be part of the exemption.

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

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

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

PART VII—GENERAL PROVISIONS

43. A holder of a license, certificate or authorization issued by the Authority shall have in his physical possession or at the work site when exercising the privileges of that license, certificate or authorization.

Possession of
the license,
certificate or
authorization.

44. An AMO shall for the purpose of inspection—
- Access for inspection.
- (a) grant the Authority unrestricted access to any of its organisation premises, allied facilities and aircraft; and
 - (b) ensure that the Authority is granted unrestricted access to any organisation or facilities that it has contracted for services associated with maintenance for aircraft.
45. An AMO shall not operate with the use of freelance certifying personnel other than those on permanent employment.
- Freelance Maintenance.
46. (1) A person who performs any function requiring the Authority's approval may be tested for drug or alcohol usage.
- Drug and alcohol testing and reporting.
- (2) Where the Authority or any person authorised by the Authority wishes to test a person referred to in sub-regulation (1) for the percentage by weight of alcohol in the blood, or for the presence of narcotic drugs, marijuana, or depressant or stimulant drugs or substances in the body, and that person—
 - (a) refuses to submit to the test; or
 - (b) having submitted to the test, refuses to authorize the release of the test results the Authority may suspend or revoke the certificate of the AMO that employs that person.
 - (3) In determining whether to suspend or revoke the certificate of the AMO, the Authority shall consider all relevant factors, including—
 - (a) whether the AMO had knowledge of the drug or alcohol use;
 - (b) whether the AMO encouraged the person to refuse the drug or alcohol test;
 - (c) whether the AMO dismissed the person who failed or refused the drug tests; or
 - (d) the position that person held in the AMO.
 - (4) The Authority shall require the AMO to show cause why that person should not be dismissed from the employment of the AMO.
 - (5) A person who is convicted, whether in or outside Kenya, for any offence relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, shall be dismissed from the employment of the AMO.
 - (6) The Authority may suspend or revoke the certificate of an AMO that refuses to dismiss from its employment a person convicted under sub-regulation (4).
47. A holder of an AMO certificate shall display a valid certificate issued to him to the public at all times.
- Display of certificate.
48. A person who holds a license, certificate, or authorization required by these Regulations shall present it for inspection upon a request from the Authority or any other person authorized by the Authority.
- Inspection of licenses, certificates and authorization.

49. (1) A holder of a certificate issued under these Regulations may apply to change the name on the certificate. Change of Name.
- (2) The holder shall include with any such request—
- (a) the current certificate; and
- (b) a legal document verifying the change of name;
- (3) The Authority may change the certificate and issue a replacement thereof.
- (4) The Authority shall return to the holder the original documents specified in sub-regulation 2(b) and retain copies thereof and return the replaced certificate with an endorsement that it has been cancelled.
50. (1) A holder of a certificate, or authorization issued under these Regulations shall notify the Authority of the change in the physical and mailing address and shall do so in the case of— Change of Address.
- (a) physical address, at least fourteen days in advance; and
- (b) mailing address upon the change.
- (2) A person who does not notify the Authority of the change in the physical address within the time frame specified in sub-regulation (1) shall not exercise the privileges of the certificate or authorization.
51. A person may apply to the Authority for replacement of documents issued under these Regulations if such documents are lost or destroyed. Replacement of documents.
52. (1) The Authority may, where it considers it to be in the public interest, suspend provisionally, pending further investigation, any certificate, authorization or such other document issued, granted or having effect under these Regulations. Suspension and Revocations of Certificate.
- (2) The Authority may, upon the completion of an investigation which has shown sufficient ground to its satisfaction and where it considers it to be in the public interest, revoke, suspend, or vary any certificate, authorization or such other document issued or granted under these Regulations.
- (3) The Authority may, where it considers it to be in the public interest, prevent any person or aircraft from flying.
- (4) A holder or any person having the possession or custody of any certificate, authorization or such other documents which has been revoked, suspended or varied under these Regulations shall surrender it to the Authority within 14 days from the date of revocation, suspension or variation.
- (5) The breach of any condition subject to which any certificate, authorization or such other document has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.
53. (1) A person shall not— Use and retention of

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

certificates
and records.

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

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

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

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

54. (1) Any person who knows of a violation of the Civil Aviation Act, or any rule, Regulation, or order issued thereunder, shall report it to the Authority.

Reports of
violation.

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

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

Enforcement
of directions.

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

Aeronautical
user fees.

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

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

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

Application of regulations to Government and visiting forces, etc.

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

58. Except where the context otherwise requires, the provisions of these Regulations shall—

Extra-territorial application of Regulations.

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

PART VIII— MISCELLANEOUS PROVISIONS

59. The Authority may suspend or revoke the licence, certificate, approval, authorisation, exemption or other document of a person who contravenes any provision of these Regulations.

Contravention of Regulations.

60. A person aggrieved with the decision of the Authority under these Regulations may within twenty one days of such decision appeal to the Tribunal.

Appeals to the tribunal.

61. (1) A person who contravenes any provision of these Regulations commits an offence and upon conviction is liable to a fine of not more than Kenya Shillings one million or to imprisonment for a term not exceeding six months or to both.

Offences and Penalties.

(2) If it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of these Regulations, orders, notices or proclamations made there under was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of these Regulations orders, notices or proclamations made there under by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport operations, the flight shall be treated, without prejudice to the liability of any other person under these Regulations, as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose.

(4) In case an aircraft is involved in a contravention and the contravention is by the owner or operator of the aircraft, the aircraft shall be subject to a lien for the penalty.

(5) Any aircraft subject to a lien for the purpose of sub-regulation (4) may be seized by and placed in the custody of the Authority.

(6) The aircraft shall be released from custody of the Authority upon—

- (a) payment of the penalty or the amount agreed upon in compromise;
- (b) deposit of a bond in such amount as the Authority may prescribe, conditioned upon payment of the penalty or the amount agreed upon in compromise; or
- (c) receiving an order of the court to that effect.

(7) The Authority may compound offences under Part A of the Second Schedule to these Regulations by assessing the contravention and requiring the person reasonably suspected of having committed the offence to pay to the Authority Kenya shillings One (1) million for provisions referred to in sub-part (i) and sub-part (ii) respectively in Part A of the Second Schedule to these Regulations.

(8) If any person contravenes any provision specified in Part B of the Second Schedule to these Regulations, upon conviction is liable to a fine not less than the equivalent in Kenya Shillings Two million or to imprisonment for a term of twelve months or to both.

62. The Civil Aviation (Approved Maintenance Organization) Regulations 2013 are revoked.

63. (1) Notwithstanding Regulation 62, a license, certificate, approval or any other document issued to a person or operator prior to the commencement of these Regulations shall continue in force as if it was issued under these Regulations until it expires, is varied or cancelled by the Authority.

(2) Notwithstanding any other provision of these Regulations, a person who at the commencement of these Regulations, is carrying out

Revocation
LN. No 85 of
2013.
Transition.

any acts, duties or operations affected by these Regulations shall, within one (1) year from the date of commencement, or within such longer time that the Cabinet Secretary may, by notice in the Gazette prescribe, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

FIRST SCHEDULE

(R 27(11))

MAINTENANCE PROCEDURES FORMAT

Part 1-Management

- 1.1 Corporate commitment by the accountable manager.
- 1.2 Management personnel.
- 1.3 Duties and responsibilities of the management personnel.
- 1.4 Management Organisation Chart.
- 1.5 List of certifying staff. Note: A separate document may be referenced.
- 1.6 Manpower resources.
- 1.7 General description of the facilities at each address intended to be approved.
- 1.8 Organization's intended scope of work.
- 1.9 Notification procedure to the Authority regarding changes to the organization's activities/approval/location/personnel.
- 1.10 Manual amendment procedures.

Part 2-Maintenance Procedures

- 2.1 Supplier evaluation procedure.
- 2.2 Acceptance/inspection of aircraft components and material from outside contractors.
- 2.3 Storage, tagging and release of aircraft components and material to aircraft maintenance.
- 2.4 Acceptance of tools and equipment.
- 2.5 Calibration of tools and equipment.
- 2.6 Use of tooling and equipment by staff (including alternate tools).
- 2.7 Cleanliness standards of maintenance facilities.
- 2.8 Maintenance instructions and relationship to aircraft/aircraft component manufacturers' instructions including updating and availability to staff.
- 2.9 Repair procedure.
- 2.10 Aircraft maintenance program compliance.
- 2.11 Airworthiness Directives procedure.
- 2.12 Optional modification procedure.

- 2.13 Maintenance documentation in use and completion of same.
- 2.14 Technical record control.
- 2.15 Rectification of defects arising during base maintenance.
- 2.16 Release to service procedure.
- 2.17 Records for the air carrier operator.
- 2.18 Reporting of defects to the Authority/Operator/Manufacturer.
- 2.19 Return of defective aircraft components to store.
- 2.20 Defective components to outside contractors.
- 2.21 Control of computer maintenance record systems.
- 2.22 Reference to specific maintenance procedures such as—
 - (i) Engine running procedures.
 - (ii) Aircraft pressure run procedures.
 - (iii) Aircraft towing procedures.
 - (iv) Aircraft taxiing procedures.

Part L2-Additional Line Maintenance Procedures

- L2.1 Line maintenance control of aircraft components, tools, equipment, etc.
- L2.2 Line maintenance procedures related to servicing/fuelling/de-icing, etc.
- L2.3 Line maintenance control of defects and repetitive defects.
- L2.4 Line procedure for completion of technical log.
- L2.5 Line procedure for pooled parts and loan parts.
- L2.6 Line procedure for return of defective parts removed from aircraft.

Part 3-Quality System Procedures

- 2.23 Quality audit of organisation procedures.
- 2.24 Quality audit of aircraft.
- 2.25 Quality audit remedial action procedure.
- 2.26 Certifying staff qualification and training procedures.
- 2.27 Certifying staff records.
- 2.28 Quality audit personnel.
- 2.29 Qualifying inspectors.
- 2.30 Qualifying mechanics.
- 2.31 Exemption process control.
- 2.32 Concession control for deviation from organizations' procedures.
- 2.33 Qualification procedure for specialized activities such as nondestructive, testing, welding, etc.

2.34 Control of manufacturers' working teams.

Part 4-Documentation

2.35 Contracted air operators.

2.36 Air operator procedures and paperwork.

2.37 Air operator record completion.

Part 5-Appendices Sample of documents.

2.39 List of subcontractors.

2.40 List of line maintenance locations.

SECOND SCHEDULE

(R. 61 (7))

Penalties		
Reg. No.	Title	Part
4	Certificate and Specific Operating Provisions.	B
5	Advertising.	B
8	Validity and renewal of certificates.	A(ii)
25	Rest and duty limitations for persons performing maintenance functions in an AMO.	A(ii)
26	Record of certifying staff.	A(ii)
27	AMO maintenance procedures manual.	A(ii)
30(1)	AMO privileges.	B
33	Certificate of release to service.	B
34	Maintenance records.	B
35	Airworthiness data.	A(ii)
36	Reporting of non-airworthy conditions.	A(ii)
37	Inspections.	B
47	Display of certificates.	A(ii)
53	Use and retention of certificates and records.	B

Dated the 24th April, 2018.

JAMES MACHARIA,
*Cabinet Secretary for Transport,
 Infrastructure, Housing and Urban Development.*