

Statutory Instrument No. 68 of 2021

CIVIL AVIATION ACT
(Cap. 71:01)

**CIVIL AVIATION (CONSTRUCTION OF VISUAL AND INSTRUMENT FLIGHT
PROCEDURES) REGULATIONS, 2021**
(Published on 6th August, 2021)

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

PART I – Preliminary

Citation	1. These Regulations may be cited as the Civil Aviation (Construction of Visual and Instrument Flight Procedures) Regulations, 2021.
Interpretation	2. In these Regulations, unless the context otherwise requires — “aerodrome operating minima” means the limits of usability of an aerodrome for — (a) take-off, expressed in terms of runway visual range or visibility and, if necessary, cloud conditions; (b) landing in precision approach and landing operations, expressed in terms of visibility or runway visual range and decision altitude/height (DA/H) as appropriate to the category of the operation; (c) landing in approach and landing operations with vertical guidance, expressed in terms of visibility or runway visual range and decision altitude/height (DA/H); and (d) landing in non-precision approach and landing operations, expressed in terms of visibility or runway visual range, minimum descent altitude/height (MDA/H and if necessary, cloud conditions; “aeronautical data” means a representation of aeronautical facts, concepts or instructions in a formalised manner suitable for communication, interpretation or processing; “aeronautical information” means information resulting from the assembly, analysis and formatting of aeronautical data; “Aeronautical Information Circular (AIC)” means a notice containing information that does not qualify for the origination of a NOTAM or for inclusion in the AIP, but which relates to flight safety, air navigation, technical, administrative or legislative matters; “Aeronautical Information Publication (AIP)” means a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation; “Aeronautical Information Service (AIS)” means a service established within the defined area of coverage responsible for the provision of aeronautical data and aeronautical information necessary for the safety, regularity and efficiency of air navigation; “AIRAC” means the Aeronautical Information Regulation and Control signifying a system aimed at advance notification, based on common effective dates, of circumstances that necessitate significant changes in operating practices; “air navigation service provider” means an independent entity established for the purpose of providing one or more of the air navigation services; “air navigation services” means one or more of the following services provided for air navigation — (a) air traffic services or air traffic management; (b) instrument flight procedure design services; (c) aeronautical information services/aeronautical information management;

- (d) aeronautical cartographic services;
 - (e) aeronautical telecommunication services;
 - (f) aeronautical meteorological services; or
 - (g) aeronautical search and rescue;
- “ATS route” means a specified route designed for channelling the flow of traffic as necessary for the provision of air traffic services;
- “certificate” means the certificate for the provision of Air Navigation Services issued by the Authority under Part II of these Regulations;
- “instrument flight procedure designer” means a person responsible for flight procedure design who meets the competency requirements as laid down by the Authority;
- “instrument flight procedure design service” means a service established for the design, documentation, validation, maintenance and periodic review of instrument flight procedures necessary for the safety, regularity and efficiency of air navigation;
- “obstacle” means all fixed objects, whether temporary or permanent, or mobile objects, or parts thereof, that --
- (a) are located on an area intended for the surface movement of aircraft;
 - (b) extend above a defined surface intended to protect aircraft in flight; or
 - (c) stand outside those defined surfaces and that have been assessed as being a hazard to air navigation;
- “operator” means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;
- “operations manual” means a manual prepared by a service provider or a person applying for approval;
- “Point-in-Space (PinS) approach” means an approach procedure designed for helicopters only that includes both a visual and an instrument segment;
- “quality” means a degree to which a set of inherent characteristics fulfils requirement;
- “quality assurance” means part of quality management focused on providing confidence that quality requirements will be fulfilled;
- “quality management” means coordinated activities to direct and control an organisation with regard to quality; and
- “terrain” means the surface of the earth containing naturally occurring features such as mountains, hills, ridges, valleys, bodies of water, permanent, ice and snow, and excluding obstacles.

3. These Regulations shall apply to any person providing an instrument flight procedure design service within a designated airspace and at an aerodrome for civil aviation purposes.

Application

PART II — General Requirements

4. (1) An air navigation service provider shall —
- (a) provide an instrument flight procedure design service;
 - (b) agree with one or more air navigation service providers to provide a joint instrument flight procedure design service; or
 - (c) delegate the provision of the instrument flight procedure design service to an external agency.
- (2) A person shall not provide an instrument flight procedure design service within Botswana unless —

Requirements
for provision
of instrument
flight procedure
design service

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- (a) he or she holds a certificate issued under the Civil Aviation (Certification of Air Navigation Service Providers) Regulations; and
- (b) the instrument flight procedure design service is provided in accordance with —
 - (i) the requirements under in these Regulations or any other publication issued by the Authority, and
 - (ii) the procedures specified in the instrument flight procedure design service provider's manual of air navigation service operations.

General
provisions

5. (1) A person shall not design, maintain, review, amend, adapt or publish an instrument flight procedure for use in Botswana without the Authority's approval and in accordance with these Regulations,

(2) An instrument flight procedures design service provider shall —

- (a) follow an instrument flight procedure design process that encompasses acquisition of data, design and promulgation of procedures;
- (b) ensure that the quality and safety of the instrument flight procedure design product are assured through review, verification, coordination and validation of the procedure at appropriate points in the process; and
- (c) ensure that the units of measurement, as specified in the Civil Aviation (Air and Ground Operations) Regulations are used in the design of instrument flight procedure.

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Instrument flight
procedure
design service
provider

6. (1) An instrument flight procedure design service provider shall maintain an appropriate instrument flight procedure design office to enable the instrument flight procedure designer to carry on design work in an instrument flight procedure in accordance with these Regulations.

(2) An instrument flight procedure design service provider shall ensure that the design of instrument flight procedure is in accordance with —

- (a) applicable criteria and procedure contained in the ICAO PANS-OPS Document Number 8168 (Aircraft Operations – Construction of Visual and Instrument Flight Procedures); and
- (b) standards provided for in these Regulations or those published by the Authority.

(3) An instrument flight procedure design service provider shall —

- (a) make provision for a person trained in instrument flight procedure design to check and verify independently, the plan of each instrument flight procedure designed;
- (b) develop and maintain an operations manual which shall serve to demonstrate how the instrument flight procedure design service provider shall comply with the requirements provided for under this regulation;
- (c) submit a copy of the current operations manual to the Authority for approval;
- (d) provide and maintain a facility for the design work on the instrument flight procedure as follows —
 - (i) having available equipment appropriate for the design, design verification, flight validation of the type of instrument flight validation and maintenance of the type of instrument flight procedure, and
 - (ii) access to relevant and current data including, but not limited to, aeronautical data, land contour data, and obstacle data for the design, design verification, flight verification and maintenance of the instrument flight procedure; and
- (e) establish a procedure for ensuring that —

- (i) personnel have access to the data referred to in subregulation (3) (d) (ii) for all the types of instrument flight procedures,
 - (ii) the data referred to in subregulation (3) (d) (ii) is current, traceable, and meets the required level of accuracy for the design, design verification, flight validation, and maintenance of an instrument flight procedure as per the guidelines provided by the Authority,
 - (iii) there is ready access to copies of relevant documentation comprising of technical standards, practices, and instructions, and any other documentation that may be necessary for the design, design verification, flight validation, and maintenance of all types of instrument flight procedures, and
 - (iv) a system is established for controlling documents and records relating to the instrument flight procedure design on which the instrument flight procedure designer carries on design work, including the policies and procedures for making, amending, preserving and disposing of those documents and records.
- (4) Notwithstanding the provisions of regulation 19, the contents of the operations manual shall include the following —
- (a) the information required of the instrument flight procedure design service provider as mentioned in this regulation; and
 - (b) a description of the instrument flight procedure design service provider office that shows the role, responsibilities and job functions of the instrument flight procedure design office personnel who are responsible for ensuring the compliance of the instrument flight procedure design service provider with the requirements in paragraph (a).
- (5) An instrument flight procedure design service provider shall —
- (a) keep the operations manual in a readily accessible form;
 - (b) ensure that the instrument flight procedure designer has ready access to the operations manual; and
 - (c) amend the operations manual whenever necessary to keep its content up to date.
- (6) An instrument flight procedure design service provider shall, where an aeronautical database and aeronautical data is required for designing an instrument flight procedure, ensure the integrity of the database and the data used is current, traceable, and meets the required level of verifiable accuracy for the instrument flight procedure design.
- (7) An instrument flight procedure design service provider shall, at the Authority's request, make the documents and records, or copies of them or extracts from them, available for inspection.
- (8) An instrument flight procedure design provider shall —
- (a) employ, contract or engage personnel to plan, design, verify, and maintain the instrument flight procedure;
 - (b) develop job descriptions for its instrument flight procedure design technical staff; and
 - (c) establish and implement a quality assurance process for all instrument flight procedure design function.
7. (1) An instrument flight procedure design service provider shall develop a training policy, training programme and training plan as well as job description for each of the staff under the jurisdiction of the accountable officer and implement the same as applicable with the following considerations —

Instrument flight
procedure
designer
training
experience
and approval

- (a) the training policy and programme shall lay down the training courses that different levels of staff shall have to undergo to perform their duties, including initial, recurrent and specialised training;
- (b) the job description shall depict the job purpose, key responsibilities, and outcome to be achieved of each staff;
- (c) an instrument flight procedure design service provider shall maintain individual training records for each of its staff, which shall include details of the courses completed by each staff as well as the time-frame for attending future courses as required under the training plan;
- (d) an instrument flight procedure design service provider shall conduct a yearly review of the training plan for each staff at the beginning of the year to identify any gaps in competency, changes in training requirement and prioritise the type of training required for the subsequent years;
- (e) an instrument flight procedure design provider shall ensure that a person designing or amending an instrument flight procedure demonstrates required competency level for instrument flight procedure design and an instrument flight procedure designer shall acquire and maintain this competency level through training and supervised on-the-job training, recurrent and refresher training; and
- (f) an instrument flight procedure design service provider shall ensure that an instrument flight procedure designer is able to demonstrate a basic level of competency through initial and recurrent training at periodic intervals that includes at least the following elements —
 - (i) knowledge of information contained in these Regulations, ICAO PANS-OPS Document Number 8168 (Aircraft Operations— Construction of Visual and Instrument Flight Procedures), ICAO Quality Assurance Manual for Flight Procedures Design ICAO Document Number 9906 (Quality Assurance Manual for Flight Procedure Design) and other ICAO documents and manuals applicable to the design of an instrument flight procedure as amended,
 - (ii) skills in the design of an instrument flight procedure, and
 - (iii) demonstration of competency as outlined in the competency framework for an instrument flight procedure designer as determined by the Authority.

(2) The competency of the instrument flight procedure designer shall be subject to periodic verification by the Authority to ensure continued compliance with the requirements in these Regulations.

(3) Only instrument flight procedure designer approved by the Authority shall undertake the design, review and validation of an instrument flight procedure for operational use in Botswana within the scope of the Authority's approval.

(4) An instrument flight procedure designer seeking approval as required in subregulation (3) shall —

- (a) provide proof of successful completion of the PANS-OPS training course applicable to the approval being requested based on the ICAO PANS-OPS criteria;
- (b) demonstrate practical application of theoretical knowledge through the design of two instrument flight procedures of each type of instrument flight procedure under supervision of a qualified instrument flight procedure designer; and

- (c) demonstrate ability to maintain a documented quality assurance process for instrument flight procedure design.

8. (1) An instrument flight procedure design service provider shall ensure that the quality characteristics of data acquired for the procedure design data process are known and adequate, or that, in the case where the data's quality characteristics are unknown, inadequate or invalid, that appropriate data verification occurs prior to use.

Procedure
design data
and information
acquisition

(2) An instrument flight procedure designer shall, in the obstacle survey for instrument flight procedure design consider that —

- (a) all obstacles are accounted for, and items, such as trees and heights of tall buildings shall be accounted for either by physical examination of the site or by addition of a suitable margin above terrain contours;
- (b) the accuracy of the vertical and horizontal data obtained may be adjusted by adding an amount equal to the specified survey error to the height of all measured obstructions and by making a corresponding adjustment for specified horizontal error; and
- (c) the survey and subsequent instrument flight procedure design activities are controlled and monitored by a person trained in instrument flight procedure design.

(3) The instrument flight procedure design data and information shall be coordinated with all relevant stakeholders as input for the instrument flight procedure design process and the following aspects shall be assessed —

- (a) airport data, airspace requirements, navigation aids, obstacles, terrain coordinates and elevation data, based on verified surveys and complying with the requirements of these Regulations, the Civil Aviation (Aeronautical Information Services) Regulations and the Civil Aviation (Aeronautical Charts) Regulations and Civil Aviation (Aerodromes) Regulations;
- (b) user requirements or the needs of air traffic service provider and operators who will use the procedure;
- (c) airport infrastructure such as runway classification, lighting, communications, runway markings and availability of local altimeter setting;
- (d) environmental considerations; and
- (e) any other potential issue associated with the procedure.

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9. (1) An instrument flight procedure design service provider shall —

- (a) maintain an appropriate instrument flight procedure design office to enable an instrument flight procedure designer to carry on design work in an instrument flight procedure in accordance with the requirements provided for under this regulation;
- (b) make provisions for a person trained in instrument flight procedure design to check and verify independently the plan of each instrument flight procedure designed; and
- (c) provide and maintain a facility for the design work on instrument flight procedure as follows —
 - (i) having available equipment appropriate for the design, design verification, flight validation and maintenance of the types of instrument flight procedures, and
 - (ii) access to relevant and current data, including but not limited to, aeronautical data, land contour data and obstacle data for the design, design verification, flight verification and maintenance of the instrument flight procedure design.

Procedure
design facility
requirements

(2) An instrument flight procedure design service provider shall, if an aeronautical database and an aeronautical data is required for designing an instrument flight procedure, ensure —

- (a) the integrity of the database and the data; and
- (b) that the data used is current, traceable and meets the required level of verifiable accuracy for the design.

Instrument flight
procedure
design
validation

10. An instrument flight procedure design service provider shall ensure that the software package used in the design of an instrument flight procedure has been validated in accordance with the requirements of ICAO Document Number 9906 (Quality Assurance Manual for Flight Procedure Design – Volume 3 – Flight Procedure Design Software Validation).

Instrument flight
procedure
design process

11. (1) Concerned parties shall coordinate throughout the design and validation process of designing an instrument flight procedure, to ensure that the instrument flight procedure meets the needs of the user and the community.

(2) An instrument flight procedure design service provider shall ensure that —

- (a) each new or revised procedure shall be verified by a qualified instrument flight procedure designer other than the one who designed the procedure;
- (b) published procedures are subject to maintenance and periodic review at intervals not exceeding five years to ensure that they continue to comply with changing criteria and continue to meet user requirements;
- (c) an instrument flight procedure designer develop and maintain instrument flight procedure design documentation that includes —
 - (i) documentation required for publication in the aeronautical information publication,
 - (ii) documentation required to maintain transparency concerning the details and assumptions used by the instrument flight procedure designer, which should include supporting aeronautical information and aeronautical data used in the instrument flight procedure design, such as —
 - (aa) controlling obstacle (obstacle assessment) for each segment of the instrument flight procedure;
 - (bb) effect of environmental considerations on the design of the instrument flight procedure;
 - (cc) infrastructure assessment;
 - (dd) airspace constraints;
 - (ee) for modifications or amendments to existing instrument flight procedures, the reasons for any changes;
 - (ff) for any deviation from existing standards, the reasons for such a deviation and details of the mitigations applied to assure continued safe operations; and
 - (gg) the results of the final verification for accuracy and completeness (quality assurance checks) prior to validation and publication, and
 - (iii) additional documentation required to facilitate ground and flight validation of the instrument flight procedure;
- (d) all calculations and results of calculations are presented in a manner that enables the reader to follow and trace the logic and resultant output;
- (e) records of all calculations referred to under paragraph (d) are kept in order to prove compliance to or variation from the standard criteria;

- (f) formulae used during calculation are standard formulae stated in the ICAO PANS-OPS Document Number 8168 (Aircraft Operations – Construction of Visual and Instrument Flight Procedures);
 - (g) rounding of results shall follow the standard guidelines in the ICAO PANS-OPS Document Number 8168 (Aircraft Operations – Construction of Visual and Instrument Flight Procedures) and that rounding shall only be made at the publication stage to facilitate usable figures on maps and charts, and where rounding is required at earlier stages, it shall be made to the pessimistic consideration, obstacles heights rounded up, speeds rounded up and turn altitudes rounded down;
 - (h) all documentation undergo a final verification for accuracy and completeness prior to validation and publication; and
 - (i) all documentation is retained for a period of not less than the operational lifetime of the procedure to assist in recreating the procedure in the future, in the case of incidents and for periodic review and maintenance.
- (3) An instrument flight procedure design service provider shall ensure that —
- (a) ground validation is undertaken by a qualified instrument flight procedure designer with appropriate knowledge of flight validation issues; and
 - (b) flight validation is conducted whenever the following conditions exist —
 - (i) the flyability of an instrument flight procedure cannot be determined by other means,
 - (ii) the instrument flight procedure requires mitigation for deviations from design criteria;
 - (iii) the accuracy or integrity of obstacle and terrain data cannot be determined by other means;
 - (iv) new instrument flight procedure differ significantly from an existing instrument flight procedure; and
 - (v) for helicopter PinS procedures.
- (4) A flight validation pilot shall —
- (a) provide assurance that adequate obstacle clearance has been undertaken;
 - (b) verify that the navigation data to be published, as well as that used in the design of the instrument flight procedure, is correct;
 - (c) verify that all required infrastructure, such as runway markings, lighting, and communications and navigation sources, are in place and operative;
 - (d) conduct an assessment of fly ability to determine that the instrument flight procedure can be safely flown; and
 - (e) evaluate the charting and other operational factors.

12. (1) An instrument flight procedure design service provider shall ensure that flight validation including simulator evaluation is accomplished by a qualified and experienced flight validation pilot.

(2) The qualifications for a flight validation pilot shall include at least a commercial pilot licence with instrument rating.

(3) A commercial licence held by a flight validation pilot shall be for the aircraft category, aeroplane or helicopter, appropriate for the procedure to be validated.

(4) A flight validation pilot shall meet all the training and experience requirements for the airline transport pilot licence in the relevant category of aircraft, aeroplane or helicopter, as described in the Civil Aviation (Personnel Licensing) (Flight Crew) Regulations, except that the flight validation pilot does not have to be the pilot-in command of the validation flight nor is he or she required to have the type rating on the aircraft used for the validation flight.

Competency
and experience
of flight
validation pilots

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	(5) An instrument flight procedures design service provider shall provide all data required to conduct a flight validation, flight inspection, and flight simulator evaluation to the entity conducting the exercise.
Safety assessment of instrument flight procedure	13. (1) An instrument flight procedure design service provider shall carry out a safety assessment in respect of proposals for a new instrument flight procedure design or any significant changes in a revised instrument flight procedure, and proposals shall be implemented only when the assessment has shown that an acceptable level of safety will be met. (2) The safety assessment shall consider relevant factors determined to be safety-significant, including but not limited to — (a) types of aircraft and their performance characteristics, including navigation capabilities and navigation performance; (b) traffic density and distribution; (c) airspace complexity, ATS route structure and classification of the airspace; (d) aerodrome layout; (e) type and capabilities of ground navigation systems; and (f) any significant local or regional data such as obstacles, infrastructures and operational factors.
Approval of instrument flight procedure	14. (1) An instrument flight procedure for use by civil aircraft within Botswana shall not be published unless the instrument flight procedure is approved by the Authority. (2) The Authority shall only accept an instrument flight procedure for approval which is submitted by an approved instrument flight procedure designer. (3) The submission of approval of an instrument flight procedure designer designed by an approved instrument flight procedure designer independently outside the designated instrument flight procedure design service provider shall be in accordance with these Regulations.
Instrument flight procedure design publication	15. (1) An instrument flight procedure design service provider shall ensure that an instrument flight procedure design or chart, is provided to the Aeronautical Information Service provider for publication in the Aeronautical Information Publication through the AIRAC publication system, complying with the requirements of the Civil Aviation (Aeronautical Information Services) Regulations. (2) An instrument flight procedure design shall be accompanied by a narrative, which describes the procedure in text format.
Errors in published instrument flight procedure	16. (1) An instrument flight procedure design service provider shall establish a procedure for recording, investigating, correcting, and reporting, any identified error, and any identified non-conformance or suspected non-conformance, in accordance with these Regulations. (2) The procedure required in subregulation (1) shall require that — (a) an instrument flight procedure design be withdrawn immediately from operational use if the error or non-conformance affects, or may affect, the safety of an aircraft operation; (b) the error or non-conformance is corrected, and certified by a senior person who is authorised by an instrument flight procedure design service provider; (c) the correction required by paragraph (b) is clearly identified and promulgated by the most appropriate means relative to the operational significance of the error or non-conformance; and

- (d) the source of the error or non-conformance is identified, and —
 - (i) if possible, eliminated to prevent a recurrence,
 - (ii) preventive action is taken to ensure that the source of the error or non-conformance does not affect the integrity of any other instrument flight procedure design, and
 - (iii) the Authority is immediately notified, of any promulgated information.

17. The procedures for the aerodrome operating minima shall be determined by the Authority, in accordance with the Civil Aviation (Aircraft Operations) Regulations.

Aerodrome
operating
minima

PART III – Exemptions

18. (1) A person may apply in writing to the Authority for an exemption from any provision of these Regulations.

Application for
exemption

(2) Unless in a case of emergency, a person requiring exemption from any provision of these Regulations may apply to the Authority in not less than 60 days prior to the proposed effective date of the exemption.

(3) An application under subregulation (1) shall be accompanied by a non-refundable fee of P5 000.

(4) An application for an exemption shall contain the applicant's —

- (a) name;
- (b) physical and postal address;
- (c) email address;
- (d) telephone and facsimile numbers; and
- (e) justification for the exemption.

19. (1) An application for an exemption under regulation 18 shall contain the following —

Requirements
of application
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) safety risk assessment carried out in respect of the exemption applied for;
- (e) the proposed duration of the exemption;
- (f) an explanation of how the exemption would be in the public interest;
- (g) 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;
- (h) a review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware; and
- (i) any other information that the Authority may require.

(2) Where an applicant seeks urgent processing of the exemption application, the application shall contain supporting facts and reasons necessitating urgent processing of the application.

(3) The Authority may deny the application if the Authority is not satisfied that the applicant has justifiable reasons for his or her application for exemption to not be processed in the normal time.

Evaluation of application for exemption

20. (1) The Authority shall, after reviewing the application for exemption and where it is satisfied that the filing requirements have been satisfied, conduct an evaluation of the request to determine --

- (a) whether an exemption would be in the public interest;
- (b) whether the applicant's proposal would provide a level of safety equivalent to that established by these Regulations;
- (c) whether a grant of the exemption would contravene these Regulations; and
- (d) a recommendation based on the preceding elements, of whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

(2) 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.

(3) The Authority shall notify the applicant by letter and a Notice published in either the *Gazette* or at least one local daily newspaper with wide circulation, a detailed summary of its evaluation and decision to grant or deny the exemption request.

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

(5) If the exemption affects a significant population of the aviation community of Botswana, the Authority shall publish the summary in an Aeronautical Information Circular.

PART IV – General Provisions

Use and retention of documents and records

21. (1) A person shall not --

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

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

Failure to comply with direction

22. Any person who fails to comply with any direction given to him or her by the Authority or by any authorised person under any provision of these Regulations commits an offence and is liable to penalties provided under section 88 (1) of the Act.

Suspension and revocation of licence, certificate, etc.

23 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.

24. A person who contravenes the provisions of these Regulations commits an offence and is liable to penalties provided under section 88 (1) of the Act. Offences and penalties

25. Any person aggrieved by any decision of the Authority or any person authorised by the Authority may appeal to the Appeals Tribunal established under section 79 of the Act, subject to the procedures of the Appeals Tribunal provided under the Civil Aviation (Appeals Tribunal) Regulations. Appeals

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26. (1) Any valid licence, certificate, permit or authorisation issued or granted by the Authority or any authorised organisation before the commencement of these Regulations shall remain operational until the licence, certificate, permit or authorisation expires or is revoked, annulled or replaced. Savings and transitional provisions

(2) Notwithstanding any 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 six months from the date of commencement of these Regulations, or within such longer period as the Minister may, by Notice in the *Gazette* stipulate, comply with the requirements of these Regulations or cease to carry out such acts, duties or operations.

MADE this 22nd day of July, 2021.

THULAGANO M. SEGOKGO,
Minister of Transport and Communications.