THE CIVIL AVIATION ACT
(CAP. 80)

REGULATIONS

(Made under Section 4)

THE CIVIL AVIATION (AIR OPERATOR CERTIFICATION AND ADMINISTRATION) (AMENDMENT) REGULATIONS, 2014

1. These Regulations may be cited as the Civil Aviation (Air Operator Certification and Administration) (Amendment) Regulations, 2014 and shall be read as one with the Civil Aviation (AOC) Regulations, as amended, hereinafter referred to as the “principal Regulations”.

2. The principal Regulations are amended by-
   (a). inserting the following new definitions in its appropriate alphabetical order-

   “Approval” means an authorization granted by an appropriate national authority for:
   (a) the transport of dangerous goods forbidden on passenger or cargo aircraft where the Technical Instructions state that such goods may be carried with an approval; or
   (b) other purposes as provided for in the Technical Instructions

   “cargo aircraft” is any aircraft, other than a passenger aircraft, which is carrying goods or property;

   “consignment” means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address;

   “dangerous goods” means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of
dangerous goods in the Technical Instructions or which are classified according to those Instructions;
“dangerous goods accident” means an occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage;
“exception” means a provision in this Annex which excludes a specific item of dangerous goods from the requirements normally applicable to that item;
“exemption” means an authorization, other than an approval, granted by an appropriate national authority providing relief from the provisions of the Technical Instructions;
“operator” A person, organization or enterprise engaged in or offering to engage in an aircraft operation;
“over pack” An enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;
“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for transport.
“packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function.
“passenger aircraft” means an aircraft that carries any person other than a crew member, an operator’s employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment or other cargo.
“serious injury” means an injury which is sustained by a person in an accident and which:
(a) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
(b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
(c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
(d) involves injury to any internal organ; or
(e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
(f) involves verified exposure to infectious substances or injurious radiation;
“State of Destination” means the State in the territory of which the consignment is finally to be unloaded from an aircraft;
“State of the Operator” means The State in which the operator’s principal place of business is located or, if there is no such place of business, the operator’s permanent residence;
“UN number” means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Goods and on the Globally Harmonized System of classification and labelling of chemicals to identify an article or substance or a particular group of articles or substances.

(b). deleting the definition of the term “crew member” and substituting for it the following-
“crew member” means a person assigned by an operator to duty on an aircraft during a flight duty period;

(c). deleting the definition of the term “flight crew member” and substituting for it the following-
“flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;

(d). deleting the definition of the term “operator” and substituting for it the following-
“operator” A person, organization or enterprise engaged in or offering to engage in an aircraft operation;

(e). deleting the definition of the term “pilot-in-command” and substituting for it the following-
“pilot-in-command” the pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight.

(f). deleting the definition of the term “technical Instructions” and substituting for it the following-
“technical Instructions” means the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284), approved and issued periodically in accordance with the procedure established by the ICAO Council.

(g). deleting the definition of the term “Unit load device” and substituting for it the following-
“Unit load device” means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

3. The principal Regulations are amended by deleting regulation 27 and substituting for it the following-
27. (1) An air operator certificate (AOC) holder shall not operate an aircraft type in commercial air transport unless the AOC holder first conducts demonstration flights to the satisfaction of the Authority.

(2) An AOC holder shall not operate an aircraft in a designated special area or using a specialized navigation system unless the AOC holder conducts demonstration flight to the satisfaction of the Authority.

(3) An AOC holder shall conduct demonstration flights for each type of aircraft, including aircraft materially altered in design, and for each kind of operation the AOC holder intends to conduct
(4) The demonstration flights required under sub-regulation (1) shall be conducted in accordance with the regulation applicable to the type of operation and aircraft used as determined by the Authority.

4. The principal Regulations are amended by deleting regulation 77 and substituting for it the following -

77. (1) An AOC Holder shall ensure that-

(a) packagings used for the transport of dangerous goods by air are of good quality and constructed and securely closed so as to prevent leakage which might be caused in normal conditions of transport due to changes in temperature, humidity, pressure or vibration;

(b) packagings are suitable for the contents, and packagings in direct contact with dangerous goods shall be resistant to any chemical or other action of such goods;

(c) packagings meets the material and construction specifications in the Technical Instructions;

(d) packagings are tested in accordance with the provisions of the Technical Instructions;

(e) packagings for which retention of a liquid is a basic function are capable of withstanding, without leaking, the pressure stated in the Technical Instructions;

(f) inner packagings is packed, secured or cushioned as to prevent their breakage or leakage and to control their movement within the outer packaging during normal conditions of air transport and the cushioning and absorbent materials will not react dangerously with the contents of the packagings;

(2) An AOC Holder shall not reuse packaging unless the packaging is inspected and found free from corrosion or other damage and where a packaging is reused, all necessary measures shall be taken to prevent contamination of subsequent contents; and

(3) where, due to the nature of their former contents, uncleaned empty packagings are likely to present a hazard, the packaging shall be tightly closed and treated according to the hazard they constitute

(4) No harmful quantity of a dangerous substance shall adhere to the outside of packages.

5. The principal Regulations are amended in regulation 78 by-

(a) designating it as sub regulation (2) as (4); and

(b) adding the following new sub regulations:

(2) Unless otherwise provided for in the Technical Instructions, each package of dangerous goods shall be marked
with the proper shipping name of its contents and, when assigned, the UN number and such other markings as may be specified in those Instructions.

(3) Unless otherwise provided for in the Technical Instructions, each packaging manufactured to a specification contained in those Instructions shall be so marked in accordance with the appropriate provisions of those Instructions and no packaging shall be marked with a packaging specification marking unless it meets the appropriate packaging specification contained in those Instructions.

4. The principal Regulation are amended by adding immediately after regulation 78 the following new regulation 78A:

78A. An AOC holder shall ensure that:

(a) packages containing dangerous goods which might react dangerously one with another shall not be stowed on an aircraft next to each other or in a position that would allow interaction between them in the event of leakage;

(b) packages of toxic and infectious substances shall be stowed on an aircraft in accordance with the provisions of the Technical Instructions; and

(c) packages of radioactive materials shall be stowed on an aircraft so that they are separated from persons, live animals and undeveloped film, in accordance with the provisions in the Technical Instructions.

Addition of new regulation 78B

4. The principal Regulation are amended by adding immediately after regulation 78 the following new regulation 78B:

78B.-(1) The operator shall protect the dangerous goods from being damaged, and shall secure such goods in the aircraft in such a manner that will prevent any movement in flight which would change the orientation of the packages when dangerous goods subject to the provisions contained herein are loaded in an aircraft.

(2) For packages containing radioactive materials, the securing shall be adequate to ensure that the separation requirements of Regulation 78A(c) are met at all times.

5. The principal Regulations are amended in regulation 79 by-

(a). adding the following new sub regulation (2):

(2) The Operator shall ensure that, the transport document bears a declaration signed by the person who offers dangerous goods for transport indicating that the dangerous goods are fully and accurately described by their proper shipping names and that they are classified, packed, marked, labelled, and in proper condition for transport by air in accordance with the relevant regulations.
(b). designating sub regulation (2) as (3); and

6. The principal Regulation are amended by adding immediately after regulation 86 the following new regulation 86A:

   86A.(1) In the event of: a) an aircraft accident; or b) a serious incident where dangerous goods carried as cargo may be involved,

   the operator of the aircraft carrying dangerous goods as cargo shall provide information, without delay, to emergency services responding to the accident or serious incident about the dangerous goods on board, as shown on the written information to the pilot-in-command.

   (2) As soon as possible, the operator shall also provide this information to the appropriate authorities of the State of the Operator and the State in which the accident or serious incident occurred.

   (3) In the event of an aircraft incident, the operator of an aircraft carrying dangerous goods as cargo shall, when requested to do so, provide information without delay to emergency services responding to the incident and to the appropriate authority of the State in which the incident occurred, about the dangerous goods on board, as shown on the written information to the pilot-in-command.

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Minister for Transport