

Civil Aviation (Rules of the Air and Air Traffic Services)
(Amendment) Regulations, 2023 (No. 1)

IT is hereby notified that the Minister of Transport and Infrastructural Development has, in terms of section 79 of the Civil Aviation Act [*Chapter 13:16*], made the following regulations:—

1. These regulations may be cited as the Civil Aviation (Rules of the Air and Air Traffic Services) (Amendment) Regulations, 2023 (No 1).

2. Section 11 of the Civil Aviation (Rules of the Air and Air Traffic Services) Regulations, 2018, published in Statutory Instrument 197 of 2018 (“hereinafter called the principal regulations”), is amended in subsection (1) by the insertion of the following paragraphs after paragraph (k)—

- “(l) develop and implement policies and procedures to enable recruitment and retention of appropriately qualified and experienced ATC staff;
- (m) establish procedures to ensure maintenance and updating of documents and records, documents and record control procedures, documents and record control responsibilities, security of documents and records (access control);
- (n) establish policies and procedures for making, amending, preserving, retention and disposal of documents and records and any other applicable document management procedures;
- (o) ensure that the monitoring mechanisms of Reduced Vertical Separation Minima (RVSM), are established and implemented for the collection of large height deviations and coordination failures and subsequent reporting to the regional monitoring agency.”.

3. The principal regulations are amended by the repeal of section 22 and substitution of the following—

“Offences and penalties

22. Any person who contravenes any section of these regulations shall be liable to a penalty specified in the Civil Aviation (General

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Procedures and Enforcement) Regulations, 2018 published in Statutory instrument 253 of 2018.”.

4. The principal regulations are amended by the repeal of sections 23 and 24.

5. The principal regulations are amended by the repeal of paragraph 95 of the First Schedule and substitution of the following—

“Aircraft interception and interception signals

95. (1) The pilot in command (PIC), when intercepted by a military or government aircraft, shall comply with the international standards when interpreting and responding to visual signals and communication.

(2) Interception of aircraft specified in subsection (1) shall be done in accordance with Article 3 *bis* of the Chicago Convention.”.

6. The principal regulations are amended by the insertion in the First Schedule of a new paragraph after paragraph 128 as follows—

“In-flight contingencies- Strayed and unidentified aircraft

128A. (1) In this paragraph—

“strayed aircraft” means an aircraft which has deviated significantly from its intended track or which reports that it is lost;

“unidentified aircraft” means an aircraft which has been observed or reported to be operating in a given area but whose identity has not been established.

(2) An air traffic services unit shall take all necessary steps as outlined in subsections (3) and (4) to assist strayed aircraft and to safeguard its flight as soon as the unit becomes aware of the strayed aircraft.

(3) Where the aircraft’s position is not known, the air traffic services unit shall—

- (a) attempt to establish two-way communication with the aircraft, unless such communication already exists;
- (b) use all available means to determine its position;

- (c) inform other ATS units into whose area the aircraft may have strayed or may stray, taking into account all the factors which may have affected the navigation of the aircraft in the circumstances;
- (d) inform, in accordance with locally agreed procedures, appropriate military units and provide them with pertinent flight plan and other data concerning strayed aircraft;
- (e) request, from the units referred to in paragraphs (c) and (d) and from other aircraft in flight, assistance in establishing communication with the aircraft and determining its position.

(4) When the aircraft's position is established, the air traffic services unit shall—

- (a) advise the aircraft of its position and corrective action to be taken; and
- (b) provide, as necessary, other ATS units and appropriate military units with relevant information concerning the strayed aircraft and any advice given to that aircraft.

(5) As soon as the air traffic services unit becomes aware of an unidentified aircraft in its area, it shall endeavor to establish the identity of the aircraft whenever this is necessary for the provision of air traffic services or required by the appropriate military authorities in accordance with locally agreed procedures.

(6) Pursuant to subsection (1) the air traffic services unit shall take such of the following steps as are appropriate in the circumstances —

- (a) attempt to establish two-way communication with the aircraft;
- (b) inquire from other air traffic services units within the flight information region about the flight and request their assistance in establishing two-way communication with the aircraft;
- (c) inquire from air traffic services units serving the adjacent flight information regions about the flight and request their assistance in establishing two-way communication with the aircraft; and

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- (d) attempt to obtain information from other aircraft in the area.
- (7) The air traffic services unit shall, inform the appropriate military unit as soon as the identity of the aircraft has been established.
- (8) Where the ATS unit consider that a strayed or unidentified aircraft may be the subject of unlawful interference, it shall immediately inform the Authority, in accordance with agreed procedures.”.

7. Paragraph 145 of the First Schedule to the principal regulations is amended by the insertion of new subparagraph as follows—

“(2) An Air traffic service provider shall—

- (a) implement performance-based navigation within designated airspaces and aerodromes in accordance with requirements specified by the Authority; and
- (b) specify required communication performance (RCP) specifications when applying performance-based communication.”.

8. Paragraph 165 of the First Schedule to the principal regulations is amended by the insertion of new subparagraphs as follows—

“(2) Safety reviews of ATS units shall be conducted on a regular and systematic basis by personnel qualified through training, experience and expertise and having a full understanding of relevant standards and recommended practices (SARPs), procedures for air navigation services (PANS), safe operating practices and human factors principles.

(3) The training referred to in paragraph (2) shall include one or more of the following areas—

- (a) safety management;
- (b) human factors principles;
- (c) risk management.”.