

CIVIL AVIATION ACT
(Cap. 71:01)

CIVIL AVIATION (APPROVED MAINTENANCE ORGANISATIONS)
(AMENDMENT) REGULATIONS, 2020
(Published on 17th July, 2020)

ARRANGEMENT OF REGULATIONS

REGULATION

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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 of Botswana, the following Regulations are hereby made —

1. These Regulations may be cited as the Civil Aviation (Approved Maintenance Organisations) (Amendment) Regulations, 2020. Citation
2. The Civil Aviation (Approved Maintenance Organisations) Regulations (hereinafter referred to as “the Regulations”) are amended by substituting for — General Amendment to Cap. 71:01 (Sub. Leg.)
 - (a) the words “maintenance release certificate” wherever they appear in the Regulations, the words “certificate of release to service”;
 - (b) the words “specific operating provisions” wherever they appear in the Regulations, the words “operations specifications”;
 - (c) the words “maintenance procedures manual” wherever they appear in the Regulations, the words “maintenance organisation’s procedures manual”;
 - (d) the words “maintenance organisation maintenance procedures manual” wherever they appear in the Regulations, the words “maintenance organisation’s procedures manual”;
 - (e) the word “alteration” wherever it appears in the Regulations, the word “modification”; and
 - (f) the words “accountable manager” wherever they appear in the Regulations, the words “accountable executive”.

3. The Regulations are amended in regulation 2 by —

- (a) inserting in their correct alphabetical order, the following new definitions —
- “airworthy” means the status of an aircraft, engine, propeller or a part that conforms to its approved design, and is in a condition for safe operation;
 - “AOC” means Air Operator Certificate;
 - “appropriate airworthiness requirements” means the comprehensive and detailed airworthiness codes established, adopted or accepted by a contracting state for the class of aircraft, engine or propeller under consideration;
 - “certificate of release to service” means a document which contains a certification confirming that the maintenance work to which it relates has been completed in a satisfactory manner in accordance with appropriate airworthiness requirements;
 - “contracting state” means a state that is signatory to the Convention on International Civil Aviation (Chicago Convention);
 - “engine” means a unit used or intended to be used for aircraft propulsion, and it consists of at least components and equipment necessary for functioning and control, but excludes the propeller or rotors (where applicable);
 - “human performance” means human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations;
 - “maintenance organisation’s procedures manual” means a document endorsed by the head of the maintenance organisation which details the maintenance organisation’s structure and management responsibilities, scope of work, description of facilities, maintenance procedures and quality assurance or inspection systems;
 - “maintenance records” means a record which sets out the details of the maintenance carried out on an aircraft, engine, propeller or associated part;
 - “major modification” means a change in the type design that has an appreciable effect other than a negligible effect, on the mass and balance limits, structural strength, engine operation, flight characteristics, reliability, operational characteristics, or other characteristics or qualities affecting the airworthiness or environmental characteristics of an aeronautical product;
 - “operations specifications” means a document describing the ratings in detail and containing or referencing material and process specifications used in performing repair work, along with any limitations applied to the maintenance organisation;
 - “repair” means the restoration of an aircraft, engine, propeller or associated part to an airworthy condition, in accordance with the appropriate airworthiness requirements, after it has been damaged or subjected to wear;
 - “state of design” means the state having jurisdiction over the organisation responsible for the type design;
 - “state of manufacture” means the state having jurisdiction over the organisation responsible for the final assembly of the aircraft, engine or propeller; and
 - “state of registry” means the state on whose register the aircraft is entered;

(b) substituting for the definition of “maintenance” the following new definition —

“maintenance” means the performance of tasks on an aircraft, engine, propeller or associated part required to ensure the continuing airworthiness of an aircraft engine, propeller or associated part including any one or combination of overhaul, inspection, replacement, defect rectification and the embodiment of a modification or repair;”;

(c) deleting the definition of “maintenance procedures manual”;

(d) deleting the definition of “maintenance release certificate”;

(e) substituting for the definition of “major repair” the following new definition —

“major repair” means any repair of an aeronautical product that might appreciably affect the structural strength, performance, engine, operation flight characteristics or other qualities affecting airworthiness or environmental characteristics;”;

(f) substituting for the definition of “modification” the following new definition —

“modification” means a change to the type design of an aircraft, engine or propeller, which may include the embodiment of the modification which is a maintenance task subject to a maintenance release;”;

(g) substituting for the definition of “power plant” the following new definition —

“power plant” means a system consisting of all the engines, drive system components (if applicable), and propellers (if installed), their accessories, ancillary parts, and fuel and oil systems installed on an aircraft but excluding the rotors for a helicopter;”;

(h) substituting for the definition of “technical standard order” the following new definition —

“technical standard order (TSO)” means a minimum performance standard issued by the Administrator (United States Federal Aviation Administration) for specified materials, parts, processes and appliances used on civil aircrafts flown and approved for operation;”.

4. Regulation 6 (4) is amended by substituting for paragraph (d), the following new paragraph —

“(d) a non-refundable fee set out in Schedule 3;”.

Amendment of regulation 6 of the Regulations

5. Regulation 7 is amended by —

(a) substituting for subregulation (3), the following new subregulation —

“(3) The Approved maintenance organisation certificate shall contain —

(a) the issuing authority, and the name, title and signature of the person issuing the certificate;

(b) the maintenance organisation’s name and registered address;

(c) the maintenance organisation approval reference number;

(d) the date of current issue;

(e) in the case of certificates of limited duration, the expiration date;

(f) the scope of approval, in relation to aircraft component or specialised maintenance, and to the type of aircraft and components covered by the approval; and

(g) the location of the maintenance facilities, unless the information is included in a separate document referred to in the approval certificate.”; and

Amendment of regulation 7 of the Regulations

- (b) inserting immediately after subregulation (5), the following new subregulation —
- “(6) The issue of a maintenance organisation certificate by the Authority shall be dependent upon the applicant demonstrating compliance with all the requirements of the civil aviation regulations.”.
- Amendment of regulation 8 of the Regulations**
- 6. Regulation 8 is amended by substituting for the regulation, the following new regulation —**
- “Validity of certificate 8. (1) An Approved maintenance certificate issued in accordance with these Regulations shall be valid for 24 months from the date of issue or renewal, unless —
- (a) a shorter period is specified by the Authority;
 - (b) the Authority amends, suspends, revokes or otherwise terminates the certificate;
 - (c) the approved maintenance organisation surrenders it to the Authority; or
 - (d) the approved maintenance organisation suspends operations for more than 180 continuous days.
- (2) The continued validity of the approved maintenance certificate shall be dependent upon the organisation demonstrating compliance with all the requirements of the civil aviation regulations.”.
- Amendment of regulation 9 of the Regulations**
- 7. Regulation 9 is amended by substituting for subregulation (1), the following new subregulation —**
- “(1) An application for renewal of an Approved maintenance organisation certificate shall be made in the manner and form prescribed by the Authority, at least 60 days before the certificate expires, and shall be accompanied by the applicable application fee set out in Schedule 3.”.
- Amendment of regulation 15 of the Regulations**
- 8. Regulation 15 is amended by substituting for the regulation, the following new regulation —**
- “Safety management system Cap. 71:01 (Sub. Leg.) 15. An approved maintenance organisation shall establish a safety management system that is acceptable to the Authority in accordance with Civil Aviation (Safety Management) Regulations.”.
- Amendment of regulation 17 of the Regulations**
- 9. Regulation 17 is amended by substituting for subregulation (1), the following new subregulation —**
- “(1) An approved maintenance organisation shall provide —
- (a) appropriate housing for the facilities, equipment, materials and personnel for all planned work to ensure, in particular, protection from weather;
 - (b) a comfortable work environment for the task to be carried out to enable the effectiveness of personnel;
 - (c) appropriate office accommodation for the management of planned work including the management of quality, planning and technical records;
 - (d) specialised workshops and bays, segregated as appropriate, to ensure that environmental and work area contamination is unlikely to occur;
 - (e) a working area that will enable maintenance of instruments to be performed in dust free environment;
 - (f) storage facilities for parts, equipment, tools and materials; and
 - (g) storage conditions with security for serviceable parts, segregation of serviceable parts from unserviceable parts, and for prevention of deterioration of and damage to stored items.”.

10. Regulation 19 is amended by —

- (a) substituting for subregulation (1), the following new subregulation —
“(1) The maintenance organisation’s accountable executive shall nominate a person or group of persons whose responsibilities shall ensure that the maintenance organisation is in compliance with the requirements of these Regulations.”;
- (b) substituting for subregulation (5), the following new subregulation —
“(5) The maintenance organisation shall employ the necessary personnel to plan, perform, supervise, inspect and release the maintenance work to be performed.”; and
- (c) substituting for subregulation (6), the following new subregulation —
“(6) A person signing a certificate of release to service shall be qualified in accordance with Civil Aviation (Personnel Licensing) Regulations.”.

Amendment of
regulation 19 of
the Regulations

Cap. 71:01
(Sub. Leg.)

11. Regulation 20 is amended by substituting for the regulation, the following new regulation —

“Management personnel 20. (1) The maintenance organisation shall nominate an accountable executive who, irrespective of other functions, shall be accountable on behalf of the organisation.

(2) The accountable executive shall be approved by the Authority, and shall have corporate authority to ensure that all the necessary resources are available to support the approved maintenance organisation’s approval.

(3) An approved maintenance organisation shall employ the necessary personnel to plan, perform, supervise, inspect and release the work to be performed.

(4) The approved maintenance organisation shall have qualified personnel with proven competence in civil aviation available and serving in the following positions or their equivalent —

- (a) base maintenance manager;**
- (b) line maintenance manager;**
- (c) workshop manager;**
- (d) quality manager; and**
- (e) safety manager.**

(5) For the purpose of subregulation (4), “competence in civil aviation” means technical qualification and management experience acceptable to the Authority for the position served.

(6) The safety manager of an approved maintenance organisation shall, depending on the size of an approved maintenance organisation, —

- (a) be responsible for promoting safety awareness; and**
- (b) ensure that safety management is given the same level of priority in the approved maintenance organisation as other processes of the approved maintenance organisation.**

(7) The Authority may approve positions, other than those listed in subregulation (4), if the approved maintenance organisation is able to show that it can perform the approved functions safely, under the direction of fewer or different categories of management personnel, due to the size and complexity of the approved maintenance organisation.

Amendment of
regulation 20 of
the Regulations

(8) The approved maintenance organisation shall ensure supervision of its maintenance functions at all times.

(9) A person serving in a management position in an approved maintenance organisation shall not serve in a similar position, in any other approved maintenance organisation, unless exemption is issued by the Authority.”.

Amendment of regulation 25 of the Regulations

12. Regulation 25 is amended —

(a) in subregulation (5), by —

- (i) deleting the word “service” appearing in paragraph (l), and
- (ii) inserting immediately after paragraph (s), the following new paragraphs —

“(t) a description of the organisation’s procedures and quality or inspection system in accordance with these Regulations;

(u) a description where applicable, of contracted activities; and

(v) a description of the procedures for implementing changes affecting the approval of the maintenance organisation.”;

(b) by inserting immediately after subregulation (6), the following new subregulation —

“(6A) The maintenance organisation shall ensure that the procedures manual is amended as necessary to keep the information contained therein up to date.”;

(c) by inserting immediately after subregulation (7), the following new subregulation —

“(7A) A copy of all amendments to the procedures manual shall be furnished promptly to all organisations or persons to whom the manual has been issued.”; and

(d) by inserting immediately after subregulation (10), the following new subregulation —

“(10A) The maintenance organisation shall furnish a copy of all amendments to the procedures manual promptly to all organisations or persons to whom the manual has been issued.”.

Amendment of regulation 26 of the Regulations

13. Regulation 26 is amended by inserting immediately after subregulation (2), the following new subregulation —

“(2A) The maintenance organisation shall ensure that the procedures manual is amended as necessary to keep the information contained therein up to date.”.

Amendment of regulation 30 of the Regulations

14. Regulation 30 is amended by —

(a) substituting for subregulation (1), the following new subregulation —

“(1) A certificate of release to service shall be completed and signed to certify that the maintenance work performed has been completed satisfactorily, and in accordance with approved data and the procedure described in the maintenance organisation’s procedures manual.”; and

(b) substituting for subregulation (3), the following new subregulation —

“(3) A maintenance release shall contain a certification including —

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

(b) the date such maintenance was completed;

(c) where applicable, the identity of the approved maintenance organisation; and

(d) the identity of the person or persons signing the release.”.

- 15. Regulation 31 is amended by —**
- (a) inserting immediately after subregulation (2), the following new subregulation —
“(2A) The maintenance organisation shall retain detailed maintenance records to show that all requirements for the signing of a maintenance release have been met.”;
- (b) inserting immediately after subregulation (4), the following new subregulations —
“(4A) A record kept in accordance with these Regulations shall be maintained in a form and format that ensures readability, security and integrity of the records at all times.”; and
“(4B) The form and format under subregulation (4A) may include paper records, film records, electronic records or any combination thereof.”.
- 16. The Regulations are amended by deleting Part VII.**
- 17. The Regulations are amended by deleting regulation 49.**
- 18. The Regulations are amended in Schedule 1 by substituting for the Schedule, the following new Schedule —**
“SCHEDULE 1
- Amendment of regulation 31 of the Regulations
- Deletion of Part VII of the Regulations
- Deletion of regulation 49 of the Regulations
- Amendment of Schedule 1 to the Regulations

**Approved Maintenance Organisation Certificate
(Regulation 7 (1))**