

GOVERNMENT NOTICE NO. 37

AVIATION ACT

(CAP. 70:01)

AVIATION (AERIAL WORK) REGULATIONS, 2013

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IN EXERCISE of the powers conferred by section 19 of the Aviation Act, I, MOHAMMED SIDIK MIA, Minister of Transport and Public Works, make the following Regulations—

## PART I—GENERAL

1.—(1) These Regulations may be cited as the Aviation (Aerial Work) Regulations, 2013 Citation and application

(2) These Regulations contain the requirements for those operators and operations that are considered to be aerial work in Malawi.

(3) All persons who conduct aerial work in Malawi must comply with certification requirements of these Regulations.

(4) All persons who conduct aerial work in Malawi must comply with the applicable airworthiness and operational requirements of these Regulations, except where these Regulations grants relief from those requirements or specifies additional requirements.

2.—(1) For the purpose of these Regulations, unless the context otherwise requires— Definitions

“aerial work” means an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, fire fighting, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.

“acrobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal variation in speed.

(c) “agricultural aircraft operation” means the operation of an aircraft for the purpose of—

(i) dispensing any economic poison;

(ii) dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control; or

(iii) engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects.

(d) “banner” means an advertising medium supported by a temporary framework attached externally to the aircraft and towed behind the aircraft;

(e) “congested area” means a city, town or settlement, or open-air assembly of people;

(f) “economic poison” means any substance or mixture of substances intended for—

(i) preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living human beings or other animals, which Malawi may declare to be a pest, and

(ii) use as a plant regulator, defoliant or desiccant.

(g) “rotorcraft load combinations” means configurations for external loads carried by rotorcraft—

(i) class A—external load fixed to the rotorcraft, cannot be jettisoned, and does not extend below the landing gear, used to transport cargo;

(ii) class B—external load suspended from the rotorcraft, which can be jettisoned, and is transported free of land or water during rotorcraft operations;

(iii) class C—external load suspended from the rotorcraft, which can be jettisoned, but remains in contact with land or water during rotorcraft operation;

(iv) class D—external load suspended from the rotorcraft for the carriage of persons.

Abbreviation

3.—(1) The following abbreviations are used in these Regulations—

(a) AGL—above ground level

(b) PIC—pilot in command

(c) IFR—instrument flight rules.

PART II—AGRICULTURAL AIRCRAFT OPERATIONS

*Division I—General*

4.—(1) These Regulations prescribe rules governing— Application

(a) agricultural aircraft operations within Malawi; and

(b) the issue of commercial and private agricultural aircraft operator certificates for those operations.

(2) In a public emergency, a person conducting agricultural aircraft operations under these Regulations may, to the extent necessary, deviate from the operating rules of these Regulations for relief and welfare activities approved by the Authority and other local authorities.

(3) Each person who, under the authority of these regulations, deviates from a rule of these Regulations shall, within 10 days after the deviation send to the Authority a complete report of the aircraft operation involved, including a description of the operation and the reasons for it.

*Division II—Certification Rules*

5.—(1) Except as provided in subregulations (3) and (4) of this regulation, Certificate required  
no person may conduct agricultural aircraft operations without, or in violation of, an agricultural aircraft operator certificate issued under these Regulations.

(2) An operator may, if it complies with this Part, conduct agricultural aircraft operations with a rotorcraft with external dispensing equipment in place without a rotorcraft external-load operator certificate

(3) A local or national government conducting agricultural aircraft operations with public aircraft need not comply with these Regulations provided the Authority has been informed of, and does not object to such operations.

(4) The holder of a rotorcraft external-load operator certificated under these Regulations may conduct agricultural aircraft operations, involving only the dispensing of water for forest fires by rotorcraft external load means, needs to comply with this Part.

6. An applicant for an agricultural aircraft operator certificate shall apply on a form and in a manner prescribed by the Authority. See IS 11:5 contained in the Scheduled hereto for information to be included on the application form. Application for certificate

7.—(1) An agricultural aircraft operator certificate may be amended— Amendment of certificate

(a) on the Authority’s own initiative, under applicable laws and regulations, or

(b) upon application by the holder of that certificate.

(2) A certificate holder shall submit any application to amend an agricultural aircraft operator certificate on a form and in a manner prescribed by the Authority. The applicant shall file the application at least 15 days before the date that it proposes the amendment to become effective, unless the Authority approves a shorter filing period.

(3) The Authority will grant a request to amend a certificate if it determines that safety in air commerce and the public interest so allow.

(4) Within 30 days after receiving a refusal to amend, the holder may petition the Authority to reconsider the refusal.

Certification  
requirements

8.—(1) General. Except as provided by subregulation (1)(c) of this regulation—

(a) the Authority will issue a private agricultural aircraft operator certificate to an applicant who meets the requirements of this Part for that certificate;

(b) the Authority will issue a commercial agricultural aircraft operator certificate to an applicant who meets the requirements of this Part for that certificate; and

(c) an applicant who applies for an agricultural aircraft operator certificate containing a prohibition against the dispensing of economic poisons is not required to demonstrate knowledge specific to economic poisons.

(2) Pilots—

(a) a private operator-pilot applicant shall hold a current Malawi private, commercial, or airline transport pilot licence and be properly rated for the aircraft to be used;

(b) a commercial operator-pilot applicant shall hold, or have available the services of at least one pilot who holds a current commercial or airline transport pilot licence issued by the Authority and who is properly rated for the aircraft to be used.

(3) Aircraft. The applicant shall have at least one certified and airworthy aircraft, equipped for agricultural operation.

(4) Knowledge and skill tests. The applicant shall show that it has satisfactory knowledge and skill of the following agricultural aircraft operations—

(a) knowledge—

(i) steps to be taken before starting operations, including a survey of the area to be worked;

(ii) safe handling of economic poisons and the proper disposal of used containers for those poisons;

(iii) the general effects of economic poisons and agricultural chemicals on plants, animals, and persons, and the precautions to be observed in using poisons and chemicals;

(iv) primary symptoms of poisoning of persons from economic poisons, the appropriate emergency measures to be taken, and the location of poison control centres;

(v) performance capabilities and operating limitations of the aircraft to be used; and

(vi) safe flight and application procedures.

(b) skill in the following manoeuvres, demonstrated at the aircraft's maximum certified take-off weight, or the maximum weight established for the special purpose load, whichever is greater—

- (i) short-field and soft-field take-offs (aeroplanes and gyroplanes only);
- (ii) approaches to the working area;
- (iii) flare-outs;
- (iv) swath runs;
- (v) pullups and turnarounds; and
- (vi) rapid deceleration (quick stops) in helicopters only.

9. An agricultural aircraft operator certificate is effective until it is surrendered, suspended, or revoked. Duration of certificate

*Division Three —Operating Rules*

10.—(1) Except as provided in subregulation 9 (3) of these Regulations, this division prescribes rules that apply to persons and aircraft used in agricultural aircraft operations conducted under Aerial Work Regulations. General rules

(2) The holder of an agricultural aircraft operator certificate may deviate from the provisions of Part 9 without a certificate of waiver when conducting aerial work operations related to agriculture, horticulture, or forest preservation in accordance with the operating rules of this Division.

(3) The operating rules of this part apply to Rotorcraft External load certificate holders conducting agricultural aircraft operations involving only the dispensing of water on forest fires by rotorcraft external-load means.

11.—(1) No person may operate an aircraft unless a facsimile of the agricultural aircraft operator certificate is carried on that aircraft. Carrying of Certificate

(2) The registration and airworthiness certificates issued for the aircraft need not be carried in the aircraft provided that those certificates not carried in the aircraft shall be kept available for inspection at the base from which the dispensing operation is conducted.

12.—(1) No person may conduct an agricultural aircraft operation under the authority of a private agricultural aircraft operator certificate— Limitations on private agricultural aircraft operator

- (a) for compensation or hire;
- (b) over a congested area; or
- (c) over any property unless he or she is the owner or lessee of the property, or has ownership or other property interest in the crop located on that property.

13. No persons may dispense, or cause to be dispensed, any material or substance in a manner that creates a hazard to persons or property on the surface. Manner of dispensing

Economic  
poison  
dispensing

14.—(1) Except as provided in subregulation (2) of this regulation, no dispense or cause to be dispensed, any economic poison that is registered with Malawi—

- (a) for a use other than that for which it is registered;
  - (b) contrary to any safety instructions or use limitations on its label;
- or
- (c) in violation of any law or regulation of Malawi.

(2) This regulation does not apply to any person dispensing economic poisons for experimental purposes under—

- (a) The supervision of these State agency authorised by law to conduct research in the field of economic poisons; or
- (b) A permit from the Authority.

Personnel

15.—(1) Information. The holder of an agricultural aircraft operator certificate shall ensure that each person used in the holder's agricultural aircraft operation is informed of that person's duties and responsibilities.

(2) Supervisors. No person may supervise an agricultural aircraft operation unless he or she has met the knowledge and skill requirements of this part.

(3) Pilot in command. No person may act as pilot in command of an aircraft operated under this part unless that pilot—

- (a) holds a pilot licence and rating prescribed by this part as appropriate to the type of operation conducted; or
- (b) has demonstrated to the holder of the Agricultural Aircraft Operator Certificate conducting the operation, or to a supervisor designated by that certificate holder, that he or she possesses the knowledge and skill requirements of this part.

Operations in  
controlled  
airspace  
designated for  
an airport

16.—(1) Except for flights to and from a dispensing area, no person may operate an aircraft within the lateral boundaries of the surface area of Class C airspace designated for an airport unless authorization for that operation has been obtained from the ATC facility having jurisdiction over that area.

(2) No person may operate an aircraft in weather conditions below VFR minima within the lateral boundaries of a Class C airspace area that extends upward from the surface unless authorization for that operation has been obtained from the ATC facility having jurisdiction over that area.

(3) A certificate holder may operate an aircraft under special VFR weather minima without meeting the requirements prescribed in the Operations Regulations.

Operation  
over congested  
areas: general

17.—(1) A certificate holder may operate or cause the operation of an aircraft over a congested area at altitudes required if the operation is conducted with—

- (a) the maximum safety to persons and property on the surface, consistent with the operation, and



(b) a plan for each operation, submitted and have been approved by the Authority, which includes—

- (i) obstructions to flight;
- (ii) emergency landing capabilities of the aircraft to be used; and
- (iii) any necessary coordination with air traffic control.

(2) Each certificate holder shall ensure that all single engine aircraft while in a congested area operate—

(a) except for helicopters, not loaded during take offs and turnarounds.

(b) not below the altitudes prescribed in the Operations Regulations except during the actual dispensing operation, including the approaches and departures necessary for that operation.

(c) during the actual dispensing operation, including the approaches and departures for that operation, not below the altitudes prescribed in this Regulation unless it is in an area and at such an altitude that the aircraft can make an emergency landing without endangering persons or property on the surface.

(3) Each certificate holder shall ensure that all multi-engine aircraft while in a congested area operate—

(a) during take-off, under conditions that will allow the aeroplane to be brought to a safe stop within the effective length of the runway from any point on take-off up to the time of attaining, with all engines operating at normal take-off power, 105 percent of the minimum control speed with the critical engine inoperative in the take-off configuration or 115 percent of the power-off stall speed in the take-off configuration, whichever is greater.

(b) at a weight greater than the weight that, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within the area to be worked or at an altitude of 5,000 feet, whichever is higher. Assume that the propeller of the inoperative engine is in the minimum drag position; that the wing flaps and landing gear are in the most favourable positions; and that the remaining engine or engines are operating at the maximum continuous power available.

(c) below the altitudes prescribed in Operations Regulations except during the actual dispensing operation, including the approaches, departures, and turnarounds necessary for that operation.

(4) Each certificate holder shall issue notice of the intended operation to the public as may be specified by the Authority.

18.—(1) Pilots: Each pilot in command must have at least—

(a) 25 hours of pilot-in-command flight time in the make and basic model of the aircraft, including at least 10 hours within the preceding 12 calendar months, and

Operation over congested areas: pilots and aircraft

(b) 100 hours of flight experience as pilot in command in dispensing agricultural materials or chemicals.

(2) Aircraft: Except for helicopters, each aircraft shall be capable of jettisoning at least one-half of the aircraft’s maximum authorized load of agricultural material within 45 seconds. If the aircraft is equipped to release the tank or hopper as a unit, there shall be a means to prevent inadvertent release by the pilot or other crewmember.

Availability of certificate

19. Each holder of an agricultural aircraft operator certificate shall keep that certificate at its home base and shall present it for inspection on the request of the Authority or any government law enforcement officer.

*Division Four—Records and Reports*

Records: Commercial agricultural aircraft operator

20.—(1) Each holder of a commercial agricultural aircraft operator certificate shall maintain and keep current, at the home base designated in its application, the following records—

(a) the name and address of each person for whom agricultural aircraft services were provided;

(b) the date of the service;

(c) the name and quantity of the material dispensed for each operation conducted; and

(d) the name, address, and licence number of each pilot used in agricultural aircraft operations and the date that pilot met the knowledge and skill requirements of this part.

(2) The records required by this section must be kept for at least 12 months.

Change of address

21. Each holder of an agricultural aircraft operator certificate shall notify the Authority in writing in advance of any change in the address of its home base of operations.

Termination of operations

22. Whenever a certificate holder ceases operations under these Regulations, it shall surrender that certificate to the designated office of the Authority.

PART III—ROTORCRAFT EXTERNAL LOADS

*Division I—General*

Application

23.—(1) This part prescribes—

(a) airworthiness certification rules for rotorcraft used in external-load operations; and

(b) operating and certification rules governing the conduct of rotorcraft external-load operations in Malawi.

(2) The certification rules of these Regulations do not apply to—

(a) rotorcraft manufacturers when developing external-load attaching means;

(b) operations conducted by a person demonstrating compliance for the issuance of a certificate or authorization under these Regulations;

(c) training flights conducted in preparation for the demonstration of compliance with these Regulations; or

(d) a local or national government conducting operations with public aircraft.

(3) For the purpose of these Regulations, a person other than a crewmember or a person who is essential and directly connected with the external-load operation may be carried only in approved Class D rotorcraft-load combinations.

*Division II—Certificate Rules*

24. No person subject to these Regulations may conduct rotorcraft external-load operations without, or in violation of the terms of, a Rotorcraft External-Load Operator Certificate or equivalent authorization issued by the Authority. Certificate required

25. Unless sooner surrendered, suspended, or revoked, a Rotorcraft External-Load Operator Certificate expires at the end of the twenty-fourth month after the month in which it is issued or renewed. Duration of certificate

26. Application for an original certificate or renewal of a certificate issued under these Regulations is made on a form, and in a manner, prescribed by the Authority. Application for certificate issuance or renewal

27.—(1) If an applicant shows that it complies with this Part, the Authority will issue a Rotorcraft External-Load Operator Certificate to it. Requirements for issuance of a rotorcraft external load operator Certificate

(2) The Authority will issue authorization to operate specified rotorcraft with those classes of rotorcraft-load combinations for which the applicant or certificate holder qualifies under the applicable provisions of this Part.

28.—(1) An applicant must have the exclusive use of at least one rotorcraft that— Rotorcraft

(2) Was type certified under, and meets the requirements of, the several regulations which prescribe requirements for rotorcraft external-load operations.

(3) Complies with the certification provisions in this Part that apply to the rotorcraft-load combinations for which authorization is requested, and

(4) Has a valid standard or restricted category airworthiness certificate.

29.—(1) An applicant shall hold, or have available the services of at least one person who holds a current commercial or airline transport pilot licence issued by the Authority with a rating appropriate for the rotorcraft to be used. Personnel

(2) An applicant shall designate one pilot, who may be the applicant, as chief pilot for rotorcraft external-load operations.

(3) An applicant may designate qualified pilots as assistant chief pilots to perform the functions of the chief pilot when the chief pilot is not readily available.

(4) The chief pilot and assistant chief pilots must be acceptable to the Authority and each must hold a current Commercial or Airline Transport Pilot Licence, with a rating appropriate for the rotorcraft to be used.

(5) The holder of a Rotorcraft External-Load Operator Certificate shall report any change in designation of chief pilot or assistant chief pilot immediately to the Authority.

(6) A newly designated chief pilot shall comply with the knowledge and skill requirements of this Division within 30 days or the operator may not conduct further operations under the Rotorcraft External-Load Operator Certificate, unless otherwise authorized by the Authority.

Amendment of certificate

30.—(1) The holder of a Rotorcraft External-Load Certificate may apply to the Authority for an amendment of its certificate, to add or delete a rotorcraft-load combination authorization.

(2) The holder of a rotorcraft external-load certificate may apply for an amendment to add or delete a rotorcraft authorization by submitting to the Authority a new list of rotorcraft, by registration number, with the classes of rotorcraft-load combinations for which authorization is requested.

Availability, transfer, and surrender of certificate

31.—(1) Each person conducting a rotorcraft external-load operation shall carry a facsimile of the Rotorcraft External-Load Operator Certificate in each rotorcraft used in the operation.

(2) A certificate holder shall return its certificate to the Authority—

(a) if the Authority suspends or revokes its Rotorcraft External-Load Operator Certificate; or

(b) if the certificate holder discontinues operations and does not resume operations within two years.

### *Division III—Operating Rules and Related Requirements*

Operating rules

32.—(1) No person may conduct a rotorcraft external load operation without, or contrary to, the Rotorcraft/Load Combination Flight Manual prescribed in regulation 37 of these Regulations.

(2) No person may conduct a rotorcraft external load operation unless—

(a) the rotorcraft complies with regulation 26 of these Regulations; and

(b) the rotorcraft and rotorcraft/load combination is authorized under the Rotorcraft External Load Operator Certificate.

(3) Before a person may operate a rotorcraft with an external load configuration that differs substantially from any that person has previously carried with that type of rotorcraft (whether or not the rotorcraft/load combination is of the same class), that person shall conduct, in a manner that will not endanger persons or property on the surface, such of the following flight operational checks as the Authority determines are appropriate to the rotorcraft/load combination—

(a) a determination that the weight of the rotorcraft/load combination and the location of its centre of gravity are within approved limits, that the external load is securely fastened, and that the external load does not interfere with devices provided for its emergency release;

(b) make an initial liftoff and verify that controllability is satisfactory;

(c) while hovering, verify that directional control is adequate;

(d) accelerate into forward flight to verify that no attitude (whether of the rotorcraft or of the external load) is encountered in which the rotorcraft is uncontrollable or which is otherwise hazardous;

(e) in forward flight, check for hazardous oscillations of the external load, but if the external load is not visible to the pilot, other crewmembers or ground personnel may make this check and signal the pilot; and

(f) increase the forward airspeed and determine an operational airspeed at which no hazardous oscillation or hazardous aerodynamic turbulence is encountered.

(4) Notwithstanding the provisions of the Operations Regulations, the holder of a Rotorcraft External Load Operator Certificate may conduct rotorcraft external load operations over congested areas if those operations are conducted without hazard to persons or property on the surface and comply with the following—

(a) the operator shall develop a plan for each complete operation and obtain approval for the operation from the Authority;

(b) the plan must include an agreement with the appropriate authorities that local officials will exclude unauthorized persons from the area in which the operation will be conducted, coordination with air traffic control, if necessary, and a detailed chart depicting the flight routes and altitudes;

(c) each flight shall be conducted at an altitude, and on a route, that will allow a jettisonable external load to be released, and the rotorcraft landed, in an emergency without hazard to persons or property on the surface.

(5) Notwithstanding the provisions of the Operations Regulations, and except as provided in subregulation 36 (1)(d), the holder of a Rotorcraft External Load Operator Certificate may conduct external load operations, including approaches, departures, and load positioning manoeuvres necessary for the operation, below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

(6) No person may conduct rotorcraft external load operations under IFR unless specifically approved by the Authority.

33.—(1) No AOC holder may allow a person to be carried during rotorcraft external load operations unless that person—

Carriage of  
persons

(a) is a flight crewmember;

(b) is a flight crewmember trainee;

(c) performs an essential function in connection with the external load operation; or

(d) is necessary to accomplish the work activity directly associated with that operation.

(2) The PIC shall ensure that all persons are briefed before take-off on all pertinent procedures to be followed (including normal, abnormal, and emergency procedures) and equipment to be used during the external load operation.

Crewmember training, currency, and testing requirements

34.—(1) No certificate holder may use, nor may any person serve, as a pilot in rotorcraft external load operations unless that person—

(a) has successfully demonstrated to the Authority the knowledge and skill with respect to the rotorcraft/load combination; and

(b) has in his or her personal possession a letter of competency or an appropriate logbook entry indicating compliance with subregulation 33

(1) (a).

(2) No AOC holder may use, nor may any person serve as, a crewmember or other operations personnel in Class D operations unless, within the preceding 12 calendar months, that person has successfully completed either an approved initial or a recurrent training programme.

(3) Notwithstanding the provisions of subregulation 33 (2) of this section, a person who has performed a rotorcraft external load operation of the same class and in an aircraft of the same type within the past 12 calendar months need not undergo recurrent training.

#### *Division four—Airworthiness Requirements*

Flight characteristics requirements

35.—(1) The applicant must demonstrate to the Authority, by performing the following operational flight checks, that the rotorcraft-load combination has satisfactory flight characteristics, unless these operational flight checks have been demonstrated previously and the rotorcraft-load combination flight characteristics were satisfactory. For the purposes of this demonstration, the external-load weight (including the external-load attaching means) is the maximum weight for which authorization is requested.

(2) Class A rotorcraft-load combinations: The operational flight check must consist of at least the following manoeuvres—

(a) take-off and landing;

(b) demonstration of adequate directional control while hovering;

(c) acceleration from a hover;

(d) horizontal flight at airspeeds up to the maximum airspeed for which authorisation is requested.

(3) Class B and D rotorcraft-load combinations: The operational flight check must consist of at least the following manoeuvres—

- (a) pickup of the external load;
- (b) demonstration of adequate directional control while hovering;
- (c) acceleration from a hover;
- (d) horizontal flight at airspeeds up to the maximum airspeed for which authorization is requested;
- (e) demonstrating appropriate lifting device operation;
- (f) manoeuvring of the external load into release position and its release, under probable flight operation conditions, by means of each of the quick-release controls installed on the rotorcraft.

(4) Class C rotorcraft-load combinations: For Class C rotorcraft-load combinations used in wire-stringing, cable-laying, or similar operations, the operational flight check must consist of the manoeuvres, as applicable, prescribed in subregulation 34 (3) of under these Regulations.

36.—(1) External-load attaching means. Each external-load attaching means shall be approved by the Authority. Structures and design

(2) Quick release devices. Each quick release device means shall be approved by the Authority.

(3) Weight and centre of gravity—

(a) weight. The total weight of the rotorcraft-load combination must not exceed the total weight approved for the rotorcraft during its type certification;

(b) centre of gravity. The location of the centre of gravity must, for all loading conditions, be within the range established for the rotorcraft during its type certification. For Class C rotorcraft-load combinations, the magnitude and direction of the loading force must be established at those values for which the effective location of the centre of gravity remains within its established range.

37.—(1) In addition to the operating limitations set forth in the approved Rotorcraft Flight Manual, and to any other limitations the Authority may prescribe, the operator shall establish at least the following limitations and set them forth in the Rotorcraft-Load Combination Flight Manual for rotorcraft-load combination operations— Operating limitations

(a) the rotorcraft-load combination may be operated only within the weight and centre of gravity limitations established in accordance with this part;

(b) the rotorcraft-load combination may not be operated with an external load weight exceeding that used in showing compliance with this part;

(c) the rotorcraft-load combination may not be operated at airspeeds greater than those established in accordance with this part.

(d) no person may conduct an external-load operation under these Regulations with a rotorcraft type certified in the restricted category over a densely populated area, in a congested airway, or near a busy airport where passenger transport operations are conducted.

(e) the rotorcraft-load combination of Class D may be conducted only in accordance with the following.

(2) The rotorcraft to be used must have been type certified under transport Category A for the operating weight and provide hover capability with one engine inoperative at that operating weight and altitude—

(a) the rotorcraft must be equipped to allow direct radio intercommunication among required crewmembers;

(b) the personnel lifting device must be approved by the Authority;

(c) the lifting device must have an emergency release requiring two distinct actions.

Rotorcraft-load  
combination  
flight manual

38.—(1) The applicant shall prepare a Rotorcraft-Load Combination Flight Manual and submit it for approval by the Authority. The limiting height-speed envelope data need not be listed as operating limitations. The manual shall set forth—

(a) operating limitations, procedures (normal and emergency), performance, and other information established under this part;

(b) the class of rotorcraft-load combinations for which the airworthiness of the rotorcraft has been demonstrated in accordance with this part; and

(c) in the information section of the Rotorcraft-Load Combination Flight Manual—

(i) information on any peculiarities discovered when operating particular rotorcraft-load combinations;

(ii) precautionary advice regarding static electricity discharges for Class B, Class C, and Class D rotorcraft-load combinations; and

(iii) any other information essential for safe operation with external loads.

Markings and  
placards

39.—(1) The following markings and placards must be displayed conspicuously and must be such that they cannot be easily erased, disfigured, or obscured—

(a) a placard (displayed in the cockpit or cabin) stating the class of rotorcraft-load combination and the occupancy limitation for which the rotorcraft has been approved;

(b) a placard, marking, or instruction (displayed next to the external-load attaching means) stating the maximum external load approved.

Airworthiness  
certification

40.—(1) A Rotorcraft External-Load Operator Certificate is a current and valid airworthiness certificate for each rotorcraft type and listed by registration number on a list attached to the certificate, when the rotorcraft is being used in operations conducted under these Regulations.



PART IV—GLIDER TOWING

41. This Part applies to those operations involving towing gliders by aircraft. Application

42.—(1) The Authority will require each person conducting glider towing operations covered by this part to hold a certificate or equivalent authorization. Certificate or authorization required

(2) The Authority will issue a certificate or authorization to each applicant who qualifies for it under the provisions of this Part.

43.—(1) No person may operate an aircraft that is towing a glider unless— Aircraft requirements

(a) the aircraft is equipped with a tow hook and release control system that meet the applicable standards of airworthiness; and

(b) the towline used has a breaking strength not less than 80 percent of the maximum certificated operating weight of the glider and not more than twice the maximum certificated operating weight.

(2) However, the towline used may have a breaking strength more than twice the maximum certificated operating weight of the glider if—

(a) a safety link is installed at the point of attachment of the towline to the glider with a breaking strength not less than 80 percent of the maximum certificated operating weight of the glider and not greater than twice this operating weight; or

(b) a safety link is installed at the point of attachment of the towline to the towing aircraft with a breaking strength greater, but not more than 25 percent greater, than that of the safety link at the towed glider end of the towline and not greater than twice the maximum certificated operating weight of the glider.

44.—(1) No person may act as a tow pilot for a glider unless that person has— Experience and training requirements

(a) at least a private pilot licence with a category rating for the tow aircraft;

(b) logged at least 100 hours of pilot in command time in same aircraft category, class, and type, if applicable, as the tow aircraft;

(c) received training in and instructor endorsement for—

(i) the techniques and procedures essential to the safe towing of gliders, including airspeed limitations;

(ii) emergency procedures;

(iii) signals used; and

(iv) maximum angles of bank.

(d) Except as provided in subregulation 43 (2) of this part, has completed at least three flights as the sole manipulator of the controls of an aircraft towing a glider or simulating glider-towing flight procedures while accompanied by a pilot who meets the requirements of this section, and

(e) except as provided in subregulation 43 (2) of this part, has received a logbook endorsement from the pilot, described in subregulation 43 (1) (d) of this part, certifying that the person has accomplished at least 3 flights in an aircraft while towing a glider; and

(f) within the preceding 12 months has—

(i) made at least three actual glider tows while accompanied by a qualified pilot who meets the requirements of this section; or

(ii) made at least three flights as pilot in command of a glider towed by an aircraft.

(2) The pilot, described in subregulation 43 (1) (d) of this part, who endorses the logbook of a person seeking towing privileges must have—

(a) met the requirements of this section prior to endorsing the logbook of the person seeking glider-towing privileges; and

(b) logged at least 10 flights as pilot in command of an aircraft while towing a glider.

(3) if the pilot described in subregulation 43 (1) (d) of this part holds only a private pilot licence, then that pilot must have—

(a) logged at least 100 hours of pilot-in-command time in airplanes, or 200 hours of pilot in command time in a combination of powered and other than powered aircraft, and

(b) performed and logged at least three flights within the 12 calendar months preceding the month that pilot accompanies or endorses the logbook of a person seeking towing privileges—

(i) in an aircraft while towing a glider vehicle accompanied by another pilot who meets the requirements of this section; or

(ii) as pilot in command of a glider being towed by an aircraft.

Operating rules

45.—(1) No pilot may conduct any towing operation in controlled airspace until the pilot has received the appropriate clearance from the air traffic control service.

(2) No pilot may conduct any towing operation in uncontrolled airspace until the pilot has notified the appropriate Authority for such activity to be entered into the NOTAM service of Malawi.

(3) No pilots shall engage in towing operations, either as the pilot of the towing aircraft or as the pilot of the towed glider, until all pilots have agreed upon a general course of action, including take-off and release signals, airspeeds and emergency procedures for each pilot.

(4) No pilot of a civil aircraft may intentionally release a towline, after release of a glider, in a manner that endangers the life or property of another.

PART V—BANNER TOWING

46. This part applies to those operations involving towing by aircraft banners or other signs, lit or unlit. Application

47.—(1) The Authority shall require each person conducting operations covered by this part to hold a certificate or equivalent authorization. Certificate or authorization required

(2) The Authority shall issue a certificate or authorization to each applicant who qualifies for it under the provisions of this part.

(3) A helicopter operating under the provision of Part III of these Regulations may tow a banner using an external-load attaching means without a certificate only if the operator has at least a Class B authorization on the operating certificate.

48.—(1) No person may operate an aircraft that is towing a banner unless the aircraft is equipped with a tow hook and release control system that meet the applicable standards of airworthiness. Aircraft requirements

(2) No person may operate a helicopter that is towing a banner unless the helicopter has a means to prevent the banner from becoming entangled in the helicopter’s tail rotor during all phases of flight, including autorotations.

49.—(1) For non-revenue flights, the pilot of the tow aircraft shall hold at least a valid private pilot licence and have a minimum of 200 hours PIC time. Experience and training requirements

(2) When banner tow operations are conducted for compensation or hire, the pilot shall have at least a commercial pilot licence (instrument rating not required) and at least a valid second class medical certificate.

(3) All pilots engaged in banner towing operations shall demonstrate competence to the Authority by performing at least one pickup and drop of the maximum number of letters (panels) to be used by the certificate holder.

(4) This demonstration should be observed from the ground to allow the inspector to evaluate the competence of any essential ground personnel as well as the flight operation.

50.—(1) all banner tow operations shall be conducted only— Operating rules  
(a) in VFR weather conditions; and  
(b) between the hours of official sunrise and official sunset.

(2) No person may conduct banner towing operations—  
(a) over congested areas or open air assemblies of persons lower than 1,000 feet; and  
(b) elsewhere lower than the minimum safe altitude requirements of the Operations Regulations.

(3) Helicopters may be operated at less than the minima prescribed in subregulation 49 (2) if the operation is conducted without hazard to persons or property on the surface.

(4) The certificate holder shall obtain the airport manager’s approval to conduct banner tow operations.

(5) If banner towing operations take place at an airport with a control tower, the certificate holder shall inform that control tower of the time of the banner tow operation.

(6) The certificate holder shall notify the appropriate airport officials in advance when banner tow operations will be in close proximity to an uncontrolled airport.

(7) Only essential crewmembers shall be carried when conducting banner tow operations.

(8) When banner tow operations are conducted around congested areas, the pilot shall exercise due care so that, in the event of emergency release of the banner and/or towrope, it will not cause undue hazard to persons or property on the surface.

(9) Each pilot shall drop the towrope in a predesignated area at least 500 feet from persons, buildings, parked automobiles, and aircraft. If the tow plane lands with the rope attached, due care will be exercised to avoid trailing the rope and endangering other aircraft in the air, or persons, property or aircraft on the surface.

(10) Each pilot conducting banner towing operations shall carry onboard the aircraft a current copy of the following certificate of Waiver of Authorization allowing banner towing operations.

PART VI—TV AND MOVIE OPERATIONS

Application 51.—(1) This Part applies to those operations involving motion picture and television filming, appearance in flight in movies, and airborne direction or production of such filming when those operations are conducted as part of a business enterprise or for compensation or hire.

(2) For purposes of this part, “movie” shall include film, videos, and live broadcast in any format, and the preparation and rehearsal for those operations.

Certificate or authorization required 52.—(1) The Authority shall require each person conducting operations covered by this part to hold a certificate or equivalent authorization.

(2) The Authority will issue a certificate or authorization to each applicant who qualifies for it under the provisions of this subpart.

Aircraft requirements 53. In order to be used in motion picture and television filming operations, aircraft in the experimental category shall have an airworthiness certificate issued for the purpose of exhibition.

Experience and training requirements 54.—(1) No pilot may conduct television and movie operations unless he or she has—

(a) a commercial licence with ratings appropriate to the category, class and type of aircraft to be used under the terms of the authorization;

(b) at least 500 hours as PIC and at least 20 hours as PIC in the aircraft type;

(c) a minimum of 100 hours in the category and class of aircraft to be used.

(d) a minimum of 5 hours in the make and model aircraft to be used under the authorization;

(e) if the pilot intends to perform acrobatics below 1,500 AGL, the pilot must hold a Statement of Acrobatic Competency for the operations to be performed.

55.—(1) Each operator shall conduct operations so as not to endanger persons or property on the surface nor aircraft in flight.

Operating rules and waiver requirements

(2) Each operator shall obtain a waiver from the Authority if filming sequences require an aircraft to be flown—

(a) in acrobatic flight below 1,500 AGL;

(b) over a congested area;

(c) in controlled airspace; or

(d) in other instances where a departure from the requirements in Operations Regulations is needed.

(3) The holder of the authorization shall provide a schedule of events that lists the—

(a) identification of the aircraft; and

(b) performers in the sequence of their appearance.

(4) Any manoeuvres added or time changes to the schedule of events shall be approved by the Authority.

(5) The authorization holder shall develop, have approved by the Authority, and adhere to a Motion Picture and Television Flight Operations Manual.

(6) When conducting any filming operation requiring an authorization, the certificate holder shall ensure that all reasonable efforts are made to confine spectators to designated areas. If reasonable efforts have been taken and unauthorized persons or vehicles enter the airspace where manoeuvres are being performed during the filming production event, efforts must be made to remove them.

56.—(1) Each Motion Picture and Television Flight Operations Manual shall contain at least the following—

Contents of a motion picture and television flight operations manual

(a) company organization—

(i) business name, address, and telephone number of applicant;

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(ii) list of pilots to be used during the filming, including their pilot licence numbers, grade, and class and date of medical;

(iii) list of aircraft by make and model.

(b) distribution and revision: procedures for revising the manual to ensure that all manuals are kept current;

(c) persons authorized: procedures to ensure that no persons, except those persons consenting to be involved and necessary for the filming production, are allowed within 500 feet of the filming production area;

(d) area of operations: the area that will be used during the term of the authorisation;

(e) plan of activities: procedures for the submission, within three days of scheduled filming, a written plan of activities to the Authority containing at least the following—

(i) dates and times for all flights;

(ii) name and phone number of person responsible for the filming production event;

(iii) make and model of aircraft to be used and type of airworthiness certificate, including category;

(iv) name of pilots involved in the filming production event;

(v) a statement that permission has been obtained from property owners and/or local officials to conduct the filming production event;

(vi) signature of certificate holder or a designated representative;

(vii) a general outline, or summary, of the production schedule, to include maps or diagrams of the specific filming location, if necessary.

(f) permission to operate: requirements and procedures that the certificate holder will use to obtain permission from property owners and/or local officials (e.g., police, fire departments, etc.) as appropriate for the conduct of all filming operations when using the certificate/authorization;

(g) security: method of security that will be used to exclude all persons not directly involved with the operation from the location. This should also include the provision that will be used to stop activities when unauthorised persons, vehicles, or aircraft enter the operations area, or for any other reason, in the interest of safety;

(h) briefing of pilot/production personnel: procedures to brief personnel of the risks involved, emergency procedures, and safeguards to be followed during the filming production event;

(i) certification/airworthiness: procedures to ensure that required inspections will be conducted;

(j) communications: procedures to provide communications capability with all participants during the actual operation and filming. The applicant can use oral, visual, or radio communications as long as it keeps the participants continuously apprised of the current status of the operation; and

(k) accident notification: procedures for notification and reporting of accidents.

PART VII—SIGHT-SEEING FLIGHTS

57.—(1) This part applies to those operations involving the carriage of persons for viewing natural formations, manmade objects or wildlife viewing on the ground when those operations are conducted as part of a business enterprise or for compensation or hire. Application

(2) The flight is unquestionably advertised as “sight-seeing”.

(3) The flight returns to the airport of departure without having landed at any other airport.

(4) The flight is conducted within 25 statute mile radius of the departure airport.

(5) The certificated passenger capacity of the aircraft does not exceed 9 passengers.

58.—(1) The Authority will require each person conducting operations covered by this part to hold a certificate or equivalent authorisation. Certificate or authorization required

(2) Each operator under this part shall hold an operating certificate issued under the provisions of this part.

59. No pilot may conduct sightseeing operations unless he or she has— Experience and training requirements

(a) at least a commercial licence with ratings appropriate to the category, class and type of aircraft to be used under the terms of the waiver;

(b) at least 500 hours as PIC and at least 20 hours as PIC in the aircraft type;

(c) a minimum of 100 hours in the category and class of aircraft to be used; and

(d) a minimum of 5 hours in the make and model aircraft to be used under the authorization.

Operating  
rules

60.—(1) Each operator shall conduct operations so as not to endanger persons or property on the surface nor aircraft in flight.

(2) All sightseeing operations shall be conducted only—

(a) in VFR weather conditions; and

(b) between the hours of official sunrise and official sunset.

(3) No person may conduct sightseeing operations—

(a) over congested areas or open air assemblies of persons lower than 1,000 feet; and

(b) elsewhere lower than the minimum safe altitude requirements of the Operations Regulations.

(4) The requirements of Operations Regulations apply to sightseeing operations described by this part.

#### PART VIII—FISH SPOTTING

Application

61. This part applies to those operations involving location, tracking, and reporting on the location of fish and fish schools, when those operations are conducted as part of a business enterprise or for compensation or hire.

Certificate or  
authorization  
required

62.—(1) The Authority will require each person conducting operations covered by this part to hold a certificate or equivalent authorization.

(2) The Authority may issue a certificate or authorization to each applicant who qualifies for it under the provisions of this part.

Operating  
rules

63.—(1) Each operator shall conduct operations so as not to endanger persons or property on the surface nor aircraft in flight.

(2) Minimum cloud clearance requirements and minimum altitude requirements of the Operations Regulations do not apply to those persons to whom the Authority has specifically approved different minima as a part of an authorization under this part.



64.—(1) No pilot may conduct fish spotting operations unless he or she has— Experience and training requirements

(a) at least a commercial licence with ratings appropriate to the category and class aircraft to be used under the terms of the waiver;

(b) at least 500 hours as PIC; and

(c) a minimum of 100 hours in the category and class of aircraft to be used.

PART IX—NEWS MEDIA AND TRAFFIC REPORTING

65. This part applies to those operations involving the observation of, and reporting on, news media events and/or vehicular traffic conditions on the highways and streets when conducted by aircraft or airmen, or both, not designated as solely public use. Application

66.—(1) The Authority will require each person conducting operations covered by this part to hold a certificate or equivalent authorization. Certificate or authorization required

(2) The Authority will issue a certificate or authorization to each applicant who qualifies for it under the provisions of this part.

67.—(1) Each operator shall conduct operations so as not to endanger persons or property on the surface nor aircraft in flight. Operating rules

(2) Minimum cloud clearance requirements and minimum altitude requirements of Operations Regulations do not apply to those persons to whom the Authority has specifically approved different minima as a part of an authorization under this part.

68.—(1) No pilot may conduct news media or traffic reporting operations unless he or she has— Experience and training requirements

(a) at least a commercial licence with ratings appropriate to the category, class and type aircraft to be used under the terms of the waiver;

(b) at least 500 hours as PIC and at least 20 hours as PIC in the aircraft type;

(c) a minimum of 100 hours in the category and class of aircraft to be used;

(d) a minimum of 5 hours in the make and model aircraft to be used under the authorization.

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 SCHEDULE

## IMPLEMENTING STANDARDS FOR AERIAL WORKS REGULATIONS

 IS 11:5 SAMPLE OF INFORMATION TO BE INCLUDED IN AN APPLICATION FOR AERIAL WORK  
 (AGRICULTURAL OPERATIONS)

1	Particulars of applicant
1.1	Name of operator
1.2	Address
1.3	Tel. number
1.4	Fax
1.5	Email
2	Particulars of aircraft
2.1	Owner
2.2	Registration
2.3	Type
2.4	Certification for aerial work
3	Particulars of operation
3.1	Dates
3.2	Entry /exit from Malawi airspace
3.3	Description of activities
3.4	Area
3.5	Attach maps
4	Particulars of client
4.1	Name
4.2	Address
4.3	Tel. number
4.4	E-mail
4.5	Purposes of assignment
5	Crew qualifications
5.1	Name of pilot(s)
5.1	General qualification
5.2	Type of licences/ratings held
5.3	Previous experience relating to aerial work
6	Local authorizations obtained
7	Safety safeguards
8	Insurance cover
9	Remarks

Made this 26th day of June, 2013.

(FILE NO. 5/2/3)

 MOHAMMED SIDIK MIA  
 Minister of Transport and Public Works