



Civil Aviation Authority of Botswana

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PROCEDURE FOR THE AMENDMENT OF LEGISLATION

1. Objective of the procedure

The process of amending legislation is a multi-level one, incorporating a number of steps some of which are outside the control of the Civil Aviation Authority of Botswana (CAAB).

The objective of this procedure is to outline the steps in the process of making changes to the legislation or regulations made under the powers contained in the Civil Aviation Act, 2011 and to ensure timely responses to amendments to all International Civil Aviation Organization (ICAO) Annexes by adoption of measures necessary to give effect to the Standards and Recommended Practices (SARPs) and updating legislation accordingly.

There are seven (7) sources likely to prompt or lead to amendment of legislation or specific operating regulations as follows:

- Revisions to ICAO SARPs;
- Regional harmonisation initiatives;
- Domestic conditions based on Government policy issues and/or recommendations following accidents investigation;
- The Industry as the regular users of the regulations;
- CAAB staff as the regular enforcers of the regulations;
- The Minister as the originator of the Botswana Civil Aviation Regulations (BCARs); or
- Any other source that may have a bearing on civil aviation matters.

2. Applicability

This procedure shall apply to all CAAB technical & policy staff.

3. Notification to CAAB of the need to review and amend regulations

Any one of the sources mentioned above (except under indent 6), shall forward their observations and proposals to CAAB through any one of the following channels:

- (i) CAAB website;
- (ii) Formal or informal submission of observations and proposals by the industry to CAAB;
- (iii) Formal or informal submission of observations and proposals by CAAB staff to Corporate Secretary;
- (iv) Amendments to ICAO Annexes forwarded to Corporate Secretary for assessment to establish if regulatory changes are necessary;
- (v) Changes proposed on the basis of regional harmonisation submitted formally by the regional body to CAAB for comments.

4. Temporary Measures by CAAB Pending Promulgation of Amendments.

- (i) The Chief Executive Officer may instruct the Corporate Secretary to identify amendments that may be considered urgent and require temporary measures for immediate enforcement e.g. AIC, Advisory Circular or Airworthiness Notice.
- (ii) The Corporate Secretary will consult with respective entities (including Aviation Safety Directorate, Aviation Standards and Safety Oversight and Aviation Security and Facilitation Oversight) to identify provisions that require temporary measures and submits proposal to the Chief Executive Officer.
- (iii) Under the provision of Section 41 of the Civil Aviation Act, 2011, the Authority may issue temporary measures as necessary.

5. Related procedures

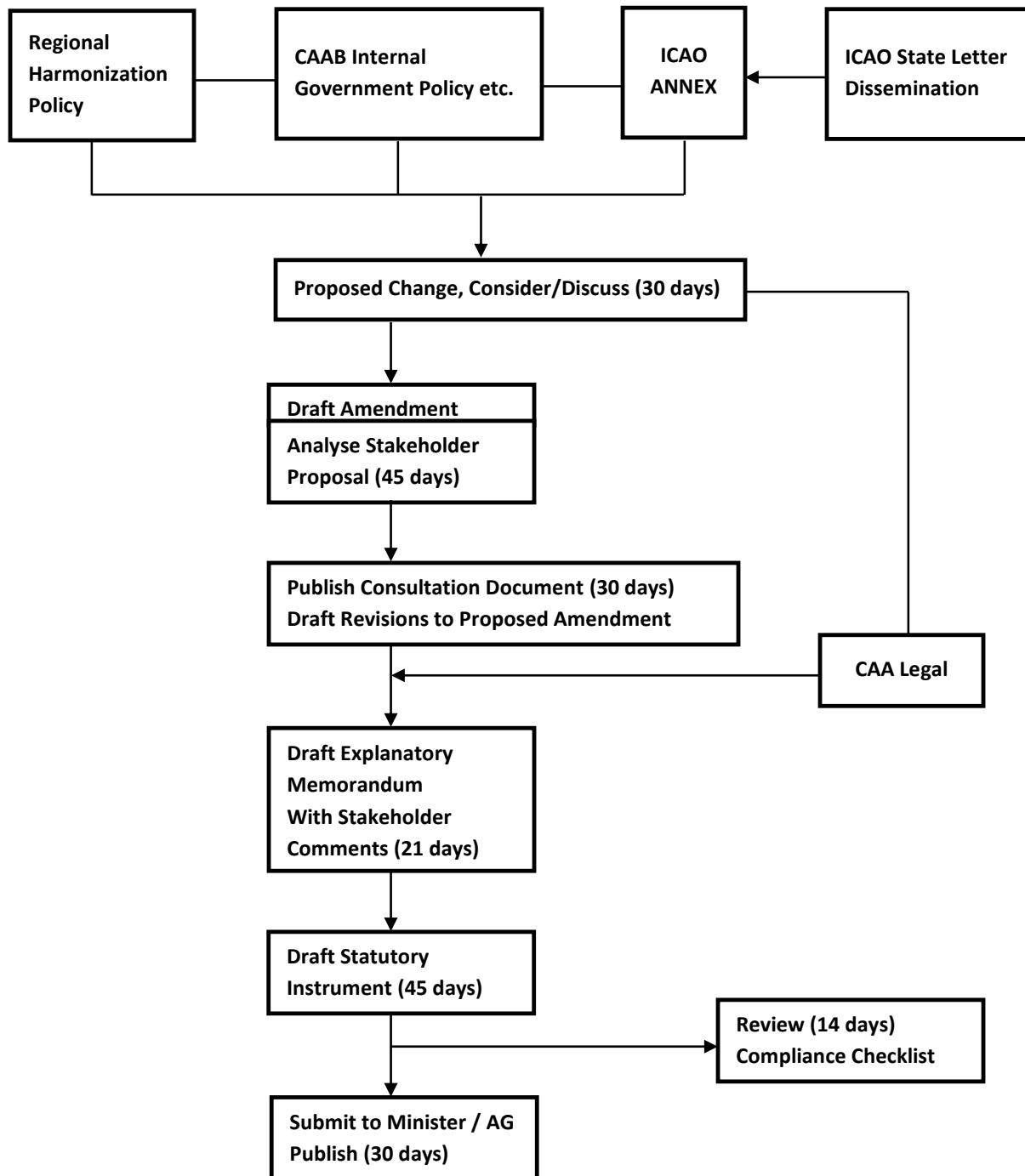
a Predecessor Procedure(s):

ICAO State Letter Dissemination.

b Successor Procedure(s):

Completing and maintaining ICAO Annex Compliance Checklists, Differences and Aeronautical Information Publications (AIP) material.

6. Flowchart



7. PROCEDURAL STEPS

Step 1 (30 days)

- ❑ Corporate Secretary meets with technical specialist(s) to discuss situation
- ❑ Preparation of Paper for presentation to Policy or Technical Working Group
- ❑ Outline of proposed amendment
- ❑ Discuss possible effect of proposal
- ❑ Possible consultation with Minister or Government

Step 2 (45 days)

- ❑ Draft the amendment proposal
- ❑ Propose a stakeholder conference to industry (as appropriate)
- ❑ Analyse stakeholder proposals

Step 3 (30 days)

- ❑ Publish Consultation document with change proposal
- ❑ Receive comments into the Comments Log
- ❑ Review by Corporate Secretary, Policy and Technical Specialist(s) of comments
- ❑ Draft any revisions to proposed amendment(s)

Step 4 (21 days)

- ❑ Draft Amendments and Explanatory Notes
- ❑ Draft Explanatory Memorandum with references to stakeholder comments

Step 5 (45 days)

- ❑ Submit draft Amendments and Explanatory Memorandum to Minister and Attorney General (AG)
- ❑ Review and revise the draft from Attorney General
- ❑ Reflect any potential changes to ICAO Annex compliance checklists using appropriate procedure

Step 6 (30 days)

- ❑ AG submits Statutory Instrument (SI) to Minister for signature
- ❑ AG arranges for Publication of the signed SI in Government Gazette

Step 7 (14 days)

- ❑ Government Printer publishes SI in paper copy

This AIC supersedes AIC 5/14