

Statutory Instrument No. 29 of 2022

CIVIL AVIATION ACT
(Cap. 71:01)

**CIVIL AVIATION (PERSONNEL LICENSING) (FLIGHT CREW)
(AMENDMENT) REGULATIONS, 2022**
(Published on 1st April, 2022)

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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, the following Regulations are hereby made —

Citation **1.** These Regulations may be cited as the Civil Aviation (Personnel Licensing) (Flight Crew) (Amendment) Regulations, 2022.

Amendment of regulation 2 of Cap. 71:01 (Sub. Leg.) **2.** The Civil Aviation (Personnel Licensing) (Flight Crew) Regulations (hereinafter referred to as “the Regulations”) are amended in regulation 2 by —

(a) inserting, in their alphabetical order, the following new definitions —

““aeroplane” means a power-driven heavier than air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remains fixed under given conditions of flight;

“instrument ground time” means the time during which a pilot is practicing, on the ground, simulated instrument flight in a flight simulation training device approved by the Authority;

“performance criteria” means simple evaluative statements on the required outcome of the competency element and a description of the criteria used to judge whether the required level of performance has been achieved;

“problematic use of psychoactive substances” means the use of one or more psychoactive substances by aviation personnel in a way that —

(a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; or

(b) causes or worsens an occupational, social, mental or physical problem or disorder;

“significant” means, in the context of the medical provisions, a degree of a nature that is likely to jeopardise flight safety;

“State safety programme” means an integrated set of regulations and activities aimed at improving safety;

“threat” means events or errors that occur beyond the influence of an operational person, increase operational complexity and shall be managed in order to maintain the margin of safety; and

“threat management” means the process of detecting and responding to threats with countermeasures that reduce or eliminate the consequences of threats and mitigate the probability of errors or undesired states;”;

(b) substituting for the definition of “Approved Training Organisation”, the following new definition —

““Approved Training Organisation” means an organisation approved by and operating under the supervision of a Contracting State in accordance with the requirements of the Civil Aviation (Approved Training Organisation) Regulations to perform an approved training.”.

Cap. 71:01 (Sub. Leg.)

Amendment of regulation 3 of the Regulations

3. The Regulations are amended by substituting for regulation 3, the following new regulation —

“Licences **3.** (1) A person shall not act as a flight crew member of an aircraft unless he or she applies for and is issued with a valid licence appropriate to the duties to be performed by such person.

(2) The Authority may, where on application the applicant satisfies the requirements of these Regulations, issue the following —

(a) private pilot licence;

(b) commercial pilot licence;

(c) airline transport pilot licence;

- (d) multi-crew pilot licence; or
(e) student pilot licence.”.
- 4.** The Regulations are amended in regulation 4 by inserting immediately after subregulation (2), the following new subregulations —
- “(2A) The Authority may endorse a type rating for aircraft of the powered-lift category on an aeroplane or helicopter pilot licence which shall indicate that the aircraft is part of the powered-lift category.
(2B) The training for the type rating in the powered-lift category shall —
- (a) be completed during a course of approved training;
(b) take into account the previous experience of the applicant in an aeroplane or a helicopter as appropriate; and
(c) incorporate all the relevant aspects of operating an aircraft of the powered-lift category.”.
- 5.** The Regulations are amended by substituting for regulation 9, the following new regulation —
- “Privileges of holder of licence, etc. 9. A holder of a licence, certificate, authorisation or rating shall not exercise any privileges —
- (a) other than those granted by the licence, certificate, authorisation or rating; and
(b) granted by the licence or rating unless he or she maintains competency and satisfies the requirements in these Regulations for recent experience.”.
- 6.** The Regulations are amended by inserting immediately after regulation 9, the following new regulation —
- “Specifications for licences Cap. 71:01 (Sub. Leg.) 9A. (1) The Authority shall issue a licence under these Regulations with the specifications provided in the Civil Aviation (Personnel Licensing) (General) Regulations.
(2) The privileges of a licence and the validity of ratings shall be indicated in the personnel licence or a record such as the logbook of the holder of the licence.”.
- 7.** The Regulations are amended in regulation 11 by substituting for subregulation (1), the following new subregulation —
- “(1) An aeroplane, airship, helicopter and powered-lift pilot shall demonstrate the ability to speak and understand the language used for radiotelephony communications to the level provided in the Civil Aviation (Personnel Licensing) (General) Regulations.”.
- 8.** The Regulations are amended by inserting immediately after regulation 11, the following new regulation —
- “Validity of medical assessment 11A. The period for which a medical assessment shall be valid shall begin on the day the medical examination is performed and such period shall be in accordance with the provisions of the Civil Aviation (Personnel Licensing) (General) Regulations.”.
- 9.** The Regulations are amended in regulation 17 by inserting immediately after subregulation (2), the following new subregulation —
- “(2A) A validation certificate shall cease to be valid if the foreign licence upon which it was issued is suspended or revoked.”.
- 10.** The Regulations are amended by inserting immediately after regulation 17, the following new regulation —

Amendment of regulation 4 of the Regulations

Amendment of regulation 9 of the Regulations

Insertion of regulation 9A in the Regulations

Amendment of regulation 11 of the Regulations

Insertion of regulation 11A in the Regulations

Amendment of regulation 17 of the Regulations

Insertion of regulation 17A in the Regulations

Amendment of regulation 22 of the Regulations	<p>“Privileges and limitations of validation certificate 17A. A validation certificate shall specify the privileges and limitations of a foreign pilot licence which are to be accepted as its equivalent.”.</p>
	<p>11. The Regulations are amended in regulation 22 by —</p> <p>(a) substituting for subregulation (1), the following new subregulation —</p> <p>“(1) In order to meet the training requirements under this Part, a person shall undertake training for aviation personnel conducted by an Approved Training Organisation or a training programme approved by the Authority.”;</p> <p>(b) inserting immediately after subregulation (1), the following new subregulation —</p> <p>“(1A) An application for the approval of a training programme referred to under subregulation (1) shall include the following —</p> <p>(a) clearly defined objectives, scope and completion standards;</p> <p>(b) a breakdown of flying and theoretical knowledge instruction in either a week by week or phase presentation;</p> <p>(c) a list of standard exercises and curriculum summary;</p> <p>(d) minimum aircraft and flight training equipment requirements for each proposed program;</p> <p>(e) minimum instructor qualification, including an attachment of the instructor’s documentation;</p> <p>(f) aircraft documents; and</p> <p>(g) proof of access to appropriate training facility.”;</p> <p>(c) inserting immediately after subregulation (3), the following new subregulations —</p> <p>“(3A) A person who undergoes a flight crew <i>ab-initio</i> training shall be required to undertake the flight crew <i>ab-initio</i> training conducted by an Approved Training Organisation.</p> <p>(3B) For purposes of this regulation, “<i>ab-initio</i> training” means a flight training programme that involves the training of a person with no flight experience through to such person obtaining a commercial pilot licence.”.</p>
Amendment of regulation 25 of the Regulations	<p>12. The Regulations are amended in regulation 25 (1) by substituting for paragraph (b), the following new paragraph —</p>
Amendment of PART VI of the Regulations	<p>“(b) written authorisation from the Authority to take or retake the test, and such written authorisation shall be valid for a period of 30 days; and.”.</p> <p>13. The Regulations are amended by substituting for PART VI, the following new Part —</p>
	<p>“PART VI – <i>Variation, Suspension and Revocation of Licence, Rating, Authorisation or Certificate</i></p>
Variation or suspension of licence, rating authorisation or certificate	<p>31.(1) The Authority may vary or suspend a licence, rating, authorisation or certificate where it discovers facts indicating either lack of competence or qualification, and may require the holder of the licence, rating, authorisation or certificate to retake all or part of the knowledge or skills test required for that licence.</p>

	(2) The Authority shall issue a detection notice to the holder of a licence, rating, authorisation or certificate stating the available facts and information relating to such incompetency or disqualification and shall offer the holder of the licence, rating, authorisation or certificate an opportunity to be heard.	
	(3) Where the Authority decides to vary or suspend a licence, rating, authorisation or certificate, it shall issue a notification order stating the reasons for the variation or suspension.	
Surrender of licence	32. (1) Where a licence, rating, authorisation or certificate has been varied in accordance with regulation 31, the holder shall immediately cease to exercise privileges of that licence or certificate and surrender, within 14 days of receiving the notification order, all licences or validation certificates to the Authority for endorsement of the variation. (2) Where a licence, rating, authorisation or certificate has been suspended in accordance with regulation 31, the holder shall immediately cease to exercise privileges of that licence or certificate and surrender, within 14 days of receiving the notification order, all licences or validation certificates to the Authority.	
Limited variation or suspension	33. Where a variation or suspension is limited to one or more ratings mentioned in the licence or validation certificate, the Authority shall issue the affected person with a new licence or certificate omitting all ratings which are subject to the variation or suspension.	
Lifting of variation or suspension	34. (1) The Authority may lift a variation or suspension — (a) if the holder of the varied or suspended licence or certificate has taken and passed the knowledge or skills test required for that licence, rating or authorisation; or (b) if the holder of the varied or suspended licence or certificate has gained the required additional experience. (2) Where a variation or suspension is lifted under subregulation (1), the Authority shall issue a new licence or validation certificate.	
Revocation of licence, rating, authorisation or certificate	35. The Authority shall revoke a licence, rating, authorisation or certificate — (a) if the holder is no longer competent to exercise the privileges mentioned in the licence, rating, authorisation or certificate; (b) if the holder fails to meet appropriate medical standards as may be shown in the results of a medical examination or test; or (c) if the holder of a varied or suspended licence fails to meet the requirements under regulation 34.”.	
14. The Regulations are amended by substituting for regulation 40, the following new regulation — “Limitations of privileges of pilots of age of 60 years	40. A holder of a pilot licence shall not act as a pilot of an aircraft engaged in commercial air transport operations if the licence holder has attained the age of 60 and above years, or in the case of operations of more than one pilot, has attained the age of 65 years.”.	Amendment of regulation 40 of the Regulations

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- Amendment of regulation 50 of the Regulations **15.** The Regulations are amended by substituting for regulation 50, the following new regulation —
“Aircraft class rating 50. A holder of a pilot licence shall not act either as a pilot-in-command or as a co-pilot of an aeroplane, an airship, a helicopter or a powered-lift unless the holder of such licence has received an endorsement of the class rating as required under these Regulations.”.
- Amendment of regulation 51 of the Regulations **16.** The Regulations are amended in regulation 51 by deleting the words “, where applicable,” appearing therein.
- Amendment of regulation 57 of the Regulations **17.** The Regulations are amended in regulation 57 by deleting the word “expired” appearing in the side note.
- Amendment of regulation 58 of the Regulations **18.** The Regulations are amended in regulation 58 by inserting immediately after the word “for” appearing in the side note, the word “expired”.
- Amendment of regulation 59 of the Regulations **19.** The Regulations are amended by substituting for regulation 59, the following new regulation —
“Aircraft type rating 59. A holder of a pilot licence shall not act either as a pilot-in-command or as a co-pilot of an aeroplane, an airship, a helicopter or a powered-lift unless the holder of such licence has received an endorsement of the aircraft type rating as required under these Regulations.”.
- Insertion of regulation 78A in the Regulations **20.** The Regulations are amended by inserting immediately after regulation 78, the following new regulation —
“Privileges and limitations of student pilot 78A. (1) A holder of a student pilot licence shall be entitled to fly as a pilot-in-command of an aircraft for the purpose of becoming qualified to be issued with a pilot licence, or for the renewal of the student pilot licence.
(2) A holder of a student pilot licence shall not act as a pilot-in-command of an aircraft —
(a) that is carrying a passenger;
(b) that is carrying property for compensation or hire;
(c) that is operated for compensation or hire;
(d) in furtherance of a business;
(e) on an international flight;
(f) where the flight of the aircraft cannot be made under visual meteorological conditions as specified under the Civil Aviation (Rules of the Air and Air Traffic Control) Regulations; or
(g) in a manner contrary to any limitations placed in the holder of the student pilot licence’s logbook by an authorised instructor.
(3) A holder of a student pilot licence shall not act as a required flight crew member on any aircraft for which more than one pilot is required by the aircraft type certificate under which the flight is conducted or under these Regulations, except when receiving a flight training from an authorised instructor on board an airship, and the airship shall not carry any person other than a required flight crew member on such airship.
- Cap. 71:01 (Sub. Leg.)

(4) A holder of a student pilot licence shall not operate an aircraft in solo flight unless the holder of the student pilot licence has received, within 90 days preceding the date of the flight, an endorsement made in such holder's logbook from an authorised instructor for the specific make and model of the aircraft to be flown.

(5) A holder of a student pilot licence shall not act as a pilot-in-command of an aircraft unless his or her logbook has been endorsed by an authorised instructor that he or she is capable of communicating with the air traffic control personnel on radiotelephony.

(6) A holder of a student pilot licence shall be entitled to be credited in full with all solo, dual instruction and pilot-in-command flight time towards the total flight time required for the initial issue of a pilot licence or the issue of a higher grade of pilot licence.

(7) A holder of a student pilot licence shall not fly solo unless under supervision or, with the authority of, an authorised flight instructor.”.

21. The Regulations are amended by substituting for regulation 79, the following new regulation —

“Duration of student pilot licence

79 (1) A student pilot licence shall, where a holder of such licence —
 (a) is less than 40 years of age, be valid from the date the licence is issued or renewed by the Authority for a period of the remainder of the two years' validity of the holder's medical certificate; or
 (b) is 40 years of age or more, be valid from the date the licence is issued or renewed by the Authority for a period of the remainder of the one year validity of the holder's medical certificate.

(2) Subject to subregulation (1), a student pilot licence shall remain valid unless suspended or revoked.”.

Amendment of regulation 79 of the Regulations

22. The Regulations are amended in regulation 83 by substituting for subregulation (5), the following new subregulation —

“(5) A person who applies for a private pilot licence with a balloon category rating, shall have completed not less than 16 hours of flight time as a pilot of free balloons, including at least eight launches and ascents of which one shall be a solo flight.”.

Amendment of regulation 83 of the Regulations

23. The Regulations are amended in regulation 96 by —

- (a) substituting for subregulation (2), the following new subregulation —
 “(2) An applicant for a multi-crew pilot licence shall have completed, in an approved training course, not less than 240 hours as pilot flying and pilot not flying of actual and simulated flight.”; and
 (b) inserting immediately after subregulation (2), the following new subregulations —

“(2A) An applicant for a multi-crew pilot licence shall possess flight experience in actual flight which shall include the requirements under subregulation (1), and upset prevention and recovery training, night flying and flight by reference solely to instruments.

Amendment of regulation 96 of the Regulations

- (2B) An applicant for a multi-crew pilot licence shall, in addition to the requirements under this regulation, have gained the experience necessary to achieve the advanced level of competency provided in the Civil Aviation (Personnel Licensing) (General) Regulations, in a –
- (a) turbine-powered aeroplane certificated for operation with minimum crew of at least two pilots; or
 - (b) in a flight simulation training device approved for that purpose by the Authority.”.

Insertion of regulations 96A and 96B in the Regulations

24. The Regulations are amended by inserting immediately after regulation 96, the following new regulations –

“Flight instruction for multi-crew pilot licence

96A. An applicant for a multi-crew pilot licence shall have –

- (a) completed a course of approved training covering the experience requirements specified in these Regulations; and
- (b) received dual flight instruction in all the competency units specified in these Regulations, to the level required for the issue of the multi-crew pilot licence, including the competency units required to pilot under instrument flight rules.

Skills requirements for multi-crew licence

96B. An applicant for a multi-crew pilot licence shall have demonstrated the skills required for fulfilling all competency units provided in the Civil Aviation (Personnel Licensing) (General) Regulations as a pilot flying and pilot not flying, to the level required to perform as a co-pilot of turbine-powered aeroplanes certificated for operation with a minimum crew of at least two pilots under VFR and IFR.”.

Insertion of regulation 97A in the Regulations

25. The Regulations are amended by inserting immediately after regulation 97, the following new regulation –

“Privileges of multi-crew pilot licence

97A. (1) Subject to the provisions of these Regulations, a holder of a multi-crew pilot licence may –

- (a) exercise all the privileges of the holder of a commercial pilot licence in the aeroplane category where the requirements appropriate to the multi-crew pilot licence have been met;
- (b) exercise the privileges of an instrument rating in a multi-crew operation; and
- (c) act as a co-pilot of an aeroplane required to be operated with a co-pilot.

(2) A holder of a multi-crew pilot licence shall have, before exercising the privileges of a commercial pilot licence in a single-pilot operation in aeroplanes –

- (a) completed either 70 hours in an aeroplane as a pilot-in-command, or made up of not less than 10 hours as a pilot-in-command including the necessary additional flight time as pilot-in-command under supervision;
- (b) completed 20 hours of cross-country flight time as a pilot-in-command, or made up of not less than 10 hours as a pilot-in-command and 10 hours as a pilot-in-command under supervision, including a cross-country flight totalling not less than 300 NM in the course of which such holder made full-stop landings at two different aerodromes; and
- (c) met the requirements for a private pilot licence required under regulation 82.

- (3) A holder of a multi-crew pilot licence shall have, before exercising the privileges of an instrument rating in a single-pilot operation exercised by reference solely to instruments in an aeroplane —
- (a) demonstrated an ability to act as a pilot-in-command in a single-pilot operation; and
 - (b) met the instrument rating skill requirements appropriate to the aeroplane category.”.
- 26.** The Regulations are amended in regulation 119 by re-numbering subregulation (2) appearing in line 22 of the regulation as subregulation (3), and re-numbering subregulation (3) as subregulation (4). Amendment of regulation 119 of the Regulations
- 27.** The Regulations are amended by deleting regulation 126. Deletion of regulation 126 of the Regulations
- 28.** The Regulations are amended by deleting regulation 127. Deletion of regulation 127 of the Regulations
- 29.** The Regulations are amended by deleting regulation 128. Deletion of regulation 128 of the Regulations
- 30.** The Regulations are amended in regulation 133 by inserting immediately after subregulation (1), the following new subregulation —
“(1A) A person shall not act as a type rating examiner unless he or she is issued with a type rating examiner certificate and authorisation by the Authority.”. Amendment of regulation 133 of the Regulations
- 31.** The Regulations are amended in regulation 136 by deleting subregulation (6). Amendment of regulation 136 of the Regulations
- 32.** The Regulations are amended by inserting immediately after regulation 144, the following new Part — Insertion of PART XXA in the Regulations

“PART XXA — General Provisions

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|--------------------------------|--|
| Possession of licence | 144A. (1) A holder of any licence, certificate or authorisation issued under these Regulations shall ensure that he or she has the licence in his or her physical possession at all times when exercising the privileges of the licence, certificate or authorisation. (2) A crew member of a foreign registered aircraft shall hold a valid licence, certificate or authorisation, including an appropriate and valid medical certificate, issued by the State of Registry and shall have it in his or her physical possession at all times when exercising the privileges of that licence, certificate or authorisation. |
| Use of psychoactive substances | 144B. (1) A holder of a licence, rating or a certificate issued under these Regulations shall not exercise the privileges of the licence, rating or certificate while under the influence of any psychoactive substance by reason of which human performance is impaired. |

Drug and alcohol testing	<p>(2) A person whose function is critical to the safety of aviation shall not undertake the function while under the influence of any psychoactive substance, by reason of which human performance is impaired.</p> <p>(3) A person referred to in subregulations (1) and (2) shall not engage in any kind of problematic use of psychoactive substance.</p> <p>144C. (1) A person who performs any function requiring a licence, rating, qualification or authorisation in accordance with these Regulations directly or by contract may be tested for drug or alcohol usage.</p> <p>(2) A person who refuses to submit to a test to indicate the percentage by weight of alcohol in the blood, when requested by a law enforcement or the Authority, or refuses to furnish or to authorise the release of the test result requested by the Authority shall —</p> <ul style="list-style-type: none"> (a) be denied any licence, certificate, rating, qualification or authorisation issued under these Regulations for a period of up to one year from the date of that refusal; or (b) have his or her licence, certificate, rating, qualification or authorisation issued under these Regulations suspended or revoked. <p>(3) A person who refuses to submit to a test to indicate the presence of narcotics drugs, marijuana or, depressant or stimulant drugs or substance in the body, when requested by a law enforcement officer or the Authority, or refuses to furnish or to authorise the release of the test results requested by the Authority shall —</p> <ul style="list-style-type: none"> (a) be denied any licence, certificate, rating, qualification or authorisation issued under these Regulations for a period of up to one year from the date of the refusal; or (b) have his or her licence, certificate, rating, qualification or authorisation issued under these Regulations suspended or revoked. <p>(4) A person who is convicted for the violation of any law relating to the growing, processing, manufacture, sale, possession, transportation or importation of narcotic drugs, marijuana or depressant or stimulant drugs or substances, shall —</p> <ul style="list-style-type: none"> (a) be denied any licence, certificate, rating, qualification or authorisation issued under these Regulations for a period of up to one year after the date of conviction; or (b) have his or her licence, certificate, rating, qualification or authorisation issued under these Regulations suspended or revoked.
Inspection of licences, etc.	<p>144D. A holder of a licence, certificate, rating or authorisation shall, upon a request by the Authority or any person authorised by the Authority, present the licence, certificate, rating or authorisation for inspection.</p>
Change of name and address	<p>144E. (1) A holder of a licence, certificate, rating or authorisation may apply to the Authority in order to change his or her name and address on the licence, certificate, rating or authorisation.</p>

(2) An application to change the name and address of a holder of a licence, certificate, rating or authorisation shall include —

- (a) a valid licence, certificate, rating or authorisation which the holder seeks to amend; and
- (b) an original and a copy of a court order or any other legal document authorising such holder to change his or her name.

(3) Subject to subregulation (2), the Authority may, effect the change of name and address with the appropriate endorsement, and issue a replacement of the licence, certificate, rating or authorisation.

(4) The Authority shall return to a holder of a licence, certificate, rating or authorisation, the original court order or any other legal document, and retain a copy of such court order or any other legal document.

Replacement of licence, etc.

144F. (1) Where the holder of a licence, certificate, rating or authorisation which has been lost, destroyed, damaged or defaced wishes to replace the same, he or she shall lodge an application for a duplicate with the Authority in such form and manner as the Authority may require, together with a fee and the licence, certificate, rating or authorisation, unless it has been lost or destroyed.

(2) The Authority shall consider the application lodged in accordance with subregulation (1) and shall, if satisfied that the licence, certificate, rating or authorisation has been lost, destroyed, damaged or defaced, issue a duplicate licence, certificate, rating or authorisation to the applicant.

Penalties

145. (1) Where any provision of these Regulations is contravened in relation to an aircraft, the operator of that aircraft and the pilot-in-command shall, without prejudice to the liability of any other person under these Regulations for that contravention, be deemed for the purposes of this regulation to have contravened that provision.

(2) Subregulation (1) shall not apply if the person proves that the contravention occurred without his or her consent or connivance and that he or she exercised all due diligence to prevent the contravention.

(3) Any person who contravenes any provision to these Regulations commits an offence and shall be liable to the penalties specified under section 88 of the Act.”.

MADE this 28th day of March, 2022.

THULAGANO M. SEGOKGO,
Minister for Transport and Communications.