

Statutory Instrument No. 64 of 2012

CIVIL AVIATION ACT
(Act No. 11 of 2011)

**CIVIL AVIATION (LICENSING OF AIR SERVICES)
REGULATIONS, 2012**
(Published on 27th July, 2012)

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IN EXERCISE of the powers conferred on the Minister of Transport and Communications by section 89, as read with sections 49 and 50 of the Civil Aviation Authority Act, the following Regulations are hereby made —

PART I — *Preliminary*

Citation	1. These Regulations may be cited as the Civil Aviation (Licensing of Air Services) Regulations, 2012.
Interpretation	2. (1) In these Regulations, unless the context otherwise requires — “accommodation” means sleeping facilities that are provided on a commercial basis to the general public; “advance booking charter” means a round trip passenger flight, which originates from Botswana and is operated according to the conditions of a contract entered into between an air transportation service provider and one or more charterers; and requires the charterer to charter the entire passenger seating capacity of an aircraft for resale by the charterer to the public, at a price per seat, not later than a specified number of days prior to the date of departure of the flight from Botswana; “air carrier” means an enterprise that engages in the provision of air transport services; “air operator certificate” means a certificate issued under the Civil Aviation (Air Operator Certification and Administration) Regulations; “aerial work operator certificate” means a certificate issued under the Civil Aviation (Aerial Work) Regulations; “approved training organisation certificate” means a certificate issued under the Civil Aviation (Approved Training Organisations) Regulations; “baggage” means the personal property of passengers or crew carried on an aircraft by agreement with the operator; “basic fare” means — (a) a fare in the form of a tariff issued by a holder of a licence for a scheduled air transport service that has no restrictions, and is the lowest amount to be paid for a one-way air transportation by a passenger carrying reasonable baggage between two points; or (b) where the licensee has more than one such fare between two points, dependent on the time of day or day of the week of travel, or both, the highest of those fares; “business office”, with respect to a licensee, includes any place in Botswana where the licensee receives goods for transportation or offers passenger tickets for sale, but does not include an office of a travel agent; “city-pair market” means the air route linking two cities;
Cap. 42:01	“corporation” has the same meaning assigned to it under the Companies Act; “domestic air transport service” means — (a) an air transport service operated entirely within the airspace over the territory of Botswana, either between points in Botswana or from and to the same point in Botswana; or (b) an air service that passes through the airspace over the territory of another State without providing an air service in the territory of that other State, but the route or journey started and ended within the territory of Botswana;

- “inclusive tour” means a round or circle trip performed in whole or in part by an aircraft for an inclusive tour price for the period from the time of departure by the participants, from the starting point of the journey to the time of their return to that point, and that includes accommodation;
- “inclusive tour charter” means a passenger flight operated according to the conditions of a contract entered into between an air carrier and one or more tour operators that requires the tour operator to charter the entire passenger seating capacity of an aircraft for resale by the tour operator to the public at an inclusive tour price per seat;
- “international air transport service” means an air transport service operated between a point in the territory or airspace of one State and a point in the territory or airspace of another State;
- “licence” means a licence issued by the Authority under these Regulations; and, unless the context otherwise requires, any reference to a licence includes a scheduled international air transport service operating authority;
- “licensee” means the holder of a licence issued under these Regulations;
- “non-scheduled air transport service” means an air transport service that is not a scheduled air transport service;
- “non-scheduled domestic air transport service licence” means a licence which authorises the licensee to provide a non-scheduled domestic air transport service, issued under regulation 34;
- “non-scheduled domestic air transport service” means a domestic air transport service that is a non-scheduled air transport service;
- “non-scheduled international air transport service licence” means a licence which authorises the licensee to provide a non-scheduled international air transport service, issued under regulation 34;
- “non-scheduled international air transport service” means a non-scheduled international air transport service that is a non-scheduled air transport service;
- “partnership” has the same meaning assigned to it under the Companies Act;
- “permit” means a permit issued by the Authority under these Regulations;
- “scheduled air transport service” means a public air transport service operated on a regular basis according to a published schedule;
- “scheduled domestic air transport service licence” means a licence which authorises the licensee to provide a scheduled domestic air transport service, issued under regulation 34;
- “scheduled domestic air transport service” means a domestic air transport service that is a scheduled air transport service;
- “scheduled international air transport service licence” means a licence which authorises the licensee to provide a scheduled international air transport service, issued under regulation 34;
- “scheduled international air transport service” means a public international air transport service operated on a regular basis according to a published schedule;
- “scheduled international air transport service operating authority” means the document issued to a foreign air transport service provider, which authorises the holder to provide a scheduled international air transport service which it has been designated to, through the provisions of an international air transport service agreement to which Botswana is a party, and is issued under regulation 41;

“SDR” means a Special Drawing Right, which is the international currency unit defined by the International Monetary Fund;

“seat” means any area in an aircraft designed to be occupied by a passenger, other than the area occupied by the baggage of such passenger; and

“tariff” means a schedule of fares, rates, charges and terms and conditions of carriage applicable to the provision of an air service and other incidental services.

(2) For the purposes of these Regulations —

- (a) one corporation is affiliated with another corporation if —
 - (i) one of them is a subsidiary of the other,
 - (ii) both are subsidiaries of the same corporation, or
 - (iii) both are controlled by the same person;
- (b) if two corporations are affiliated with the same corporation at the same time, they are deemed to be affiliated with each other;
- (c) a corporation is a subsidiary of another corporation if it is controlled by that other corporation or by a subsidiary of that other corporation;
- (d) a corporation is controlled by a person other than the Government if securities of the corporation to which are attached more than 50 per cent of the votes that may be cast to elect directors of the corporation are held, directly or indirectly, whether through one or more subsidiaries or otherwise, otherwise than by way of security only, by or for the benefit of that person, and the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation;
- (e) a corporation is controlled by the Government if —
 - (i) the corporation is controlled by the Government in the manner described in paragraph (d), or
 - (ii) in the case of a corporation without share capital, a majority of the directors of the corporation, other than *ex officio* directors, are appointed by the Government, or by a Minister on behalf of the Government; and
- (f) a partnership is controlled by a person if the person holds an interest in the partnership that entitles the person to receive more than 50 per cent of the profits of the partnership or more than 50 per cent of the partnership’s assets on dissolution.

Public interest **3.** The Minister may prohibit the provision of an air service or discontinue an air service if, in the opinion of the Minister, it is in the public interest to do so.

PART II — *Licensing of Air Services*

Air service licence or permit **4.** (1) A person who wishes to operate an air service within, into or out of Botswana shall apply for a licence or permit in terms of regulation 6.

- (2) The provisions of subregulation (1) shall not apply to a person who —
 - (a) operates an aircraft through the airspace of Botswana without landing, or where the aircraft lands —
 - (i) solely for technical purposes without taking on or discharging passengers, mail or other cargo, or
 - (ii) by reason of an emergency; or

- (b) operates an aircraft for the carriage of passengers, mail or other cargo —
 - (i) where the carriage is incidental to the conduct of a commercial undertaking other than the provision of an air service, and
 - (ii) solely for the purpose of transporting persons who are in the employment of that person, at no cost to those persons, or goods and mail relating to the conduct of that commercial undertaking.
- (3) Notwithstanding the provisions of subregulation (2), a person who does not hold a licence or permit, but intends to land an aircraft in Botswana —
 - (a) for technical purposes, shall, prior to landing, give notice to the Authority and obtain a permit for that purpose from the Authority; or
 - (b) in the case of an emergency, shall, prior to landing, seek air traffic control clearance from the Authority.
- (4) A person who operates an air service without a licence or permit commits an offence and is liable to a fine not exceeding P5 000 000, or to imprisonment for a term not exceeding 10 years, or to both.

5. (1) A person shall not sell, cause to be sold or offer for sale in Botswana an air service unless that person holds a valid licence or permit in respect of that service.

Prohibition
of sale of air
service

(2) A person who contravenes this regulation commits an offence and is liable to a fine not exceeding P3 000 000, or to imprisonment for a term not exceeding five years, or to both.

6. (1) A person who —

- (a) intends to provide an air service;
- (b) intends to continue with an air service for which the licence or permit is due to expire;
- (c) wishes to vary the terms or conditions specified on a current licence or permit;
- (d) wishes to be exempted by the Authority from the requirement to comply with any provision of these Regulations; or
- (e) intends to act on behalf of any of the persons in paragraphs (a) to (d),

shall apply to the Authority.

Application
to Authority
for air service
licence, e.t.c.

(2) An applicant under subregulation (1) shall submit to the Authority, an application accompanied by the required information, to satisfy the Authority that the requirements for issuing the licence or permit have been met.

(3) Where the application fails to meet the requirements, the Authority may reject the application.

(4) In the review and assessment of an application, the Authority may, for purposes of arriving at a decision —

- (a) rely on the information provided by the applicant;
- (b) consider other information available to it from other sources, including but not limited to any information filed with the Authority by the applicant at an earlier time; or
- (c) require the applicant to provide additional information to satisfy the Authority that the requirements for issuing the licence or permit have been met.

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Advertisement
of air service

7. (1) A person shall not advertise, cause to be advertised or participate in the advertisement of an air service unless a licence or permit has been issued.

(2) A person who fails to comply with subregulation (1) commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding two years, or to both.

Provision of
aircraft or
flight crew by
lease

8. (1) For purposes of this regulation —

(a) “dry lease” means an agreement where a leased aircraft is operated by the flight crew of the lessee; and

(b) “wet lease” means an agreement where the leased aircraft is operated by the flight crew of the lessor.

(2) An air service provider shall not enter into a lease agreement without a permit issued by the Authority.

(3) Subject to the approval of the Authority, an air service provider may have one or more aircraft at its disposal through a dry lease or wet lease agreement.

(4) Without prejudice to subregulation (3), aircraft used for a dry lease agreement by an air service provider shall be registered in Botswana.

(5) The Authority may approve a wet lease agreement to a Botswana air service provider, to use a foreign registered aircraft —

(a) for a period of six months, where the service provider justifies that the lease is on the basis of exceptional needs, and such approval may be renewed once, for a further period of six months; or

(b) where the service provider demonstrates that the lease is necessary to overcome operational difficulties and it is not possible or reasonable to lease aircraft registered within Botswana, in which case, the approval shall be of limited duration strictly necessary to overcome the difficulties.

(6) Notwithstanding subregulation (5) (a), the Authority may renew the lease where the service provider demonstrates that the lease is necessary to satisfy seasonal capacity needs, which cannot reasonably be satisfied through leasing aircraft registered in Botswana.

(7) The Authority shall not approve any lease agreement, unless safety standards equivalent to those imposed under the requirement for a valid air operator certificate are met.

(8) A person who enters into a lease agreement without the permission of the Authority commits an offence and is liable to a fine not exceeding P3 000 000, or to imprisonment for a term not exceeding five years, or to both.

(9) This regulation shall not apply to domestic air transport services.

Approval
of lease by
Authority

9. (1) A person shall not provide to the holder of an air service licence or permit, a flight crew to service all or part of an aircraft which is to be used to provide an air service, unless the person has obtained a permit from the Authority.

(2) A licensee or permit holder shall not provide an air service using all or part of an aircraft with a flight crew provided by another person, without a permit issued by the Authority.

(3) An application for a permit under regulation 8 and this regulation, shall be in Form A set out in Schedule 1, and shall be accompanied by such information as the Authority may determine.

(4) Where the Authority is satisfied that the applicant meets the requirements for issue of a permit, the Authority may issue a permit in Form B set out in Schedule 1, and the permit may be subject to such terms and conditions as the Authority may specify in the permit, which may include routes to be followed, points or areas to be served, size and type of aircraft to be operated, schedules, places of call, tariffs, fares, rates and charges, insurance, carriage of passengers and carriage of goods.

(5) A person who contravenes this regulation commits an offence and is liable to a fine not exceeding P3 000 000, or to imprisonment for a term not exceeding five years, or to both.

PART III — *General Provisions Relating to Licences*

10. (1) An application for a licence to provide an air service shall be in the form set out in Schedule 2, and shall be accompanied by such information as the Authority may determine. Application for licence

(2) An application made under subregulation (1) shall be signed by the applicant, and if made by a corporation or partnership firm, shall be signed by a person authorised in that behalf by such corporation or by a partner of the partnership firm.

11. (1) An application for a licence or variation of a licence shall be accompanied by an application fee as set out in Schedule 3. Licence fees

(2) On the issue of a licence, the applicant shall pay a fee as set out in Schedule 3.

12. (1) An applicant for an air service licence other than for a scheduled international air transport operating authority, shall satisfy the Authority that it can meet the reasonable fixed and operational costs of its business plan without relying on revenue generated by its operations, for a period of three months from the start of operation. Financial fitness

(2) An applicant for an air service licence other than a scheduled international air transport operating authority shall satisfy the Authority that there is adequate working capital to finance the first 12 months of operation in terms of its business plan, based on the applicant's projected costs and revenues.

(3) In the evaluation of the business plan, the Authority shall examine the experience of the principal parties and senior personnel of the applicant to assess whether such parties and personnel have the necessary skills and capacity to implement the business plan.

13. An applicant shall disclose information of its financial resources to the Authority, and that information shall be treated as confidential, unless otherwise specified by the applicant. Confidential Information

14. The Authority shall, before issuing an air service licence, satisfy itself that the person in control of the operations of the applicant — Director's Integrity

(a) is of good repute;

(b) has not been adjudged or otherwise declared bankrupt and has not been discharged; or

(c) has undergone requisite security clearance.

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Issue of licence	<p>15. (1) Where the Authority is satisfied that the applicant meets the requirements for the issue of a licence, and approves an application made under regulation 10, it may issue a licence in accordance with Part IV.</p> <p>(2) The Authority may refuse to issue a licence where an application does not meet the requirements of these Regulations, in which case, the Authority shall inform the applicant in writing, of the reasons for such refusal.</p>
Conditions of licence	<p>16. (1) A licensee shall operate in accordance with the terms and conditions stipulated in the licence.</p> <p>(2) A licensee who contravenes this regulation commits an offence and is liable to a fine not exceeding P3 000 000, or to imprisonment for a term not exceeding five years, or to both.</p>
Duration of licence	<p>17. (1) A licence issued under these Regulations, unless previously suspended or revoked in accordance with regulations 23 and 24, shall be in force for a period of 12 months.</p> <p>(2) A scheduled international air transport service operating authority shall run continuously.</p>
Variation of licence	<p>18. (1) The Authority may vary any conditions of a licence upon application by a licensee, or on the Authority's own initiative.</p> <p>(2) An application for variation of a licence shall be made to the Authority in the form set out in Schedule 2, and shall be accompanied by a fee as set out in Schedule 3.</p> <p>(3) The Authority may, when the licensee meets all the requirements for variation of a licence, vary the condition of a licence.</p>
Licence not transferable	<p>19. (1) A licence for the operation of an air service is not transferable.</p> <p>(2) For the purpose of this regulation, transfer of a controlling interest in business includes a transfer of the operating licence.</p>
Renewal of licence	<p>20. (1) An application for the renewal of a licence shall be made annually, to the Authority by the licensee, in the form set out in Schedule 2.</p> <p>(2) An application under subregulation (1) shall be submitted to the Authority not later than four months prior to the date of expiry of a licence, and shall be accompanied by a renewal fee as set out in Schedule 3.</p> <p>(3) Where an application for renewal is made after the period specified in subregulation (2), the Authority may renew the licence, subject to the payment of a fine of P2 000 for each day the licence has not been renewed, which amount shall not be calculated to exceed three months from the date of expiry.</p> <p>(4) Where a licensee does not renew a licence within three months of its expiry, the Authority shall revoke that licence.</p> <p>(5) The requirements applicable to the issue of an application for an air service licence, shall be applicable to an application for a renewal of an air service licence under this regulation.</p>
Display of licence	<p>21. (1) A licensee shall display at its business premises, in a conspicuous place, a licence issued under these Regulations.</p> <p>(2) A licensee who fails to display the licence in accordance with subregulation (1) commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding two years, or to both.</p>

- 22.** (1) The Authority shall keep a record of all applications for licences which shall specify whether the licence was issued or refused. Records of applications and licences
- (2) An entry shall be made in the record whenever a licence is issued, refused, varied, revoked, suspended or expires and the record shall contain all particulars that will enable the application and licence to be identified and shall show —
- (a) the date on which a licence was issued or refused;
 - (b) the date on which a licence was varied;
 - (c) the date on which a licence was suspended or revoked;
 - (d) the date on which a licence is to expire; and
 - (e) any condition attached to a licence in terms of these Regulations.
- 23.** Subject to the provisions of the Act and these Regulations, the Authority may suspend a licence — Suspension of licence
- (a) where the licensee contravenes or fails to meet the requirements of the licence; or
 - (b) in accordance with regulation 28 (4).
- 24.** (1) The Authority may revoke a licence where the licensee — Revocation of licence
- (a) ceases to be eligible to hold that licence;
 - (b) ceases to hold a valid air operator certificate;
 - (c) ceases to hold insurance coverage; or
 - (d) fails to renew a licence.
- (2) Where a licensed air service is not in operation for at least six months, the Authority shall within 28 days, call upon the licensee to show cause why the licence should not be revoked.
- (3) Where the licensee fails to provide adequate justification or fails to show cause why its licence should not be revoked in terms of subregulation (2), the Authority shall revoke the licence.
- 25.** (1) The Authority may, when it is satisfied that the requirements are met, reinstate a licence that has been suspended. Reinstatement of licence
- (2) Notwithstanding the generality of subsection (1), the Authority may reinstate a licence that has been suspended for 60 days or more, on application for reinstatement by the licensee, where the Authority is satisfied that the —
- (a) financial requirements for that type of licence have been met; and
 - (b) reasons of suspension for such licence no longer exist.
- 26.** (1) Where a licence is suspended, has expired or is revoked, the licensee shall surrender the licence to the Authority. Surrender of licence
- (2) Where the licensee seeks to terminate the operation of an air service, the licensee shall immediately notify the Authority and return the licence for cancellation.
- (3) In the event of death, incapacity, bankruptcy, sequestration or liquidation of the licensee, the person for the time being carrying on the business shall —
- (a) return the licence previously held by the licensee for cancellation; and
 - (b) within 14 days, make an application for a new licence, in the form set out in Schedule 2.
- (4) A person who fails to return the licence in terms of this regulation shall pay to the Authority, a fine of P2 000 for each day the licence is not returned, which amount shall not be calculated to exceed a period of three months from the date the licence is suspended, revoked or has expired.

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Duplicate licence

27. (1) Where a licence is lost, destroyed or defaced, the licensee shall notify the Authority within 14 days, which shall, if satisfied that the licence is lost, destroyed or defaced, issue a duplicate so marked, and the duplicate issued shall have the same effect as the original:

Provided that, in the case of a licence that has been defaced, the duplicate shall be issued only after surrender of the original to the Authority.

(2) Where a licensee makes a notification under subregulation (1) after 14 days, the licensee shall pay to the Authority, a fine of P2 000.

Notification of operational and organisational changes

28. (1) A licensee shall notify the Authority in writing at least 14 days before —

(a) changes on —

(i) the particulars of its partnership membership, or

(ii) its legal status; or

(b) any intended merger, acquisition or franchise.

(2) A licensee shall notify the Authority within 14 days of any change in the ownership of any single shareholding which represents 10 per cent or more of the total shareholding of the licensee or of the licensee's parent or ultimate holding company.

(3) Where the Authority finds that the changes notified under subregulations (1) and (2) have a significant bearing on the finances of the licensee or on the licensee's eligibility to hold a licence, the Authority may require the licensee to submit its financial statements.

(4) The licensee shall, in accordance with subregulation (3), submit to the Authority sufficient information to allow the Authority to review the financial situation or eligibility of the licensee and, the Authority may, if it considers it in the public interest, suspend or revoke the licence, or impose such additional conditions on the licence as it considers necessary.

(5) A person who fails to notify the authority in accordance with subregulation (1) shall pay to the Authority, a fine of P2 000.

Change of address of licensee

29. (1) A licensee who changes an address shall notify the address Authority 14 days prior to the change.

(2) The licensee shall submit the licence to the Authority with the notification made under subregulation (1), and the Authority shall immediately endorse the new address on the licence and return it to the licensee.

Appointment and notification of agent

30. (1) A licensee who has a place of business in Botswana, may appoint an agent to act on its behalf, and shall notify the Authority of the appointment in writing, stating the name and address of the agent.

(2) A licensee who does not have a place of business or agent in Botswana shall appoint an agent who has a place of business in Botswana, and shall notify the Authority of the appointment in writing, stating the name and address of the agent.

Tariffs for air transport services

31. A licensee shall fix reasonable fares, rates and tariffs, and in so doing, shall take into consideration, operational costs, service characteristics, commission rates, reasonable profits, general industry practices and market conditions.

PART IV — *Categories of Air Service Licences, Operating Authorities and Permits*

- 32.** For the purposes of these Regulations, the Authority may issue the following —
- (a) a domestic scheduled air transport service licence;
 - (b) an international scheduled air transport service licence;
 - (c) a domestic non-scheduled air transport service licence;
 - (d) an international non-scheduled air transport service licence;
 - (e) an aerial work licence;
 - (f) an aerial work permit;
 - (g) a non-scheduled domestic air transport service permit;
 - (h) a non-scheduled international air transport service permit;
 - (i) a flight training service licence; and
 - (j) an international air transport service operating authority.
- 33.** (1) To be eligible for a licence under these Regulations, one shall be —
- (a) a statutory corporation in Botswana or a Government department; or
 - (b) a corporation incorporated under the Companies Act and has a place of business in Botswana.
- (2) In addition to subregulation (1), to be eligible for a licence for a scheduled domestic and a scheduled international air transport service one shall be —
- (a) a corporation incorporated under the laws of Botswana which —
 - (i) has a place of business in Botswana, and
 - (ii) has at least 51 per cent of its voting rights held, and effective control exercised by citizens of Botswana or by a Government department, an agency, or a parastatal or entity which is under any Government department; or
 - (b) a person included on the list of Botswana based carriers, which list is approved by the Minister.
- 34.** On application to the Authority and on payment of the specified fee, the Authority shall issue a licence, in Form A, B, C or D, as set out in Schedule 4, where it is satisfied that the licensee —
- (a) is eligible to hold the required licence for an air transport service licence;
 - (b) holds an air operator certificate in respect of the service to be provided under the licence;
 - (c) has liability insurance coverage in respect of the service to be provided under the licence;
 - (d) meets the financial requirements; and
 - (e) has not provided an air transport service without a licence, within the 12 months preceding the application.
- 35.** (1) The provisions of regulation 34 shall apply to the issue of an aerial work licence, except for paragraph (b), where the requirement shall be that the applicant holds an aerial work operator's certificate.
- (2) An aerial work licence shall be in Form E set out in Schedule 4.
- (3) A licensee for an aerial work service who carries on board an aircraft, a person who is not part of the air crew, but who is required for the conduct of the aerial work service, is exempt from holding a licence for the transportation of that person.

Licences for
air services

Eligibility for
air transport
service licence
Cap. 42:01

Issue of air
transport
service licence

Aerial work
licence

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Aerial work permit

36. (1) A licensee for an aerial work service shall before conducting a service authorised by a licence, apply to the Authority for, and obtain a permit to conduct a service for each flight or a series of flights, and shall for this purpose provide the Authority with the information that may be specified by the Authority.

(2) A permit issued under subregulation (1) shall be in Form F set out in Schedule 4.

Non-scheduled domestic air transport service permit

37. (1) A licensee who holds a licence for a non-scheduled air transport service shall not provide such service to a person who intends to resell that transportation to the general public unless the licensee applies for, and obtains a permit for an advanced booking charter or an inclusive tour charter from the Authority for each flight or series of flights to be provided to that person.

(2) An application made under subregulation (1) shall be in the Form set out in Schedule 2, and accompanied by a fee as set out in Schedule 3.

(3) The Authority shall not issue a permit under subregulation (1) unless the Authority is satisfied that there is a duly executed and binding contract between the licensee and the person —

(a) to include in any advertisement of the service chartered, a clear indication of —

(i) the name of the person or entity selling the services or the package of services,

(ii) the name of the licensee that is to provide the air transportation service, and

(iii) the number of the permit issued to the licensee; and

(b) to hold in trust any monies paid by a purchaser of the air service or of the package of services until such time as the entire journey included in the price of purchase has been completed.

(4) A permit issued under subregulation (1) shall be in Form G set out in Schedule 4.

Non-scheduled international air transport Service permit

38. (1) A person who is not eligible to hold a licence for a non-scheduled international air transport service may apply to the Authority in the form set out in Schedule 2, for a permit to provide such service provided that the —

(a) person holds a valid licence or equivalent authority from that person's own national authority for the operation of such service;

(b) person holds a valid air operator certificate or equivalent certification from that person's own national authority for the operation of such service;

(c) person holds insurance as provided under regulations 67 and 68; and

(d) Authority is satisfied that the issue of the permit —

(i) is in the public interest, and

(ii) includes considerations of reciprocity with the treatment afforded to Botswana based air service providers seeking to obtain similar authorisation from the aeronautical authority of the State of the applicant.

(2) An application made under subregulation (1) shall be accompanied by the information set out in Schedule 5.

(3) A permit issued under subregulation (1) shall be in Form H set out in Schedule 4.

- 39.** (1) The provisions of regulation 34 shall apply to the issue of a flight training service licence, except for —
- (a) paragraph (a), where the Authority shall issue the licence if it is satisfied that the applicant is eligible to hold a flight training service licence; and
 - (b) paragraph (b), where the requirement shall be that the applicant holds an approved training organisation certificate in respect of the service to be provided under the licence.
- (2) A flight training service licence shall be in Form I set out in Schedule 4.
- 40.** A person is eligible for a scheduled international air transport service operating authority, when the person is designated by a foreign government or a foreign aeronautical authority in accordance with the provisions of an air service agreement to which Botswana is a party to, and that person meets any of the requirements contained in that agreement.
- 41.** Subject to the provisions of section 13 of the Act, on application to the Authority and on payment of the specified fee, the Authority shall issue an operating authority for a scheduled international air transport service, in Form J set out in Schedule 4, to the applicant if the Authority is satisfied that the applicant —
- (a) is eligible to hold a scheduled international air transport service operating authority;
 - (b) holds an air operator certificate in respect of the service to be provided under the international air transport operating authority; and
 - (c) has liability insurance coverage in respect of the service to be provided under the international air transport operating authority.
- 42.** A scheduled international air transport service licence and a non-scheduled international air transport licence is subject to the following conditions —
- (a) the licensee shall, on reasonable request, provide transportation in accordance with the terms and conditions of the licence and shall furnish such services, equipment and facilities as are necessary for the purposes of that transportation;
 - (b) the licensee shall not make publicly any statement that is false or misleading with respect to the licensee's air service or any service incidental thereto; and
 - (c) the licensee shall not operate an international air transport service, or represent by advertisement or otherwise the licensee as operating such a service, under a name other than that specified in the licence.
- 43.** The Authority may, on the issue of a scheduled or non-scheduled international air transport service licence, or from time to time thereafter, make the licence subject, in addition to any terms and conditions prescribed in respect of the licence, to such terms and conditions as the Authority deems to be consistent with any agreement, convention or arrangement to which Botswana is a party and that is applicable to a service that may be operated pursuant to the licence, including the terms and conditions of routes to be followed, points or areas to be served, size and type of aircraft to be operated, schedules, places of call, tariffs, fares, rates and charges, insurance, carriage of passengers and carriage of goods.

Flight training service licence

Eligibility for scheduled international air transport service operating authority

Issue of international air transport service operating authority

Licence conditions of international air transport service licence

Additional conditions for scheduled and non-scheduled international air transport service licence

C.658

Operation of service subject to schedule

44. A scheduled international air transport service licence shall be subject to the condition that the licensee shall, subject to any delays due to weather conditions affecting safety, or abnormal operating conditions, operate every flight in accordance with the service schedule.

Operating without air operator certificate or relevant certificate

45. A person who operates an air service without an air operator certificate, aerial work certificate or approved trained organisation certificate, commits an offence and is liable to a fine not exceeding P5 000 000, or to imprisonment for a term not exceeding 10 years, or to both.

PART V — *Scheduled Air Transport Service*

Conditions of tariffs and of carriage

46. (1) A licensee to whom the Authority has issued a licence for a scheduled air transport service shall —

- (a) publish a tariff and keep it up to date by publishing any amendments made to it;
- (b) submit a copy of the tariff and amendments to the Authority, which are applicable to the service for which the licence is held;
- (c) display in a prominent place on the business premises, a sign indicating the —
 - (i) tariff for the scheduled air transport service offered by the licensee, and
 - (ii) terms and conditions of carriage,and that they are available for public inspection, free of charge at the business premises of the licensee, during the licensee's normal hours of business;
- (d) publish the terms and conditions of carriage on any website which the licensee uses to sell its air transport service;
- (e) in the tariff, state the basic fare for each route offered between all points in a scheduled air transport service; and
- (f) keep a record of the tariff for a period of not less than three years from the time the tariff has ceased to have effect.

(2) A licensee who fails to display the tariff and terms of conditions of carriage in accordance with subregulation (1) (c), commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding two years, or to both.

Electronic publication of tariff

47. Notwithstanding the provisions of regulation 46 and subject to a written agreement made by the Authority, the tariff referred to in regulation 46 may be published in any website, or made available to the Authority and to the public in an electronic format.

Advertisement of terms and conditions of carriage

48. (1) The licensee for a scheduled air transport service shall not advertise or apply any terms and conditions of carriage that are suspended or have been revoked.

(2) A licensee who contravenes this regulation commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding two years, or to both.

Publication of fares, rates, charges, e.t.c.

49. (1) The licensee for a scheduled air transport service shall not apply any fare, rate, charge, term or condition of carriage applicable to the service it offers unless the fare, rate, charge, term or condition of carriage set out in a tariff is operational and has been published or displayed in accordance with regulation 46.

(2) Where the Authority receives a complaint in writing that a licensee has contravened subregulation (1) by applying a fare, rate, charge, term or condition of carriage applicable to the scheduled service that is not set out in the licensee's tariff, the Authority may order the licensee to —

- (a) apply a fare, rate, charge, term and condition of carriage that is set out in the tariff;
- (b) compensate any person for any expenses they incurred as a result of the licensee's failure to apply a fare, rate, charge, term or condition of carriage that was set out in the tariff; and
- (c) take any other appropriate corrective measures.

50. (1) A licensee who holds a licence for an air transport service shall include in the tariff kept under regulation 46, the conditions for compensation to a ticket holder —

Conditions of compensation

- (a) who is denied to board a flight for which he or she has a confirmed reservation;
- (b) whose flight has been delayed beyond a set period of time after he or she has checked-in;
- (c) whose flight has been cancelled after he or she has checked-in; and
- (d) who has checked-in baggage, when that baggage is —
 - (i) delayed in its arrival at the destination to which it has been checked to,
 - (ii) damaged, or
 - (iii) lost.

(2) The Authority may prescribe minimum conditions and levels of compensation in respect of matters listed in subregulation (1) and every licensee who is subject to regulation 46 shall amend the tariff to conform to the conditions and levels prescribed by the Authority.

51. The licensee for a scheduled air transport service shall provide a copy or extract of its tariff to any person on request and on payment of a fee not exceeding the cost of making the copy or extract.

Copy of tariff on payment of fee

52. (1) A licensee to whom the Authority has issued a licence for a scheduled air transport service shall —

Flight schedules

- (a) publish a flight schedule and keep it current through the publication of amendments;
- (b) provide a copy of the flight schedule applicable to the service for which it holds a licence and any amendments made to the flight schedule, to the Authority; and
- (c) make a copy of the flight schedule and any amendments applicable to the service for which it holds a licence available, without costs, to members of the public for their inspection at the licensee's business offices during the licensee's normal hours of business.

(2) A person who contravenes subregulation (1) (a) and (b), commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding two years, or to both.

53. Notwithstanding the provisions of regulation 52, and subject to a written agreement made by the Authority, the flight schedule may be published in any website or made available to the Authority and to the public in an electronic format.

Electronic publication of flight schedule

C.660

Notice of discontinuance or reduction of services	<p>54. (1) A licensee shall not reduce the frequency of a service, or discontinue a service without authority, and unless notice of such reduction or discontinuance has been given under subregulation (2).</p> <p>(2) Where a licensee for a domestic scheduled air transport service proposes to —</p> <ul style="list-style-type: none">(a) reduce the frequency of the service to a point where there is no flight in a week; or(b) discontinue the service, and <p>as a result of the proposed reduction or discontinuance, there will be only one licensee or no licensee offering at least one flight per week to that point, the licensee shall give notice of the proposal to the Authority.</p>
Notice period	<p>55. A licensee shall not implement a proposal referred to in regulation 54 until the expiry of —</p> <ul style="list-style-type: none">(a) 30 days after the notice is given;(b) 15 days, where a service has been in operation for less than six months; or(c) any shorter period that, on application by the licensee, the Authority may authorise.
Shorter notice period	<p>56. In consideration of whether to authorise a shorter period under regulation 55, the Authority shall consider —</p> <ul style="list-style-type: none">(a) the adequacy of an alternative mode of public transport available at or in the vicinity of the point referred to under regulation 54;(b) other means by which an air transport service to the point or between the points is or is likely to be provided; and(c) the particular circumstances of the licensee.
Complaints on non-compliance	<p>57. Where the Authority finds that a licensee has failed to comply with regulation 54 and it is possible under the circumstances for the licensee to comply with an order made under this regulation, the Authority may direct the licensee to reinstate the service referred to in regulation 54 —</p> <ul style="list-style-type: none">(a) for such a period, not exceeding 30 days after the date of the finding by the Authority, as the Authority deems appropriate; and(b) at such a frequency as the Authority may authorise.
Check-in baggage	<p>58. A licensee for a scheduled air transport service shall issue to a passenger, a baggage check or identification tag for each piece of checked-in baggage.</p>

PART VI — General Provisions Relating to Air Services

Returns	<p>59. (1) A licensee who is issued a licence for an air service shall, not later than two months of the end of the financial year, submit to the Authority, a copy of the audited financial statements.</p> <p>(2) The copy of the financial statements in subregulation (1) shall be in such form as the Authority may determine, and may include data, information and statistics relating to the licensee's operations as set out in that form.</p>
Passenger list	<p>60. (1) A licensee who is issued a licence for an air transport service shall, before each flight, compile or cause to be compiled a passenger list in respect of the flight, and shall keep such list for a period of at least 12 months from the date on which the flight to which it relates has taken place.</p> <p>(2) A passenger list compiled in terms of subregulation (1) shall contain the name of each passenger to board the flight.</p>

(3) On the written request of the Authority, a licensee for an air transport service shall, subject to the provisions of subregulation (1), immediately furnish the Authority with copies of any passenger list compiled by the licensee for such period as may be determined by the Authority.

(4) A person who contravenes subregulation (1) commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding two years, or to both.

61. (1) A licensee who is issued a licence for an air transport service shall display the terms and conditions of carriage, in a prominent place on the business premises.

Display of terms and conditions of carriage

(2) The terms and conditions of carriage displayed under subregulation (1) shall be available for public inspection, free of charge, at the business premises of the licensee, during the licensee's normal hours of business.

(3) A person who fails to display the terms and conditions of carriage in accordance with subregulation (1), commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding two years, or to both.

62. (1) A licensee shall not apply terms and conditions that are or discriminatory unreasonable or discriminatory.

Unreasonable terms and conditions

(2) A licensee who contravenes the provisions of subregulation (1) commits an offence and is liable to a fine not exceeding P3 000 000, or to imprisonment for a term not exceeding five years, or to both.

63. (1) In respect of carriage of passengers, a licensee to whom the Authority has issued a licence for an air transport service shall deliver to each passenger a copy of an individual or collective document of carriage, which document shall contain —

Documents of carriage for passengers

- (a) the name of the passenger or consignor;
- (b) an indication of the place of departure and destination, date and time; and
- (c) the applicable fare.

(2) Notwithstanding the provisions of subregulation (1), any other means which may preserve the information required, may be substituted for the delivery of the document of carriage, and if any such other means is used, the licensee shall offer to deliver to the passenger a written statement of the information so preserved.

64. (1) In respect of the carriage of cargo, every licensee for an air transport service shall deliver to the consignor, an air waybill which shall indicate —

Carriage of cargo

- (a) the place of departure and destination, date and time; and
- (b) the weight of the consignment.

(2) The licensee may substitute an air waybill by any other document which shall contain a record of the carriage to be provided, and if such other means is used, the licensee shall, if so requested by the consignor, deliver to the consignor a cargo receipt which shall permit —

- (a) the identification of the consignment; and
- (b) access to the information contained in the record preserved by such other means.

C.662

Copies of documents of carriage	<p>65. (1) A licensee for an air transport service shall —</p> <ul style="list-style-type: none">(a) keep a copy of every document and air waybill issued in terms of regulations 63 and 64 for a period of at least 12 months from the date on which the flight to which it relates has taken place; and(b) on the written request of the Authority, immediately furnish the Authority with a copy of any document or air waybill issued for such period as may be determined by the Authority. <p>(2) A licensee who fails to keep a copy of every document and air waybill in accordance with subregulation (1) (a) shall pay to the Authority, a fine of P2 000.</p>
Passenger rights	<p>66. A licensee for an air transport service shall submit a policy of passenger rights to the Authority for approval.</p>
Insurance	<p>67. (1) A licensee for an air transport service shall not operate an air service unless, at all times, the licensee has liability insurance to cover the risks of injury to, or death of passengers, damage to or loss of baggage and cargo in an amount that is not less than the amounts specified in Schedule 6.</p> <p>(2) A licensee who contravenes this regulation commits an offence and is liable to a fine not exceeding P5 000 000, or to imprisonment for a term not exceeding 10 years, or to both.</p>
Insurance of third party	<p>68. (1) A licensee for an air service shall not operate an air service unless, at all times, the licensee has insurance to cover the risks of third party liability in an amount that is not less than the applicable amount as specified in Schedule 7.</p> <p>(2) A person who contravenes this regulation commits an offence and is liable to a fine not exceeding P5 000 000, or to imprisonment for a term not exceeding 10 years, or to both.</p>
Exclusion or waiver of insurance	<p>69. (1) A licensee for an air service shall take out liability insurance to comply with regulations 67 and 68 that contain an exclusion or waiver provision reducing insurance coverage for any accident or incident below the applicable minimum prescribed by these Regulations, unless that provision —</p> <ul style="list-style-type: none">(a) consists of a standard exclusion clause adopted by the international aviation insurance industry dealing with —<ul style="list-style-type: none">(i) war, hijacking and other perils,(ii) noise and pollution and other perils, or(iii) aviation radioactive contamination;(b) is in respect of chemical drift;(c) is to the effect that the insurance does not apply to liability assumed by the air service provider under any contract or agreement unless such liability would have attached to the air service provider even in the absence of such contract or agreement; or(d) is to the effect that the entire policy shall be void if the air service provider has concealed or misrepresented any material fact or circumstance concerning the insurance or the subject thereof or if there has been any fraud, attempted fraud or false statement by the air service provider touching any matter relating to the insurance or the subject thereof, whether before or after a loss. <p>(2) The minimum amount of coverage required for passengers, their baggage, cargo and third party liability may be insured for a combined single limit of insurance per any one occurrence.</p>

(3) An applicant for a licence, or a licensee who seeks to amend or renew a licence, shall file with the Authority, in respect of the service to be provided or being provided, as the case may be, a valid certificate of insurance.

(4) A person referred to in subregulation (3) who files a certificate of insurance electronically shall, on the request of the Authority, file a certified copy of the certificate within two weeks of such request.

- 70.** A licensee shall without delay notify the Authority in writing, where —
- (a) the liability insurance coverage in respect of the air service for which the licence is issued, altered or cancelled in a manner that results in the failure by the licensee to have liability insurance coverage for that service; or
 - (b) the licensee's operations change in a manner that results in the failure by the licensee to have liability insurance coverage for that service.

Notification
by licensee

PART VII — *Miscellaneous provisions*

71. The Authority may, for purposes of ensuring compliance with these Regulations, inquire into any matter or thing for which a licence, permit or other authority is required in terms of these Regulations.

Inquiry into
licensing
matters

72. A licensee shall, at the request of the Authority, provide the Authority with information or documents in their possession, in respect of any complaint under review or any investigation being conducted by the Authority in accordance with these Regulations.

Disclosure of
information

73. (1) The Authority may, in writing, designate any qualified person by name or by title of office, to be an authorised person for the purpose of securing compliance with the provisions of these Regulations and of any terms and conditions attached to a licence, and in that designation shall state the functions of the authorised person.

Powers of air
transport
officers to
secure
compliance

(2) A person who is designated as an authorised person under subregulation (1) may perform the following functions on behalf of the Authority —

- (a) inspection, and verification of compliance by a licensee to these Regulations, and any condition placed by the Authority on the licence;
- (b) perform any other functions assigned by the Authority under subregulation (1); or
- (c) carry out any other functions or acts that may be necessary or incidental to the carrying out of the functions given under paragraph (b).

74. (1) An authorised person may at any time and on production of the written designation provided for under regulation 73 —

Power of
inspection

- (a) enter and inspect any premises of an air service provider on which the authorised person has reasonable cause to believe that the business of an air service provider is being carried on in contravention with these Regulations, and —
 - (i) examine and take copies of any books, accounts, documents or any other thing for which information can be derived from, found in those premises relating to or appearing to relate to the business of an air service provider,

- (ii) seize any books, accounts, documents or any other thing which information can be derived from, found in those premises relating to or appearing to relate to the business of an air service provider, and
- (iii) question any person who appears to him or her to be engaged in, or carrying on, or employed in, the business of an air service provider on those premises on any matter concerning the application of or compliance with these Regulations or any terms or conditions attached to a licence;
- (b) require, by notice in writing, any person who appears to the authorised person to be engaged in or carrying on the business of an air service provider to produce to the authorised person, at such time and place as the authorised person may specify in the notice, any books, accounts, documents or any other thing which information can be derived from, relating to the business of an air service provider; and
- (c) board or detain an aircraft and search such aircraft if the authorised person has reasonable grounds to suspect that —
 - (i) the aircraft is being used or is likely to be used in contravention of these Regulations, or
 - (ii) that it contains any matter or thing which may be used as evidence in respect of an offence under these Regulations.
- (2) A person who —
 - (a) intentionally obstructs an authorised person acting under this regulation; or
 - (b) falsely pretends to be an authorised person,

commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding two years, or to both.

Appeals

75. A person aggrieved by a decision of the Authority or any person authorised by the Authority under these Regulations shall have a right of appeal from the whole or any part of the decision of the Authority to the Appeals Tribunal established by section 79 of the Act, and subject to the procedures of the Appeals Tribunal provided under the Civil Aviation (Appeals Tribunal) Regulations.

Offences

- 76.** (1) A person who —
- (a) falsifies, counterfeits, alters, defaces, mutilates or in any way tempers with a licence or other document issued under these Regulations, or is in possession of a licence or other document which has been falsified, counterfeited, altered, defaced or mutilated, or to which an addition has been made;
 - (b) uses a licence or other document issued under these Regulations of which the person is not the holder; or
 - (c) permits a licence or other document issued under these Regulations of which that person is the holder, to be used by any other person, commits an offence and is liable to a fine not exceeding P5 000 000, or to imprisonment for a term not exceeding 10 years, or to both.
- (2) A person who —
- (a) uses an aircraft in contravention of these Regulations;
 - (b) knowingly supplies any false or misleading information touching on any matter which is material to any application to the Authority or to any member, employee or agent of the Authority; and

(c) contravenes or fails to comply with any conditions of a licence issued under these Regulations, commits an offence and is liable to a fine not exceeding P5 000 000, or to imprisonment for a term not exceeding 10 years, or to both.

77. In any proceeding under these Regulations —

Evidence

- (a) an aircraft which is being used for the provision of an air service shall, until the contrary is proved, be presumed to be so used or caused to be used by the person in whose name that aircraft is registered in terms of any law relating to the registration of such aircraft;
- (b) an aircraft which is registered in the name of a person who is a licensee and which is being used for the provision of an air service otherwise than in accordance with the terms and conditions of such licence, shall, until the contrary is proved, be presumed to be so used or caused to be so used by the licensee;
- (c) the conveyance in an aircraft of any person in addition to the normal operating crew or of any goods shall, until the contrary is proved, be presumed to be conveyance for reward;
- (d) a document purporting to be a licence issued under these Regulations, or a copy of any such licence certified in writing as such by the Authority shall be accepted as prima facie evidence of the facts stated therein; and
- (e) a document signed by the Authority, stating that a licence has not been issued by the Authority to a specified person, shall be accepted as prima facie evidence of the facts stated therein.

78. Notwithstanding the provisions of these Regulations, any licence, approval or exemption of any operation of an air service in force on the coming into force of these Regulations, shall remain valid, subject to the laws on the basis of which they are issued, for a maximum period of one year, or till the date of expiry, whichever ever comes first, during which period the air service provider holding such licence, approval or exemption shall make the necessary arrangements to conform with all the requirements of these Regulations.

Savings

79. (1) Notwithstanding the provisions of these Regulations, a person who, on the commencement of these Regulations, is operating an air service, which, prior to the commencement of these Regulations was not required by law to hold a licence for the operation of that service, shall not be in breach of these Regulations, if that person continues to operate that air service.

Transitional provisions

(2) The person in subregulation (1) shall, within 30 days of the commencement of these Regulations or within such longer period as the Authority may on application, authorise —

- (a) file an application to the Authority to obtain the required licence for the air service in operation; and
- (b) file an application to the Authority for a temporary exemption from the other requirements of these Regulations with which that person may not comply on that day.

(3) A person shall not be in breach of these Regulations until such time as the Authority makes a decision concerning any application made in terms of subregulation (2).

C.666

(4) Notwithstanding the requirements of these Regulations, a person who, on the commencement of these Regulations, is licensed to provide an air service, but fails to comply with any provision of these Regulations, shall not be in breach of these Regulations, if the person, within 14 days of the commencement of these Regulations, files an application to the Authority for a temporary exemption from the requirements and until such time as the Authority makes a decision concerning the application.

Revocation of
Air Transport
(Temporary
Air Service
Permits)
Regulations,
Cap. 71:01
(Sub. Leg.)

80. The Air Transport (Temporary Air Service Permits) Regulations are hereby revoked.

SCHEDULE 1

FORM A

APPLICATION FOR AIRCRAFT LEASE PERMIT
(Regulation 8 and 9)

Part I: General Information

1. Name and address of applicant

2. Existing fleet strength

Number _____ Type _____ Seating capacity _____

3. Maintenance and operational base of the proposed aircraft

4. Source of crew and their names

(a) Existing fleet:

(b) Proposed fleet:

5. Arrangement for crew training

6. Sources of engineers or technical staff and their names

(a) Existing fleet:

(b) Proposed fleet:

7. Arrangement/level of readiness for maintenance of aircraft

C.668

Part II: Details of aircraft

Type and make of aircraft: _____

Nationality and registration of the aircraft: _____

Year of manufacture of the aircraft _____

No. of passenger seat/weight of cargo permissible as per type certificate of the aircraft

Maximum certified take-off weight _____

Last major check done and number of hours since flown _____

Next major check _____

Name of the company from which aircraft is being leased

Reasons for lease of aircraft

Period of lease as per contract _____

Date of last lease of same aircraft _____

Details of any other aircraft leases still operational _____

Previous history of aircraft with details of any aircraft incident/accident involving structural damage

Name of Authority and country which issued last certificate of airworthiness

FORM B
AIRCRAFT LEASE PERMIT
(Regulation 9)

Permit No.

1. The Civil Aviation Authority, in exercise of its powers under section 49 of the Civil Aviation Act, and regulations 8 and 9, hereby grants a permit to

authorising it to lease aircraft Type _____ bearing registration _____
_____ for the for the purpose of _____.

2. This permit shall have effect from _____ To _____

=====

Signed: ----- Date: -----

For the Civil Aviation Authority of Botswana

SCHEDULE 2

APPLICATION FOR AN AIR SERVICE LICENCE OR PERMIT
(Regulation 10 (1), 18 (1), 20 (1), 26 (3) (b), 37 and 38)

NEW

RENEWAL

VARIATION

1. CORPORATION

- (a) Name: _____
- (b) Place of incorporation: _____
- (c) Registration Number: _____

2. BUSINESS CONTACTS

- (a) Postal address: _____
- (b) Telephone: _____
- (c) Fax: _____
- (d) Email address: _____

3. NATIONALITY

(Name and country)

- (a) Shareholders: _____

- (b) Directors: _____

4. CATEGORY OF LICENCE OR PERMIT APPLIED FOR

- (a) Domestic scheduled air transport service licence
- (b) International scheduled air transport service licence
- (c) Domestic non-scheduled air transport service licence
- (d) International non-scheduled air transport service licence
- (e) Aerial work licence
- (f) Aerial work permit
- (g) Flight training service licence
- (h) Other (specify) _____

5. TYPE OF AIR SERVICE TO BE PROVIDED

- (a) Passenger
- (b) Cargo
- (c) Mail
- (d) Other (specify) _____

6. PARTICULARS OF AIRCRAFT

- (a) Make and Type: _____
- (b) Fleet Number: _____
- (c) Seating Capacity: _____
- (d) Registration: _____

7. ROUTE TO BE OPERATED

- (a) Point of Departure: _____
- (b) Intermediate Landing Points
 - (i) For off-loading purposes: _____
 - (ii) For non off-loading purposes: _____
- (c) Destination: _____

8. DATE OF COMMENCEMENT: _____

9. PERIOD FOR WHICH LICENCE IS REQUIRED: _____

I, the undersigned, hereby apply for a licence for an air service, and declare that the information furnished herein is true and correct.

Signature: _____ Date: _____

Name (in block letters): _____ Position held: _____

Duly authorised to sign for and on behalf of (Name of Company): _____

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ATTACHMENTS:

New Application:

- (a) Proposed flight schedule.
- (b) Proposed tariff structure.
- (c) Insurance coverage certificate.
- (d) Operator certificate (AOC, AWOOC or ATO certificate).
- (e) Receipt as proof of payment of application fee.
- (f) Copy of national identity/passport/citizenship certificate/birth certificate.
- (g) Business plan.
- (h) Proof of source of funding for the first three months of operation.
- (i) Certificate of incorporation (companies).
- (j) Shareholding certificate (companies).

Renewal:

- (a) Certified copies of insurance documents.
- (b) Copy of audited financial statements for financial year preceding renewal.
- (c) Applicable passenger fares and freight rates and associated conditions.
- (d) Regular statistics of traffic, fleet and personnel, and financial summaries, according to Air Transport Directive No. 1/1987 and other relative Directives.
- (e) Structure of Aircraft fleet and related characteristics and major technical specifications.
- (f) Aircraft maintenance procedures and checks, and address of the maintenance base and stores of spare parts.
- (g) Any other particular required by CAAB.

Variation:

- (a) Change of Directors of the company.
- (b) Copies of Omani or passports for Directors.
- (c) Copies of residence and work permits for non-citizen Directors.
- (d) Physical and postal address of Directors.
- (e) Curriculum vitae of Directors.

Aerial Work:

- (a) Copy of airworthiness certificate.
- (b) Copy of aircraft registration certificate.
- (c) Copy of pilot licence.
- (d) Copy of insurance cover.
- (e) Map of area or coordinates.
- (f) Letter from contractor.
- (g) Endorsement from Department of Wildlife (for game capture).

SCHEDULE 3

FEES
(Regulation 9, 11, 18, 20 and 37)

Licence or Permit Type	Application Fee	Initial Issue	Renewal Fee	Variation Fee
Scheduled Air Services	Pula	Pula	Pula	Pula
Category AC1 Aircraft	2000	5000	5000	2500
Category AC2 Aircraft	1500	4000	4000	2500
Category AC3 Aircraft	1000	3500	3500	2500
Category AC4	500	3000	3000	2500
Category HL1 Aircraft	1000	3000	3000	2500
Category HL2 Aircraft	500	2000	2000	2500

Non-Scheduled Air Services	Pula	Pula	Pula	Pula
Category AC1 Aircraft	1000	3000	3000	1500
Category AC2 Aircraft	800	2000	2000	1000
Category AC3 Aircraft	500	1500	1500	750
Category AC4	250	800	800	400
Category HL1 Aircraft	500	1500	1500	750
Category HL2 Aircraft	250	1000	1000	500

C.674

General Air Service	Pula	Pula	Pula	Pula
Category AC1 Aircraft	1000	3000	3000	1500
Category AC2 Aircraft	800	2000	2000	1000
Category AC3 Aircraft	500	1500	1500	750
Category AC4	250	800	800	400
Category HL1 Aircraft	500	1500	1500	750
Category HL2 Aircraft	250	1000	1000	500

Definition of Categories of Aircraft

1. AC1 — any aircraft, excluding a helicopter, with maximum certificated mass exceeding 20 000kg.
2. AC2 — any aircraft, excluding a helicopter, with maximum certificated mass exceeding 5 700kg but not exceeding 20 000kg.
3. AC3 — any aircraft, excluding a helicopter, with maximum certificated mass exceeding 2 700kg but not exceeding 5 700kg.
4. AC4 — any aircraft with maximum certificated mass of 2 700kg or less.
5. HL1 — any multi-engine helicopter.
6. HL2 — any single engine aircraft.

SCHEDULE 4

LICENCES AND PERMITS
(Regulation 34 and 35)

FORM A

DOMESTIC NON-SCHEDULED AIR TRANSPORT SERVICE LICENCE

Licence No.

1. The Civil Aviation Authority of Botswana, in exercise of its powers under section 49 of the Civil Aviation Act, and regulation 34, hereby grants an Air Transport Service Licence to —

.....
.....
.....

authorising it to operate aircraft on non-scheduled air service for the carriage of passengers, cargo or mail between any points both of which are in the Republic of Botswana.

2. A non-scheduled air service flight for the purpose of paragraph 1 is defined as a flight on which all the capacity of the aircraft is made available to the public through one or more charterers.

3. This licence is subject to conditions shown at the back of this document.

4. Nothing in this licence authorises the operation of any flight —

- (a) other than in accordance with the licence holder's Air Operator's Certificate; or
- (b) that is prohibited as a result of a direction to the Civil Aviation Authority of Botswana by the Minister of Transport and Communications, or by any rules that may have been published by the Minister.

5. This licence shall have effect from to

Signed: Date:

For the Civil Aviation Authority of Botswana

FORM B

INTERNATIONAL NON-SCHEDULED AIR TRANSPORT SERVICE LICENCE

Licence No.

1. The Civil Aviation Authority of Botswana, in exercise of its powers under section 49 of the Civil Aviation Act, and regulation 34, hereby grants an Air Transport Service Licence to —

.....
.....
.....

authorising it to operate aircraft on non-scheduled air service for the carriage of passengers, cargo, or mail between any point in the Republic of Botswana and another State.

2. A non-scheduled air service flight for the purpose of paragraph 1 is defined as a flight on which all the capacity of the aircraft is made available to the public through one or more charterers.

3. This licence is subject to conditions shown at the back of this document.

4. Nothing in this licence authorises the operation of any flight —
(a) other than in accordance with the licence holder's Air Operator's Certificate; or
(b) that is prohibited as a result of a direction to the Civil Aviation Authority of Botswana by the Minister of Transport and Communications, or by any rules that may have been published by the Minister.

5. This licence shall have effect from to

Signed: Date:

For the Civil Aviation Authority of Botswana

FORM C

DOMESTIC SCHEDULED AIR SERVICE TRANSPORT LICENCE

Licence No.

1. The Civil Aviation Authority of Botswana, in exercise of its powers under section 49 of the Civil Aviation Act, and regulation 34 hereby grants an Air Transport Service Licence to —

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.....
.....

authorising it to operate aircraft on scheduled flights for the carriage of passengers, cargo, or mail between any combination of points in Botswana.

2. A scheduled flight for the purposes of paragraph 1 is defined as a flight on which at least some of the capacity of the aircraft is made available to the public without the intervention of a charterer.

3. This licence is subject to conditions shown at the back of this document.

4. Nothing in this licence authorises the operation of any flight —
(a) otherwise than in accordance with the licence holder's Air Operator's Certificate; or
(b) that is prohibited as a result of a direction to the Civil Aviation Authority of Botswana by the Minister of Transport and Communications, or by any rules that may have been published by the Minister.

5. This licence shall have effect from to

Signed: Date:

For the Civil Aviation Authority of Botswana

FORM D

INTERNATIONAL SCHEDULED AIR TRANSPORT SERVICE LICENCE

Licence No.

1. The Civil Aviation Authority, in exercise of its powers under section 49 of the Civil Aviation Act, and regulation 34 hereby grants an Air Transport Service Licence to —

.....
.....
.....

authorising it to operate aircraft on scheduled flights for the carriage of passengers, cargo, or mail between any combination of points anywhere in the world subject to designation by the Minister of Transport and Communications.

2. A scheduled flight for the purposes of paragraph 1 is defined as a flight on which at least some of the capacity of the aircraft is made available to the public without the intervention of a charterer.

3. This licence is subject to conditions shown at the back of this document.

4. Nothing in this licence authorises the operation of any flight —

- (a) otherwise than in accordance with the licence holder's Air Operator's Certificate; or
- (b) that is prohibited as a result of a direction to the Civil Aviation Authority of Botswana by the Minister of Transport and Communications, or by any rules that may have been published by the Minister.

5. This licence shall have effect from to

Signed: Date:

For the Civil Aviation Authority of Botswana

FORM E
AERIAL WORK LICENCE

Licence No.

1. The Civil Aviation Authority of Botswana, in exercise of its powers under section 49 of the Civil Aviation Act, and regulation 35, hereby grants a licence to —

.....
.....
.....

authorising it to operate aircraft on aerial work air service at locations specified in the accompanying aerial work permit in the Republic of Botswana.

2. Aerial work for the purpose of paragraph 1 is defined as an aircraft operation in which an aircraft is used for specialised services not being the carriage of passengers, mail or other cargo.

3. This licence is subject to conditions shown at the back of this document.

4. Nothing in this licence authorises the operation of any flight —

- (a) other than in accordance with the licence holder's Air Operator's Certificate; or
- (b) that is prohibited as a result of a direction to the Civil Aviation Authority of Botswana by the Minister of Transport and Communications, or by any rules that may have been published by the Minister.

5. This licence shall have effect from to

Signed: Date:

For the Civil Aviation Authority of Botswana

C.680

FORM F

AERIAL WORK PERMIT
(Regulation 36)

1. Permission is granted to _____ to undertake aerial work at
(location) _____ in Botswana.
2. The Aircraft(s) to be used is/are (Types of aircrafts) _____
_____ bearing registration number(s) _____.
3. The work will commence on the _____ up to _____
4. The pilot's name is _____ and he or she is advised to adhere to
all regulations and rules as per Botswana Aeronautical Information Publication.

Name _____

Signature _____

Designation _____

Date _____

FORM G

NON-SCHEDULED DOMESTIC AIR TRANSPORT SERVICE PERMIT
(Regulation 37)

A. Applicant/Company Contact Details:
Full Name: _____
Full Address: _____

Tel.: _____ Fax: _____ E-mail address: _____

B. Permit Details:

Type of Aircraft: _____ Registration: _____ MAUW: _____

Name of Pilot: _____ Number of PAX _____

Period of Journey: From _____ To _____

Route: _____

Purpose of Journey: _____

Name and Contacts of Client:

=====

For Official Use Only:

Permit Number: _____ Date of Issue: _____

Authorised by: Name _____ Signature _____

Special Conditions: _____

C.682

FORM H

NON-SCHEDULED INTERNATIONAL AIR TRANSPORT PERMIT
(Regulation 38 (3))

A. Applicant/Company Contact Details:
Full Name: _____
Full Address _____

Tel.: _____ Fax: _____ E-mail address: _____

B. Permit Details:

Type of Aircraft: _____ Registration: _____ MAUW: _____

Name of Pilot: _____ Number of PAX _____

Period of Journey: From _____ To _____

Route: _____

For landing flights only:

Purpose of Journey: _____

Date of arrival: _____ Date of Departure: _____

=====

For Official Use Only:

Permit Number: _____ Date of Issue: _____

Authorised by: Name _____ Signature _____

Special Conditions: _____

FORM I

FLIGHT TRAINING SERVICE LICENCE
(Regulation 39)

Licence No.

1. The Civil Aviation Authority of Botswana, in exercise of its powers under section 49 of the Civil Aviation Act, and regulation 39, hereby grants a Flight Training Service Licence to —

authorising it to operate aircraft on flight training service at locations specified in this licence in the Republic of Botswana.

2. This licence is subject to conditions shown at the back of this document.
3. Nothing in this licence authorises the operation of any flight other than in accordance with the licence holder's Approved Training Operator Certificate.
4. This licence shall have effect from _____ to _____

Signed: _____ Date: _____

For the Civil Aviation Authority of Botswana

The following conditions will appear at the back of the above licence:

- Compliance with all relevant provisions of Botswana Laws, Regulations, Orders and Directives; the Civil Aviation Authority Act; **the Civil Aviations (Licensing of Air Services) Regulations 2012**; and the Air Navigation Regulations as amended.
- Holding a relevant Approved Training Operator Certificate issued by CAAB and pertinent Operating Specifications and requirements pursuant to the applicable regulations, prior to commencing operations.
- Establishing and maintaining corporate technical, financial and administrative operating competency and efficiency.
- Providing the CAAB with the following:
 - (a) certified copies of insurance documents.
 - (b) applicable training fees and associated conditions.
 - (c) regular statistics of trainees, and financial summaries.
 - (d) any other particulars required by the CAAB.

C.684

FORM J

INTERNATIONAL AIR TRANSPORT SERVICE OPERATING AUTHORITY
(Regulation 41)

Letter of Authorisation

Authority is hereby granted to _____(Airline) to operate scheduled services from
(country and town) _____, _____ to (airport, town)
_____, _____, Botswana.

This authorisation allows the operator to exercise the 3rd and 4th freedom rights with or without option for 5th Freedom rights. Your operations are confined to the provisions of the current BASA between the two countries.

Signed -----

Date -----

FIFTH SCHEDULE

INFORMATION REQUIRED
(*Regulation 38 (2)*)

1. Operator's name and address.
2. Aircraft type, registration and flight number.
3. Date and time of departure on journey to Botswana, route and estimated time of arrival at destination.
4. Date and time of departure from Botswana, route and destination.
5. Name of Captain.
6. General nature of freight, and weight.
7. Number and nationality of passengers.
8. Name of charterers.

C.686

SIXTH SCHEDULE
LIABILITY INSURANCE
(Regulation 67)

<i>Item</i>	<i>Amount</i>
Passenger	113,100 SDRs per passenger
Baggage	1,131 SDRs per passenger
Cargo	19 SDRs per kg

SEVENTH SCHEDULE
THIRD PARTY INSURANCE
(Regulation 68)

<i>Category</i>	<i>(Maximum take-off Mass) MTOM of aircraft (kg)</i>	<i>Minimum Insurance (Million SDRs)</i>
1	Up to 499	1
2	500 – 999	2
3	1 000 – 2 699	4
4	2 700 – 5 999	8
5	6 000 – 11 999	20
6	12 000 – 24 999	80
7	25 000 – 49 999	150
8	50 000 – 199 999	300
9	200 000 – 499 999	500
10	500 000 and above	700

MADE thi 12th day of July, 2012.

NONOFO E. MOLEFHI,
*Minister of Transport and
Communications.*

L2/7/57 XI