INTRODUCTION TO THE

MODEL CIVIL AVIATION SAFETY ACT AND THE MODEL CIVIL AVIATION REGULATIONS

[STATE] is a signatory to the Convention on International Civil Aviation (Chicago Convention), signed at Chicago, Illinois, United States (U.S.), on 07 December 1944. Under Article 12 of the Convention, [STATE], as a Contracting State, is obligated to adopt measures to ensure safety through conformity with International Standards in its safety oversight obligations. The fundamental elements of national safety oversight are legislation that establishes and empowers a civil aviation authority (CAA) in [STATE], and the promulgation of specific operating regulations for civil aviation.

The Model Civil Aviation Safety Act (Act) and the Model Civil Aviation Regulations (MCARs) are published to assist the government of [STATE] in carrying out its aviation safety oversight responsibilities. The Act and the MCARs provide primary information sufficient to allow [STATE] to meet its overall safety oversight responsibilities and to emphasise [STATE]’s commitment to aviation safety. Under Articles 37 and 38 of the Chicago Convention, [STATE] has agreed to conform to the Standards and Recommended Practices (SARPs) presented by the International Civil Aviation Organization (ICAO) in a series of Annexes to the Chicago Convention addressing subjects ranging from the licensing of airmen to the transport of dangerous goods by air. Each ICAO Annex sets forth Standards, which are the minimum standards required for operation in international aviation by aircraft registered in a Contracting State. The Recommended Practices set forth in each ICAO Annex, while not mandatory, provide information about what standards should be adhered to in order to ensure aviation safety.

**MODEL CIVIL AVIATION SAFETY ACT**

The Model Civil Aviation Safety Act provides a legal basis for the establishment of a CAA in [STATE], referred to in the Act and these regulations as the Authority. The Act establishes the Authority under the Director of Civil Aviation, referred to in the Act as the Director, and defines the duties and authority granted to the Director under the law of [STATE].

The Act consists of nine chapters. Chapters I through IV address the organisation, administration, and general powers and duties of the Authority. Chapter V requires the registration of aircraft in [STATE] and makes the maintenance of a system of recordation of such registration a matter of law. Chapter VI sets forth the statutory bases for safety regulation by the Authority, including the licensing and certification of aviation personnel and operators, the duties required of operators and airmen, the power of inspection granted to the Authority, and the prohibitions applicable to all citizens of [STATE] respecting aviation. Chapter VII sets forth the civil and criminal penalties that may be imposed by the Authority for violations of the law or the regulations, and Chapter VIII establishes the procedure that is to be followed by the Authority in enforcement action. Chapter IX establishes the statutory authority for the economic regulation of air operators, where a Minister is given such authority.

It is recognised that most signatories to the Chicago Convention may already have a civil aviation law. The purpose of the Act is to provide the basis for review and modification of existing law, where such review and modification is deemed necessary by [STATE].

**MODEL CIVIL AVIATION REGULATIONS**

The MCARs present ICAO Standards as regulatory requirements for aircraft expected to operate internationally from and into [STATE]. Where applicable, ICAO Recommended Practices are included for completeness. Each part of the MCARs presents the SARPs from the appropriate ICAO Annex(es), supplemented by sections from Title 14 of the U.S. Code of Federal Regulations (14 CFR), *Aeronautics and Space*, and/or the European Joint Aviation Requirements (JAR). Supplementation by 14 CFR or JAR allows efficient implementation of the basic ICAO SARPs, based upon the experience gained by the Federal Aviation Administration (FAA) and the Joint Aviation Authorities (JAA). In some instances, modern regulatory practice in aviation either exceeds the ICAO Annex requirements or regulates areas not yet addressed by ICAO. Where these regulations exceed the requirements of a specific ICAO Annex or address an area not covered by an ICAO Annex, the regulations will be based upon the appropriate provisions of 14 CFR and the JAR.

Modern aviation practice presents complex situations to an Authority. The MCARs attempt to address the present situation faced by most countries, with aircraft operating both within a State and in international aviation. One of the assumptions underlying these regulations is that most aircraft registered in [STATE] will have the range to operate in both local and international aviation. Simplicity in the regulation of civil aviation under such circumstances supports the consistent application of ICAO SARPs throughout the aviation community in [STATE].

In most cases, a modern Authority must account for a number of different situations while regulating its aviation community. The key to satisfactory assurance of safety and accountability is the use of efficient and effective means of communication and data transfer. These regulations assume that the following situations will be present in [STATE], and in most Contracting States:

* There are aircraft registered in [STATE] that were designed and manufactured in another Contracting State;
* There are aircraft registered in [STATE] that were designed in one Contracting State and manufactured in another Contracting State;
* [STATE] may have air operator certificate (AOC) holders operating aircraft that are registered in another Contracting State and may have a different State of Design and State of Manufacture;
* [STATE] may have AOC holders who are part of a regional consortium, with operations and maintenance facilities in a neighboring country;
* [STATE] international air operators may operate in countries requiring pilot licences with terms and conditions additional to those required by ICAO Annex 1, *Personnel Licensing*, and which differ from one country or region to another; and
* [STATE] may host air operators and/or maintenance organisations that are required to follow the regulations of another country or region in addition to those of [STATE].

The MCARs are presented in 11 parts. Of special interest are the Implementing Standards (IS) that accompany each part. These IS provide detailed requirements that support the intent of a regulation presented in a part and, unless otherwise indicated, have the legal force and effect of the referring regulation.

**Part 1 – General Policies, Procedures, and Definitions**

Part 1 of the MCARs sets forth the basic rules of construction and application of the regulations; general administrative rules governing testing, licensing, and certifications; investigative and enforcement procedures; exemptions; and the definitions used in these regulations.

In addition, this part of the MCARs presents the safety management requirements and definitions contained in ICAO Annex 19, *Safety Management,* Amendment 1; the definitions from Annex 1*;* Annex 2, *Rules of the Air;* Annex 6, *Operation of Aircraft;* Annex 7, *Aircraft Nationality and Registration Marks;* Annex 17, *Security;* and the continuing airworthiness definitions from Annex 8, *Airworthiness of Aircraft,* and Annex 18, *The Safe Transport of Dangerous Goods by Air.* The ICAO Annexes do not address the specific setup of a State’s regulatory, compliance, and enforcement structure. Consequently, the development of this part is based largely on 14 CFR.

**Part 2 – Personnel Licensing**

Part 2 of the MCARs addresses the licensing of aviation personnel. Article 32 of the Chicago Convention requires [STATE] to issue licences and certificates of competency, or to validate such licences or certificates issued by other Contracting States, to the pilot of every aircraft and to other members of the flight crew of every aircraft engaged in international navigation. The basis of this obligation is the goal of promoting and conducting safe and regular aircraft operations through the development and implementation of internationally acceptable certification and licensing processes. If the same processes are extended to domestic operations, [STATE] can ensure the overall safety of aircraft operation through unification of licensing requirements. ICAO Annex 1 presents the broad international specifications for personnel licensing agreed upon by Contracting States.

Most of the Standards in ICAO Annex 1 do not provide enough detail to satisfy the day-to-day management of a State’s personnel licensing activities. This part of the MCARs presents detailed requirements for the general rules of licensing, and for certification of the licences contained in ICAO Annex 1, of pilots, flight instructors, flight engineers, flight navigators, flight operations officers, mechanics, air traffic controllers, and aeronautical station operators, and for the medical assessment of flight crew and aeronautical station operators. This part also addresses licences not addressed in ICAO Annex 1, such as parachute riggers, inspection authorisations, aviation repair specialists, and designees. The licensing and medical standards are based upon ICAO Annex 1, through Amendment 176; 14 CFR; and the Joint Aviation Requirements – Flight Crew Licensing (JAR-FCL).

Note: In version 2.9 of the MCARs, CAAs are responsible for the development and periodic updating of training and testing requirements for personnel licence holders as technology advances. These training and testing requirements can be more easily updated through the use of skill test standards (STSs) than through regulatory changes. Examples of STSs can be found in ICAO Course 18710, Government Safety Inspector – Personnel Licensing (GSI-PEL).

**Part 3 – Approved Training Organisations**

Part 3 of the MCARs prescribes the regulatory requirements for the certification and administration of approved training organisations (ATOs) and addresses other areas of airman training. The use of an ATO for the training and qualification of airmen is common in modern aviation, most particularly as operators upgrade their aircraft inventory and airmen transition to operating new aircraft. As of 03 November 2022, ATOs will also be used for the training and qualification of remotely piloted aircraft systems (RPAS) and remote pilots as operators add them to their inventory and airmen transition to operating various types of RPAS.

The interrelation of the ATO requirements of this part and the licensing and certification requirements of Part 2 of these regulations is plain. Even if [STATE] will not have an ATO located in the country, the requirements for ATO operation do apply to the requirements for adequate training for qualification for a [STATE] certification. Thus, [STATE] citizens who receive training from a foreign ATO shall be trained by an ATO meeting [STATE] requirements. This situation will be encountered when a [STATE] AOC holder, such as a national airline, is part of a regional consortium with AOC holders from other Contracting States in the region, and the consortium has established an ATO in only one of the regional Contracting States. The regulations set forth in this part allow for this situation.

CAAs are responsible for the development and periodic updating of training requirements for personnel licence holders as technology advances. Specific training curricula are not included in this part because such curricula can be more easily updated through approval by the Authority.

This part uses the SARPs in ICAO Annex 1 and relies heavily upon sections from 14 CFR and, in earlier versions of the MCARs, the concepts from the JAR-FCL and JAR 147/European Union Aviation Safety Agency (EASA) 147. This part is based on ICAO Annex 1, Amendment 176; ICAO Doc 9841, *Manual on the Approval of Training Organizations*, Third Edition (2018); and ICAO Doc 9868, *Procedures for Air Navigation Services – Training (PANS-TRG)*, Amendment 6, Second Edition (2016).

**Part 4 – Aircraft Registration and Marking**

Part 4 of the MCARs sets forth the requirements for registration of aircraft in [STATE] and governs the application of nationality and registration marks. This part of the MCARs is derived from ICAO Annex 7*,* through Amendment 6, and is supplemented by 14 CFR. EASA does not publish regulations for aircraft registration and marking, leaving that responsibility to the individual Contracting States.

**Part 5 – Airworthiness**

Part 5 of the MCARs presumes that [STATE] does not presently have the capabilities or demand to issue its own original type certification and will therefore not be the State of Design or State of Manufacture. It is designed to address the complex situation faced by most countries today with respect to the airworthiness of aircraft operating within the country and in international aviation. In many cases, there are aircraft registered in [STATE] that were designed and manufactured in another Contracting State and aircraft that are registered in [STATE] that were designed in one Contracting State and manufactured in another Contracting State. In addition, [STATE] may have AOC holders who operate aircraft that are registered in another Contracting State and have different States of design and manufacture. [STATE] may also have AOC holders who are part of a regional consortium, with maintenance facilities in a neighbouring State. Proper airworthiness of aircraft registered in [STATE] is the result of communication. These regulations require all persons operating [STATE]-registered aircraft to notify the Authority when certain events occur. The Authority is obligated to provide information regarding aircraft and airworthiness issues and current contact information to the State of Design and/or State of Manufacture so that the Authority can receive all mandatory continuing airworthiness information for each type of aircraft operating in [STATE].

This part of the MCARs presents regulatory requirements for the continuing airworthiness of aircraft expected to operate in [STATE] and uses the SARPs in ICAO Annex 6 and the continuing airworthiness SARPs in ICAO Annex 8, supplemented by sections from 14 CFR and, in earlier versions of the MCARs, the concepts from the JAR before transposition into European Union (EU) regulations. This part is based on ICAO Annex 6, Part I, *International Commercial Air Transport–Aeroplanes,* Amendment 45; Annex 6, Part II, *International General Aviation–Aeroplanes,* Amendment 38; Annex 6, Part III, *International Operations–Helicopters,* Amendment 23; Annex 8, Amendment 107; and ICAO Doc 9760, *Airworthiness Manual,* Third Edition (2014).

**Part 6 – Approved Maintenance Organisations**

Part 6 of the MCARs provides regulations for the certification and monitoring of approved maintenance organisations (AMOs) by the Authority of [STATE]. The proper maintenance of aircraft is fundamental to aviation safety and requires meticulous record keeping.

ICAO Annex 6 allows for the maintenance of aircraft under either an AMO or an equivalent system, which is a person or an organisation approved by the Authority of [STATE]. For AOC holders, this means that the AOC holder can maintain its own aircraft, if the AOC holder is also certificated as an AMO; can have its aircraft maintained by another AMO; or, equivalently, can maintain its aircraft under its AOC maintenance programme approved by the Authority of [STATE]. Maintenance requirements for AOC holders that are maintaining their aircraft under an equivalent system are addressed in Part 9 of these regulations.

When [STATE] is both the State of the Operator and the State of Registry of an aircraft, [STATE] is responsible for approving any AMO, person, or organisation used to provide maintenance for that aircraft. Paragraph 6.2.1.5(a)(3) of this part requires an AMO applicant within [STATE] to disclose any and all AMO certificates in any Contracting State other than [STATE]. Many regional airline consortia use common maintenance facilities in one Contracting State. This practice does not relieve [STATE] from approving the maintenance organisations used by its air operators that are on the Registry of [STATE]. [STATE] may have formal arrangements with a foreign State or States to allow acceptance of each other’s AMO certification action.

When the State of the Operator and the State of Registry of an aircraft are different, an ICAO Annex 6 change, effective from 05 November 2020, will require all State of the Operator aircraft that are on a foreign registry to be maintained by:

* An AMO approved by the foreign State of Registry; or
* An AMO approved by another foreign State that is accepted by the State of Registry; or
* A person or organisation, in accordance with procedures that are authorised by the State of Registry.

In this situation, the State of the Operator is not required to certificate the foreign AMO, person, or organisation itself; instead, it may accept the foreign certification or approvals through various means, such as validation, or through an arrangement with the foreign State. The State of the Operator continues to be responsible for ensuring that its air operators conduct maintenance in accordance with the requirements of the State of Registry.

This part of the MCARs is based on ICAO Annex 6*,* Part I, Amendment 45; Part II*,* Amendment 38; and Part III, Amendment 23; Annex 8*,* Amendment 107; and ICAO Doc 9760.

*Note: As of 05 November 2020, the term “maintenance” will change to “continuing airworthiness.”*

**Part 7 – Instruments and Equipment**

Part 7 of the MCARs presents the ICAO SARPs as regulatory requirements for instruments and equipment on aircraft expected to operate in [STATE]. As with other parts of these regulations, this part presents the SARPs in ICAO Annex 6*,* supplemented by sections from 14 CFR and/or the JAR. Supplementation by 14 CFR and JAR regulations allows for more efficient implementation of the basic ICAO SARPs, based upon the experience gained by the FAA and the former JAA.

The requirements of this part address both AOC holder and non-AOC holder operations. The requirements of this part that are applicable to all aircraft, and to both AOC and non-AOC holders, are noted by the key [AAC] preceding the particular requirement. Requirements applicable only to AOC holders are noted by the key [AOC].

*Note: ICAO Annex 6, Part I: 4.2.1.1, and Part III*, *Section II: 2.2.1.1, require that operators in commercial air transport have an AOC.*

In some instances, certain items, such as Machmeters or sea anchors, apply only to aircraft with performance characteristics requiring such items. Some [AAC] requirements apply to passenger-carrying aircraft. In such instances, the requirement addresses the operation of any passenger-carrying aircraft, most particularly turbine-engined aircraft, which may have performance and range capabilities matching the type of aircraft operated by AOC holders. Similarly, some equipment specified for [AOC] aircraft have sections keyed as [AAC].

The key [AAC] applies to all aircraft, whether on domestic or international flights. The key [AOC] applies to AOC holders operating in [STATE], whether on domestic or international flights. Certain sections, such as those addressing minimum navigation performance specifications airspace, may not address airspace contiguous to [STATE], but anticipate that [STATE] AOC holders’ aircraft may operate through such airspace in the course of commerce. Such requirements are intended to facilitate the integration of [STATE] AOC holders into such operations.

This part includes survival equipment requirements that apply to operation in [STATE], as specified in ICAO Annex 6. The Authority is encouraged to review geographic areas within [STATE] and designate those areas requiring additional, specific types of survival equipment.

The primary sources for this part are ICAO Annex 6, Part I, Amendment 45; Part II*,* Amendment 38; and Part III, Amendment 23.

**Part 8 – Operations**

Part 8 of the MCARs presents regulatory requirements for the operation of aircraft in [STATE], based upon the requirements of ICAO Annex 2 and Annex 6. This part prescribes the requirements for operations conducted by airmen certificated in [STATE] while operating aircraft registered in [STATE], as well as operations of foreign-registered aircraft conducted by [STATE] AOC holders and operations of aircraft within [STATE] by airmen or AOC holders of a foreign State. This part applies to operations outside [STATE] by all [STATE] pilots-in-command and operators unless compliance would result in a violation of the laws of the foreign State in which the operation is conducted. The regulations apply to all aircraft, except where superseded by the more stringent requirements put upon entities engaged in commercial air transport and upon AOC holders.

This part is based on ICAO Annex 2, Amendment 46; Annex 6, Part I*,* Amendment 45; Annex 6, Part II*,* Amendment 38; and Annex 6, Part III*,* Amendment 23. This part is supplemented by sections from 14 CFR and, in earlier versions of the MCARs, the concepts from JAR before transposition into EU regulations.

**Part 9 – Air Operator Certification and Administration**

Part 9 of the MCARs presents the regulatory requirements for persons or organisations to be granted an AOC by [STATE] and includes regulations concerning flight operations management, maintenance requirements, security management, and dangerous goods management and shipping.

Part 9 is supplemented by sections from 14 CFR and/or the JARs. Supplementation by 14 CFR or the JARs allows for more efficient implementation of the basic ICAO SARPs, based upon the experience gained by the FAA, the JAA, and now EASA.

This part of the MCARs is based on the SARPs in ICAO Annex 18*,* Amendment 12; Annex 6, Part I*,* Amendment 45; Annex 6, Part III*,* Amendment 23; Annex 8*,* Amendment 107; Annex 17*,* Amendment 16; and Annex 19, *Safety Management,* Amendment 1.

*Note: As of 05 November 2020, the term “maintenance” will change to “continuing airworthiness.”*

**Part 10 – Commercial Air Transport by Foreign Air Operators Within [STATE]**

Part 10 of the MCARs sets forth the terms and conditions under which [STATE] will carry out its aviation safety responsibility to its own citizens and ensure the safe operation, airworthiness, and air crew qualifications of foreign air operators it allows to operate into, from, or within [STATE] territory, as mandated by the Chicago Convention and the laws and regulations of [STATE].

Each Contracting State is empowered under the Chicago Convention to set the terms for entry into and flight operations into, from, or within that Contracting State. Ordinarily, international commercial air transport flights are allowed into a Contracting State under the terms and authority of international agreements that grant the economic permission to operate into, from, or within that Contracting State and require the safe operation of such aircraft. As a result, the CAAs of the State of Registry and the State of the Operator are responsible under the Chicago Convention for the safe operation of each aircraft that is allowed to conduct commercial air transport into, from, or within [STATE].[[1]](#footnote-1)

The requirements placed upon foreign air operators in this part are directly related to each Contracting State’s responsibility to assure that its air operators engaged in international commercial air transport adhere to the SARPs set forth in the applicable ICAO Annexes, the special conditions existing within [STATE] that [STATE] notes to ICAO as differences from the SARPs, and the special conditions within [STATE] that it reports in aeronautical information manuals and publications.

This part of the MCARs is based on the SARPs in ICAO Annex 2*,* Amendment 46; Annex 6*,* Part I*,* Amendment 45; Annex 6, Part III*,* Amendment 23; and ICAO Doc 8335, *Manual of Procedures for Operations Inspection, Certification and Continued Surveillance*, Fifth Edition (2010).

**Part 11 – Aerial Work**

Part 11 of the MCARs sets forth the requirements for aerial work operations, including agricultural aviation, external-load operations, glider and banner towing operations, television and motion picture filming operations, sightseeing flights, fish spotting, and news media and traffic reporting. Although the requirements of this part appear to address operations within [STATE], in some instances, aircraft registered in [STATE] will perform aerial work in contiguous States.

The ICAO Annexes do not specifically address aerial work. ICAO Annex 1 and Annex 6 contain a definition of aerial work, but the Foreword, or historical background section, of Annex 6, Part II*,* notes that this definition is included so that States will know that Annex 6 does not address aerial work. Because aerial work operations may be conducted outside the boundaries of [STATE], it is necessary that aircraft used for aerial work operations be operated and maintained in accordance with the ICAO Standards set forth in other parts of these regulations.

This part was developed largely from 14 CFR and FAA guidance. Neither EASA nor the JAA publish regulations addressing aerial work, leaving that responsibility to individual Contracting States.

**REGIONAL COORDINATION**

The Authority of [STATE] should consider the benefit of correlating their civil aviation laws and regulations with those of other Contracting States in the region. Correlation of regulations can lead to greater unity of air safety efforts by [STATE] and its neighbors. This approach can facilitate the safety regulation of commercial consortia operating in a region that includes [STATE]. The Act and the MCARs provide a basis for such correlation.

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1. Most international commercial air operators in a Contracting State have a single Authority that issues air operator certificates and is responsible for the validity of crew licences and the airworthiness of aircraft registered in that State. However, it is best to consider the State of Registry and the State of the Operator as separate entities until the actual situation respecting leases or arrangements is fully determined. [↑](#footnote-ref-1)