

GOVERNMENT NOTICE NO. 121 published on 24/05/2013

THE CIVIL AVIATION ACT  
(CAP. 80)

**REGULATIONS**

*(Made under Section 4)*

THE CIVIL AVIATION (SAFETY MANAGEMENT SYSTEM)  
REGULATIONS, 2013

ARRANGEMENT OF REGULATIONS

PART I  
PRELIMINARY PROVISIONS

*Regulation Title*

1. Citation.
2. Interpretation.
3. Application.

PART II  
SAFETY MANAGEMENT SYSTEM

4. Responsibilities of the service provider.

PART III  
SAFETY POLICY AND OBJECTIVES

5. Safety Policy.
6. Safety Objectives.
7. Accountable Executive.
8. Safety accountabilities and responsibilities.

9. Safety Manager.
10. Coordination of emergency response plan.
11. SMS documentation.
12. System description.
13. Gap analysis.
14. SMS implementation plan.
15. SMS manual.

PART IV  
SAFETY RISK MANAGEMENT

16. Hazard identification process.
17. Safety data collection, processing and protection.
18. Safety risk assessment and mitigation.
19. Safety risk assessment of areas of high safety concern.

PART V  
SAFETY ASSURANCE

20. Safety assurance process.
21. Safety performance monitoring and measurement.
22. Management of change.
23. Continuous improvement of the safety system.

PART VI  
SAFETY PROMOTION

24. Safety promotion.
25. Safety training.
26. Safety communication.

PART VII  
QUALITY POLICY

27. Consistency of quality policy with SMS.

PART VIII  
OFFENCES AND PENALTIES

28. Contravention of Regulations.

PART VII  
OFFENCES AND PENALTIES

29. Contravention of Regulations.  
30. Penalties.  
31. Appeal.

PART VIII  
SAVING AND TRANSITIONAL PROVISION

32. Saving and transitional provision.

THE CIVIL AVIATION ACT  
(CAP. 80)

**REGULATIONS**

*(Made under Section 4)*

THE CIVIL AVIATION (SAFETY MANAGEMENT SYSTEM) REGULATIONS, 2013

PART I

PRELIMINARY PROVISIONS

Citation.

1. These Regulations may be cited as the Civil Aviation (Safety Management System) Regulations, 2013.

Interpretation.

2. In these Regulations, unless the context otherwise requires-

“accident” means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which:

- (a) a person is fatally or seriously injured;
- (b) the aircraft sustains damage or structural failure; and
- (c) the aircraft is missing or is completely inaccessible.

“acceptable level of safety (ALoS)” means the acceptable level of safety which expresses the safety goals of an oversight authority, an operator, or a services provider. From the perspective of the relationship between oversight authorities and operators/services providers, it provides the minimum safety objective(s) acceptable to the oversight authority to be achieved by the operators/services providers while conducting their core business functions;

“acceptable performance” means normal expected behaviour and includes unintended errors and some minor violations or deviations;

- “accountable executive” means a single, identifiable person who, irrespective of other functions, shall have ultimate responsibility and accountability, on behalf of the organization, for the implementation and maintenance of the SMS;
- “Act” means the Civil Aviation Act, Cap 80, R.E. 2006;
- “Authority” means the Tanzania Civil Aviation Authority established by section 24 of the Act;
- “consequence” means potential outcome(s) of a hazard;
- “gap analysis” means an analysis of the safety arrangements already existing within the organization as compared to those necessary for the SMS to function;
- “hazard” means condition or object with the potential of causing injuries to personnel, damage to equipment or structures, loss of material, or reduction of ability to perform a prescribed function;
- “inappropriate use” means the use of safety information for purposes of which it was collected namely use of information for disciplinary, civil, administrative and criminal proceedings against operational personnel, and/or disclosure of the information to the public;
- “incident” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
- “ internal safety investigations” means investigations that are conducted by the service provider of occurrences or events that are not required to be investigated by the state;
- ‘Minister’ means the minister for the time being responsible for civil aviation;
- “mitigation” means measures to address the potential hazard or to reduce the risk probability or severity;
- “non-acceptable performance” means behaviour or acts such as gross negligence, deliberate or wilful disregard of procedures, substance abuse;
- “predictive” means capturing the system performance as it happens in real time normal operations so as to identify potential future problems;
- “prescribed” means prescribed by the Authority;

- “proactive” means actively identifying safety risks through the analysis of the organization’s activities;
- “probability” means the likelihood that an unsafe event or condition might occur;
- “process” means a series of steps followed in a methodical manner to complete an activity (what shall be done and by whom; when, where and how it shall be completed; what materials, equipment, and documentation shall be used, and how it shall be controlled);
- “protection” means providing defence;
- “reactive” means responding to events that have already happened such as incidents and accidents;
- “risk” means the composite of predicted severity and likelihood of the potential effect of a hazard;
- “risk control” means a means to reduce or eliminate the effects of hazards;
- “risk assessment” means the assessment in terms of predicted probability and severity, of the consequence(s) of a hazard taking as a reference the worst foreseeable situation;
- “safety” means a state in which the risk of harm to persons or property damage is reduced to, and maintained at or below, an acceptable level through a continuing process of hazard identification and risk management;
- “safety assurance” means processes within the SMS that function systematically to ensure the performance and effectiveness of safety risk controls and that the organization meets or exceeds its safety objectives through the collection, analysis, and assessment of information;
- “safety audits” means activities that focus on the integrity of the organization’s SMS and periodically assess the status of safety risk controls;
- “safety information” information contained in Safety Data Collection and Processing System established for the sole purpose of improving aviation safety, and qualified for protection under specified conditions;
- “safety manager” means the individual, responsible for the development, operation and continuous improvement

of the safety management system deployed by an operator/service provider and may be referred to as Director of Safety. He/she acts as a focal point for safety management issues in the organisation;

“Safety Management System” (SMS) means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of safety risk controls. It includes systematic procedures, practices, and policies for the management of safety risk;

“safety measurement” means the quantification of the outcomes of selected high-level, high-consequence events, such as accident and serious incident rates and is a spot check, normally conducted following pre-specified time frames and also means quantification of high level state functions;

“safety oversight” means what the State performs with regard to the SMS of the operators/service providers;

“safety objective” means a measurable goal or desirable outcome related to safety;

“safety performance indicator” means short term tactical measurable objectives reflecting the safety performance of an SMS, expressed in numerical terms and include safety performance measurement exclusively;

“safety performance measurement” means the quantification of the outcomes of selected low-level, low consequence processes and is a continuous process that also provides a measure of the actual performance of an SMS or SSP;

“safety performance target” means long term strategic measurable objectives reflecting the safety performance of an SMS, expressed in numerical terms and include safety performance measurement exclusively;

“safety policy” means the certificate holder’s documented commitment to safety, which defines its safety objectives and the accountabilities and responsibilities of its employees in regards to safety;

“safety promotion” means a combination of training and communication of safety information to support the

- implementation and operation of an SMS in an organization;
- “safety reviews” means activities conducted during introduction and deployment of new technologies, change or implementation of procedures, or in situations of a structural change in operations and are a fundamental component of the management of change;
- “safety risk” means the probability and resulting severity of the damaging potential of the identified consequences;
- “Safety Risk Management” means a process within the SMS composed of describing the system, identifying the hazards, and analyzing, assessing and controlling risk;
- “safety studies” means analyses by a service provider that encompass broad safety concerns and are more appropriate in addressing system safety deficiencies rather than identify specific, individual hazards;
- “safety surveys” means subjective activities that utilise checklists, questionnaires or informal confidential interviews to examine particular elements or procedures of specific operations, such as problem areas or bottlenecks in daily operations, perceptions and opinions of operational personnel and areas of dissent or confusion;
- “severity” means the possible effects of an unsafe event or condition, taking as reference the worst foreseeable situation;
- “state safety oversight” means a function by means of which a state ensures effective implementation of the safety related standards and recommended practices and associated procedures contained in the annexes to the convention on international civil aviation and related ICAO documents; and
- “State Safety Programme (SSP)” means an integrated set of regulations and activities aimed at improving safety (a system for the management of safety by the state).

- Application
- 3.-(1) These Regulations shall apply to-
- (a) service providers in the United Republic of Tanzania; and
  - (b) aviation safety-related processes, procedures and activities.
- (2) Notwithstanding sub-regulation (1), except where otherwise specified, these regulations shall not apply to occupational safety, environmental protection, customer service or product quality.
- (3) Within the context of these Regulations, the term service provider refers to aircraft operators, approved maintenance organizations, organizations responsible for type design manufacture of aircraft, air traffic service providers, certified aerodrome operators and approved training organizations that are exposed to operational safety risks during the provision of their services.

PART II  
SAFETY MANAGEMENT SYSTEM

- Responsibilities of the service provider.
- 4.-(1) A service provider shall have in place a safety management system (SMS) approved by the Authority that, as a minimum-
- (a) identifies safety hazards;
  - (b) ensures the implementation of remedial action necessary to maintain agreed safety performance;
  - (c) provides for continuous monitoring and regular assessment of safety performance; and
  - (d) aims at a continuous improvement of the overall performance of the safety management system.

(2) The service provider's SMS required by sub regulation (1) shall be established in accordance with requirements prescribed by the Authority.

(3) A service provider shall develop, establish, maintain and adhere to a safety management system (SMS) that is appropriate to the size, nature and complexity of the operations authorized to be conducted under its operations certificate, and the hazards and safety risks related to the operations.

(4) A service provider shall be responsible for the safety of services or products contracted or subcontracted to, or purchased from, other organizations.

### PART III SAFETY POLICY AND OBJECTIVES

Safety Policy

5.-(1) A service provider shall have in place a safety policy.

(2) The safety policy referred to in sub regulation (1), shall be signed by the Accountable Executive of the organization and be communicated, with visible endorsement, throughout the organization.

(3) The safety policy shall include the responsibilities of management and employees with respect to the safety performance of the SMS.

(4) The safety policy shall include-

- (a) a clear statement about the provision of the necessary resources for its implementation;
- (b) a commitment to continual improvement in the level of safety;
- (c) the hazard reporting procedures;
- (d) the conditions under which disciplinary action would be applicable following hazard reporting by employees;

(e) a policy that defines unacceptable behavior and conditions for disciplinary action; and

(f) an emergency response plan that provides for the safe transition from normal to emergency operations.

(5) The safety policy shall be documented and communicated throughout the certificate holder organization and shall be reviewed periodically to ensure it remains relevant and appropriate to the to the certificate holder.

Safety objectives

6.-(1) A service provider shall establish safety objectives for the SMS.

(2) The safety objectives referred to in sub regulation (1) shall be linked to the safety performance indicators, safety performance targets and action plans of the service provider's SMS.

Accountable Executive

7.-(1) A service provider shall identify an Accountable Executive to be responsible and accountable on behalf of the service provider for meeting the requirements of this regulation.

(2) The Accountable Executive shall be a single, identifiable person approved by the Authority, who, irrespective of other functions, shall have ultimate responsibility and accountability on behalf of the organization for the implementation and maintenance of the SMS.

(3) The Accountable Executive shall have-

(a) full control of the human resources required for the operations authorized to be conducted under the operations certificate;

(b) full control of the financial resources required for the operations authorized to be conducted under the operations certificate;

(c) final authority over operations authorized to be conducted under the operations certificate;

(d) direct responsibility for the conduct of the organization's affairs; and

(e) final responsibility for all safety issues.

(4) A service provider shall notify the Authority within ten days of any changes in positions of the Accountable Executive and the Safety Manager.

Responsibilities of the accountable executive

8. The accountable executive must accomplish the following-

(a) Ensure that the SMS is properly implemented and performing in all areas of the certificate holder's organization;

(b) Develop and sign the safety policy of the certificate holder;

(c) Communicate the safety policy throughout the certificate holder's organization;

(d) Regularly review the certificate holder's safety policy to ensure it remains relevant and appropriate to the certificate holder; and

(e) Regularly review the safety performance of the certificate holder's organization and direct actions necessary to address substandard safety performance.

Designation of a management representative.

9. The accountable executive must designate a management representative who, on behalf of the accountable executive, must be responsible for the following-

(a) Facilitating hazard identification and safety risk analysis.

(b) Monitoring the effectiveness of safety risk controls.

(c) Ensuring safety promotion throughout the certificate holder's organization as required in subpart E of this part.

(d) Regularly reporting to the accountable executive on the performance of the SMS and on any need for improvement.

Safety Manager

10.-(1) A service provider shall identify a safety manager, who shall be responsible for the implementation and maintenance of the SMS.

(2) The safety manager shall-

- (a) ensure that processes needed for the SMS are developed, implemented, adhered to and maintained;
- (b) report to the Accountable Executive on the performance of the SMS and on any need for improvement; and
- (c) ensure safety promotion throughout the organization.

Safety  
accountabilities  
and  
responsibilities

11.-(1) A service provider shall identify the safety accountabilities, responsibilities and authorities of all members of management as well as of all employees, irrespective of other responsibilities.

(2) The certificate holder must define accountability for safety within the organization's safety policy for the following individuals:

- (a) accountable executive;
- (b) All members of management in regard to developing, implementing, and maintaining SMS processes within their area of responsibility, including, but not limited to:
  - (i) hazard identification and safety risk assessment;
  - (ii) assuring the effectiveness of safety risk controls;
  - (iii) promoting safety as required;
  - (iv) advising the accountable executive on the performance of the SMS and on any need for improvement.
- (c) Employees relative to the certificate holder's safety performance.

(3) The certificate holder must identify the levels of management with the authority to make decisions regarding safety risk acceptance.

(4) Safety-related accountabilities, responsibilities and authorities shall be defined, documented and communicated throughout the organization.

Coordination of  
Emergency  
Response Plans

12.-(1) A service provider shall develop and maintain an emergency response plan.

(2) The emergency response plan shall be submitted to the Authority for approval.

(3) The service provider shall ensure its emergency response plan is properly coordinated with the emergency response plans of those organizations it must interface with during the provision of its services.

(4) The coordination of the emergency response plan shall ensure the orderly and efficient transition from normal to emergency operations and the return to normal operations.

(5) The coordination of the emergency response plan shall include-

- (a) delegation of emergency authority;
- (b) assignment of emergency responsibilities during the coordinated activities;
- (c) coordination of efforts to cope with the emergency; and
- (d) compatibility with other emergency response plans of other organizations.
- (e) coordination of the certificate holder's emergency response plan shall interface with emergency response plans of other organizations during the provision of its services.

(6) The emergency response plan shall be developed in accordance with requirements prescribed by the authority

SMS  
Documentation

13.-(1) A service provider shall develop and maintain SMS documentation that describes-

- (a) the safety policy and objectives;
- (b) the SMS requirements;
- (c) the SMS processes and procedures;
- (d) the accountabilities, responsibilities for processes and procedures; and
- (e) the SMS outputs.

System  
Description

14.-(1) A service provider shall, as part of the SMS documentation, complete a system description.

(2) The system description shall include the following-

- (a) the system interactions with other systems in the air transportation system;
- (b) the system functions;
- (c) required human performance considerations of the system operation;
- (d) hardware components of the system;
- (e) software components of the system;
- (f) related procedures that define guidance for the operation and use of the system;
- (g) operational environment; and
- (h) contracted, subcontracted and purchased products and/or services.

Gap analysis

15. A service provider shall, as part of the SMS documentation, complete a gap analysis, in order to-

- (a) identify the safety arrangements and structures that may already exist in its organization; and

- (b) determine additional safety arrangements required to implement and maintain the organization's SMS.

SMS  
Implementation  
Plan

16.-(1) A service provider shall, as part of the SMS documentation, develop, adhere to and maintain an SMS implementation plan.

(2) The SMS implementation plan shall be the definition of the approach the organization will adopt for managing safety in a manner that will meet the organization's safety objectives.

(3) The SMS implementation plan shall explicitly address the coordination between the SMS of the service provider and the SMS of other organizations the service provider must interface with during the provision of services.

(4) The SMS implementation plan shall include the following-

- (a) safety policy and objectives;
- (b) system description;
- (c) gap analysis;
- (d) SMS components;
- (e) safety roles and responsibilities;
- (f) hazard reporting policy;
- (g) means of employee involvement;
- (h) safety performance measurement;
- (i) safety training;
- (j) safety communication; and
- (k) management review of safety performance.

(5) The SMS implementation plan shall be endorsed by the accountable executive of the organization.

(6) The SMS implementation plan shall be developed in accordance with requirements prescribed by the Authority.

SMS Manual

17.-(1) A service provider shall, as part of the SMS documentation, develop and maintain a safety management system manual (SMSM), to communicate the organization's approach to safety throughout the organization.

(2) The SMSM shall document all aspects of the SMS, and its contents shall include-

- (a) scope of the safety management system;
- (b) safety policy and objectives;
- (c) safety accountabilities, responsibilities and authorities;
- (d) key safety personnel;
- (e) documentation control procedures;
- (f) coordination of emergency response planning;
- (g) hazard identification and safety risk management schemes;
- (h) safety performance monitoring;
- (i) safety auditing;
- (j) procedures for the management of change;
- (k) safety promotion; and
- (l) control of contracted activities.

(3) The SMSM shall be developed in accordance with requirements prescribed by the authority.

(4) The SMSM shall be submitted to the Authority for approval.

PART IV  
SAFETY RISK MANAGEMENT

Hazard  
Identification  
process

18.-(1) A service provider shall develop and maintain a formal process that ensures that hazards in operations are identified.

(2) The hazard identification process shall include-

- (a) reporting of hazards, events or safety concerns;
- (b) collection and storage of safety data;
- (c) analysis of the safety data; and
- (d) distribution of the safety information distilled from the safety data.

(3) The hazard identification process shall be developed in accordance with requirements prescribed by the Authority.

Safety data  
collection,  
processing and  
protection

19.-(1) A service provider shall develop and maintain safety data collection and processing systems (SDCPS) that provide for the identification of hazards and the analysis, assessment and mitigation of safety risks.

(2) A service provider shall develop and maintain formal means for effectively collecting, recording, acting on and generating feedback about hazards in operations, which combine reactive, proactive and predictive methods.

(3) Formal means of safety data collection shall include mandatory, voluntary and confidential reporting systems as prescribed by the Authority.

(4) Effectiveness of safety data reporting shall be ensured through defining the line between acceptable performance and non-acceptable performance and shall provide for fair protection to persons reporting.

Safety risk  
assessment and  
mitigation

20.-(1) A service provider shall develop and maintain a formal process that ensures analysis, assessment and control of the safety risks of the consequences of hazards during the provision of its services.

(2) The safety risks of the consequences of each hazard identified through the hazard identification processes referred to in regulation 17 of these regulations shall be analysed in terms of probability and severity of occurrence, and assessed for their tolerability.

(3) The service provider shall define the levels of management with authority to make safety risk tolerability decisions.

(4) The service provider shall define safety controls for each safety risk assessed as tolerable.

(5) The safety risk assessment and mitigation procedures shall be developed in accordance with requirements prescribed by the Authority.

#### PART V SAFETY ASSURANCE

Safety  
Assurance  
process

21.-(1) A service provider shall develop and maintain safety assurance processes to ensure that the safety risk controls developed as a consequence of the hazard identification and safety risk management activities in Part IV achieve their intended objectives.

(2) Safety assurance processes shall apply to an SMS whether the activities and or operations are accomplished internally or are outsourced.

(3) The safety assurance process shall be developed in accordance with requirements prescribed by the Authority.

Safety  
performance  
monitoring and  
measurement

22.-(1) A service provider shall, as part of the SMS safety assurance activities, develop and maintain the necessary means to verify the safety performance of the organization in reference to the safety performance indicators and safety performance targets of the SMS, and to validate the effectiveness of safety risk controls.

(2) Safety performance monitoring and measurement means shall include-

- (a) hazard reporting systems;
- (b) safety audits;
- (c) safety surveys;
- (d) safety reviews;
- (e) safety studies; and
- (f) internal safety investigations.

(3) The safety performance monitoring and measurement referred to in sub regulation (2) shall be in accordance with requirements prescribed by the Authority.

Management of  
change

23.-(1) A service provider shall, as part of the SMS safety assurance activities, develop and maintain a formal process for the management of change.

(2) The formal process for the management of change shall-

- (a) identify changes within the organization which may affect established processes and services;
- (b) establish arrangements to ensure safety performance prior to implementing changes; and
- (c) eliminate or modify safety risk controls that are no longer needed due to changes in the operational environment.

(3) The formal process for the management of change shall be developed in accordance with requirements prescribed by the Authority.

Continuous improvement of the safety system

24.-(1) A service provider shall, as part of the SMS safety assurance activities, develop and maintain formal processes to identify the causes of substandard performance of the SMS, determine the implications on its operations, and rectify situations involving substandard performance in order to ensure continuous improvement of the SMS.

(2) Continuous improvement of the service provider's SMS shall include-

- (a) proactive and reactive evaluation of facilities, equipment, documentation and procedures, to verify the effectiveness of strategies for control of safety risks; and
- (b) proactive evaluation of the individual's performance, to verify the fulfilment of safety responsibilities.

## PART VI SAFETY PROMOTION

Safety promotion

25. Service providers shall develop and maintain formal safety training and safety communication activities to create an environment where the safety objectives of the organization can be achieved.

Safety training

26.-(1) A service provider shall, as part of its safety promotion activities, develop and maintain a safety training programme that ensures that personnel are trained and competent to perform their SMS duties.

(2) The scope of the safety training shall be appropriate to the individual's involvement in the SMS.

(3) The Accountable Executive shall receive safety awareness training regarding-

- (a) safety policy and objectives;
- (b) SMS roles, accountabilities and responsibilities;
- (c) SMS standards; and
- (d) Safety assurance.

(4) The safety training programmes required by this regulation shall be developed in accordance with requirements prescribed by the Authority.

Safety communication

27. A service provider shall, as part of its safety promotion activities, develop and maintain formal means for safety communication, to-

- (a) ensure that all staff are fully aware of the SMS;
- (b) convey safety-critical information;
- (c) explain why particular safety actions are taken;
- (d) explain why safety procedures are introduced or changed; and
- (e) convey generic safety information.

## PART VII QUALITY POLICY

Consistency of Quality Policy with SMS

28. A service provider shall ensure that the organization's quality policy is consistent with, and supports the fulfilment of the activities of the SMS.

## PART VII OFFENCES AND PENALTIES

Contravention of Regulations

29. A person who contravenes any provision of these Regulations may have his certificate or exemption cancelled or suspended.

Penalties

30.-(1) A person who contravenes any provision of these Regulations, orders, notices or proclamations made thereunder shall, upon conviction, be liable to a fine or imprisonment or both, and in the case of a continuing contravention, each day of the contravention shall constitute a separate offence.

(2) Any person who contravenes any provision to these Regulations shall upon conviction be liable to a fine not less than 1,000.00 (USD) or its equivalent in Tanzania shillings or to imprisonment for a term not less than six months or to both, for each offence.

(3) Where it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of these Regulations, orders, notices or proclamations made there under was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.

(4) The Authority and any person specifically authorised by name by him or any police officer not below the rank of inspector specifically authorised by name by the Minister, may compound offences by assessing the contravention and requiring the person reasonably suspected of having committed the offence to pay to the Authority a sum of not less than 1,000.00 (USD) for provisions referred to in the Schedule to these Regulations.

Appeal

31. Where any person is aggrieved by any order made under these Regulations the person may, within twenty one days of such order being made, appeal against the order to a court of law with competent jurisdiction.

PART VIII  
SAVING AND TRANSITIONAL PROVISION

Saving and  
transitional  
provision

32. A person who, immediately before the commencement of these Regulations, was providing air navigation services in the designated airspace, aerodromes and portions of the airspace over the high seas may, continue his services but shall within ninety days after the commencement date, obtain a certificate from the Authority in accordance to these Regulations.

Dar es salaam,  
10<sup>th</sup> May, 2013

HARRISON G. MWAKYEMBE  
*Minister for Transport*