

*The Civil Aviation (Safety Management) (Amendment)  
Regulations, 2017*

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THE CIVIL AVIATION ACT  
(CAP. 80)

**REGULATIONS**

*(Made under section 4)*

THE CIVIL AVIATION (SAFETY MANAGEMENT) (AMENDMENT)  
REGULATIONS, 2017

Citation  
GN No.  
136

1. These Regulations may be cited as the Civil Aviation (Safety Management) (Amendment) Regulations, 2017 and shall be read as one with the Civil Aviation (Safety Management) Regulations, 2015, hereinafter referred to as the “principal Regulations”

Amend  
ment of  
regulati  
ons 3

2. The principal Regulations are amended in regulation 2, by inserting the following new definitions in its appropriate alphabetical order-

“‘hazard’ means a condition or an object with the potential to cause or contribute to an aircraft incident or accident;

‘safety data’ means a defined set of facts or set of safety values collected from various aviation related sources, which when analyzed is used to maintain or improve safety;

“safety information” means a safety data processed, organized or presented in a given context so as to make it useful for the purpose of sharing, exchanging or retaining them for safety management;

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“safety management” system” (SMS) means a systematic approach to managing safety, including the necessary organizational structures, accountability, responsibilities, policies and procedures;

“safety oversight” means a function performed by a State that ensures that aviation licence, certificate, authorization or approval holders comply with safety-related standards, regulations and associated procedures, and includes the assessment of the service providers’ SMS where necessary;

“safety performance target” means the planned or intended objective target for a safety performance indicator over a given period that aligns with the organization’s safety objectives;

“surveillance” means the State activities through which the State proactively verifies through inspections and audits that aviation licence, certificate, and authorization or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State.”

Amendment of regulation 4

3. The principal Regulations are amended in regulation 4 by deleting sub-regulation (3).

Addition of new regulation 4A

4. The principal Regulation are amended by adding immediately after regulation 4 the following new regulation 4A:

“Safety Management System Obligation”

4A.-(1) The Authority shall require that the following service providers implement an SMS:

(a) approved training organizations in accordance with Civil Aviation

- (Personnel Licensing) Regulations 2017 that are exposed to safety risks related to aircraft operations during the provision of their services;
- (b) operators of aeroplanes or helicopters authorized to conduct international commercial air transport, in accordance with The Civil Aviation (Operation of Aircraft) Regulations 2017;
- (c) approved maintenance organizations providing services to operators of aeroplanes or helicopters engaged in international commercial air transport, in accordance with Civil Aviation (Approved Training Organization) Regulations 2017; organizations responsible for the type design or manufacture of aircraft, engines or propellers, in accordance with Civil Aviation (Airworthiness of Aircraft) Regulations;
- (d) air traffic services Civil Aviation (Air Navigation Services) Regulations 2017; and

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(e) operators of certified aerodromes in accordance with Civil Aviation (Aerodromes) Regulations 2017.”

Amendment of regulation 6

5. The principal Regulations are amended in regulation 6, by-

(a) adding immediately after subregulation (3) the following new sub regulation

“(4) The SMS established in accordance with sub-regulation (3) shall address the framework elements contained in First Schedule.”

(b) renumbering subregulations (4), (5) and (6) as subregulations (5),(6) and (7) respectively.

Amendment of Part III

6. the principal Regulations are amended by deleting the heading to Part III and substituting for it the following: “SAFETY DATA AND SAFETY INFORMATION COLLECTION, ANALYSIS, PROTECTION, SHARING AND EXCHANGE”

Amendment of regulation 7

7. The principal Regulations are amended in regulation 7(1) by deleting paragraph (a) and (b) and substituting for them the following:

7.-(1) The Authority shall establish:

- (a) a mandatory incident safety reporting system that includes the collection and analysis of incident reports; and
- (b) a voluntary safety reporting system to collect and analyze safety data and safety information not captured

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by mandatory safety reporting systems.

Amendment of Part IV heading/title

8. The principal Regulations are amended in regulation by-

- (a) deleting the heading for Part IV and substituting for it the following: “SAFETY POLICY, OBJECTIVES AND RESOURCES”.

Amendment of regulation 8

9. The principal Regulations are amended in regulation 8 by-

- (a) deleting marginal note and substituting for it the following:

“Safety Data collection, processing and analysis systems”

- (b) deleting sub-regulation 8(2) and substituting for it the following -

“(2) The Authority shall establish a mandatory safety reporting system that includes the collection and analysis of incident reports”

“(3) The Authority shall establish a voluntary safety reporting system to collect and analyze safety data and safety information not captured by mandatory safety reporting systems”

- (c) renumbering subregulations (3) and(4) as subregulations (4) and (5) respectively.

Addition of new regulation 9A and 9B

11. The principal Regulation are amended by adding immediately after regulation 9 the following.

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“Safety data  
and  
Safety  
information  
and analysis

9A. The Authority shall establish and maintain a process to analyze the safety data and safety information from the SDCPS and associated safety databases.

Protection of  
safety data  
and safety  
information

9B– (1) The Authority shall accord protection to safety data and safety information captured in voluntary safety reporting systems and related sources.

(2) The Authority shall not be prevented from using safety data or safety information to take any preventive, corrective or remedial action that is necessary to maintain or improve aviation safety.

(3) The Authority shall take necessary measures, including the promotion of a positive safety culture to encourage safety reporting through the systems prescribed in regulation 8.

Amendment of  
regulation 10

12. The principal Regulations are amended in regulation 10 by-

(a) deleting sub regulation (1)) and substituting for it the following:

“(1) In the event that the Authority, in the analysis of the information contained in its SDCPS, identifies safety matters considered to be of interest to other States, that State shall

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forward such safety information to them as soon as possible. Prior to sharing such information, States shall agree on the level of protection and conditions on which safety information will be shared. The level of protection and conditions shall be consistent with Third Schedule”.

(b) deleting subregulations (3) and substituting for it the following:

“(3) The Authority shall promote the establishment of safety information sharing or exchange networks among users of the aviation system, and facilitate the sharing and exchange of safety information, unless national law provides otherwise”.

Amendment of  
regulation 11

13. The principal Regulations are amended in regulation 11, by adding immediately after subregulation (4) the following new sub regulation:

“(5) The Authority shall establish primary aviation legislation in accordance with section 1 of First Schedule.

(6) The Authority shall establish an enforcement policy that specifies the conditions and circumstances under which service providers with an SMS are allowed to deal with, and resolve, events involving certain safety deviations, internally, within the context of the service provider’s SMS, their SMS and to the satisfaction of the Authority.

(7) The Authority shall establish specific operating regulations in accordance with section 2 of the First Schedule.

(8) The Authority shall periodically review specific operating regulations, guidance material and implementation policies to ensure they remain relevant and appropriate to the service providers”.

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Amendment of  
regulation 12

14. The principal Regulations are amended in regulation 12 by adding immediately after subregulation (2) the following new sub regulations:

“(3) The Authority shall identify, define and document the requirements, obligations, functions and activities regarding the establishment and maintenance of the State safety programme, including the directives to plan, organize, develop, maintain, control and continuously improve the State Safety Programme (SSP) in a manner that meets the State’s safety objectives.

(4) The Authority shall establish a safety policy and safety objectives that reflect their commitment regarding safety and facilitates the promotion of a positive safety culture in the aviation community.

(5) The safety policy and safety objectives under the State Safety Programme of the Authority shall be published and periodically reviewed to ensure that they remain relevant and appropriate to the State.

(6) The Authority States shall establish requirements for the qualification of technical personnel in accordance with section 4 of First Schedule.

(7) The Authority shall establish technical guidance and tools and provide safety-critical information in accordance with section 5 of First Schedule.”

Addition of  
new regulation  
22A

15. The principal Regulation are amended by adding immediately after regulation 22 the following new regulation 22A:



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“Licensing, certification, authorization and/or approval obligations                      22A-(1) A service provider shall meet the licensing, certification, authorization and approval obligations in accordance with Section 6 of First Schedule.”

Amendment of regulation 24

16. The principal Regulations are amended in regulation 24 by adding immediately after subregulation (5) the following new sub regulation:

“(6) The Authority shall establish mechanism for the resolution of safety issues in accordance with section 8 of First Schedule.”

Amendment of regulation 28

17. The principal Regulations are amended in regulation 28 by adding immediately after subregulation (3) the following new sub regulation:

“(4) The acceptable level of safety performance to be achieved shall be established by the Authority.”

Addition of new regulation 30A

18. The principal Regulation are amended by adding immediately after regulation 30 the following new regulation:

“Surveillance obligation                      30A-(1) The Authority shall meet surveillance obligations in accordance with section 7 of First Schedule

(2) The Authority shall establish procedures to prioritize inspections, audits and surveys towards those areas of greater safety concern or need.”

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Addition of  
new regulation  
37A

19. The principal Regulation are amended by adding immediately after regulation 37 the following new regulation 37A

“Accident  
and Incident  
Investigation

37A. Authority shall establish a process to investigate accidents and incidents in accordance with Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, 2017 in support of the management of safety in the State.”

Amendment of  
First Schedule,  
Second and  
Third

20. The principal regulations are amended by deleting the First, Second and Third Schedule and substituting for them the following:

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**“FIRST SCHEDULE**

*(Made under Regulations 6 (4) 11, 12, 22A, 24 and 30A)*

**STATE SAFETY OVERSIGHT SYSTEM**

This First Schedule provides for the guidance on the critical elements of a system that enables a State to discharge its responsibility for safety oversight.

In this schedule, the term “relevant authorities or agencies” is used in a generic sense to include all authorities with aviation safety oversight responsibility which may be established by States as separate entities, such as: Civil Aviation Authorities, Airport Authorities, ATS Authorities, Accident Investigation Authority, and Meteorological Authority.

**1. Primary aviation legislation**

1.1 States shall promulgate a comprehensive and effective aviation law, commensurate with the size and complexity of their aviation activity and consistent with the requirements contained in the Convention on International Civil Aviation to enable the oversight and management of civil aviation and the enforcement of regulations through the relevant authorities or agencies established for that purpose.

*Note.— This includes ensuring that the aviation law remains relevant and appropriate to the State.*

1.2 The aviation law shall provide personnel performing safety oversight functions access to the aircraft, operations, facilities, personnel and associated records, as applicable, of service providers.

**2. Specific operating regulations**

States shall promulgate regulations to address, at a minimum, national requirements emanating from the primary aviation legislation, for standardized operational procedures, products, services, equipment and infrastructures in conformity with the Annexes to the Convention on International Civil Aviation.

*Note. — The term “regulations” is used in a generic sense and includes but is not limited to instructions, rules, edicts, directives, set of laws, requirements, policies and orders.*

**3. State system and functions**

3.1 The State States shall establish relevant authorities or agencies, as appropriate, supported by sufficient and qualified personnel and provided with adequate financial resources for the management of safety.

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3.2 States authorities or agencies shall have stated safety functions and objectives to fulfil their safety management responsibility.

*Note.— This includes the participation of the State aviation organizations in specific activities related to the management of safety in the State, and the establishment of the roles, responsibilities and relationships of such organizations.*

3.3 States should take necessary measures, such as remuneration and conditions of service, to ensure that qualified personnel performing safety oversight functions are recruited and retained.

3.4 States shall ensure that personnel performing safety oversight functions are provided with guidance that addresses ethics, personal conduct and the avoidance of actual or perceived conflicts of interest in the performance of official duties.

3.5 States should use a methodology to determine its staffing requirements for personnel performing safety oversight functions, taking into account the size and complexity of the aviation activities in that their State.

**4. Qualified technical personnel**

4.1 States shall establish minimum qualification requirements for the technical personnel performing safety-related functions and provide for appropriate initial and recurrent training to maintain and enhance their competence at the desired level.

4.2 States shall implement a system for the maintenance of training records for technical personnel.

**5. Technical guidance, tools and provision of safety-critical information**

5.1 States shall provide appropriate facilities, comprehensive and up-to-date technical guidance material and procedures, safety-critical information, tools and equipment, and transportation means, as applicable, to the technical personnel to enable them to perform their safety oversight functions effectively and in accordance with established procedures in a standardized manner.

5.2 States shall provide technical guidance to the aviation industry on the implementation of relevant regulations.

**6. Licensing, certification, authorization and/or approval obligations**

States shall implement documented processes and procedures to ensure that personnel and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization and/or approval to conduct the relevant aviation activity.

**7. Surveillance obligations**

States shall implement documented surveillance processes, by defining and planning inspections, audits, and monitoring activities on a continuous basis, to proactively assure that aviation licence, certificate, authorization and/or approval holders continue to meet the established requirements.

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This includes the surveillance of personnel designated by the Authority to perform safety oversight functions on its behalf.

**8. Resolution of safety issues**

8.1 States shall use a documented process to take appropriate corrective actions, up to and including enforcement measures, to resolve identified safety issues.

8.2 States shall ensure that identified safety issues are resolved in a timely manner through a system which monitors and records progress, including actions taken by service providers in resolving such issues.

**SECOND SCHEDULE**

*(Made under Regulations 6 (1))*

**FRAMEWORK FOR A SAFETY MANAGEMENT SYSTEM**

This Second Schedule specifies the framework for the implementation and maintenance of an SMS. The framework comprises four components and twelve elements as the minimum requirements for SMS implementation:

**1. Safety policy and objectives**

- 1.1 Management commitment
- 1.2 Safety accountability and responsibilities
- 1.3 Appointment of key safety personnel
- 1.4 Coordination of emergency response planning
- 1.5 SMS documentation

**2. Safety risk management**

- 2.1 Hazard identification
- 2.2 Safety risk assessment and mitigation

**3. Safety assurance**

- 3.1 Safety performance monitoring and measurement
- 3.2 The management of change

**4. Safety promotion**

- 4.1 Training and education

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#### 4.2 Safety communication

### **1. Safety policy and objectives**

#### 1.1 Management commitment

1.1.1 The service provider shall define its safety policy in accordance with international and national requirements. The safety policy shall:

- (a) reflect organizational commitment regarding safety;
- (b) include a clear statement about the provision of the necessary resources for the implementation of the safety policy;
- (c) include safety reporting procedures;
- (d) clearly indicate which types of behaviours are unacceptable related to the service provider's aviation activities and include the circumstances under which disciplinary action would not apply;
- (e) be signed by the accountable executive of the organization;
- (f) be communicated, with visible endorsement, throughout the organization; and
- (g) be periodically reviewed to ensure it remains relevant and appropriate to the service provider.

1.1.2 Taking due account of its safety policy, the service provider shall define safety objectives. The safety objectives shall:

- (a) form the basis for safety performance monitoring and measurement;
- (b) reflect the service provider's commitment to maintain or continually improve the overall performance of the SMS;
- (c) be communicated throughout the organization; and
- (d) be periodically reviewed to ensure they remain relevant and appropriate to the service provider.

#### 1.2 Safety accountability and responsibilities

The service provider shall:

- (a) identify the accountable executive who, irrespective of other functions is accountable to the organization, for the implementation and maintenance of an effective SMS;
- (b) clearly define lines of safety accountability throughout the organization, including a direct accountability for safety on the part of senior management;
- (c) identify the responsibilities of all members of management, irrespective of other functions, as well as of employees, with respect to the safety performance of the SMS;
- (d) document and communicate safety accountability, responsibilities, and authorities throughout the organization; and
- (e) define the levels of management with authority to make decisions regarding safety risk tolerability.

#### 1.3 Appointment of key safety personnel

The service provider shall appoint a safety manager who is responsible for the implementation and maintenance of the SMS.

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*Note.— Depending on the size of the service provider and the complexity of its aviation products or services, the responsibilities for the implementation and maintenance of the SMS may be assigned to one or more persons as their sole function or combined with other duties, provided these do not result in any conflicts of interest.*

1.4 Coordination of emergency response planning

The service provider required to establish and maintain an emergency response plan for accidents and incidents in aircraft operations and other aviation emergencies shall ensure that the emergency response plan is properly coordinated with the emergency response plans of those organizations it must interface with during the provision of its products and services.

1.5 SMS documentation

1.5.1 The service provider shall develop and maintain SMS documentation that describes its:

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

1.5.2 The service provider shall develop and maintain an SMS manual as part of its SMS documentation.

*Note.— Depending on the size of the service provider and the complexity of its aviation products or services, the SMS manual and SMS documentation may be in the form of stand-alone documents or maybe integrated with other organizational documents (or documentation) maintained by the service provider.*

**2. Safety risk management**

2.1 Hazard identification

2.1.1 The service provider shall develop and maintain a process to identify ensures that hazards associated with its aviation products or services.

2.1.2 Hazard identification shall be based on a combination of reactive and proactive methods.

2.2 Safety risk assessment and mitigation

The service provider shall develop and maintain a process that ensures analysis, assessment and control of the safety risks associated with identified hazards.

*Note.— The process may include predictive methods of safety data analysis.*

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**3. Safety assurance**

3.1 Safety performance monitoring and measurement

3.1.1 The service provider shall develop and maintain the means to verify the safety performance of the organization and to validate the effectiveness of safety risk controls.

3.1.2 The service provider's safety performance shall be verified in reference to the safe performance indicators and safety performance targets of the SMS in support of the organization's safety objectives.

3.1.3 The service provider shall monitor and assess the effectiveness of its SMS processes to maintain or continuously improve of the overall safety performance of its services or products.

3.2 The management of change

The service provider shall develop and maintain a process to identify changes which may affect the level of safety risk associated with its aviation products or services and to identify and manage the safety risks that may arise from those changes.

**4. Safety promotion**

4.1 Training and education

4.1.1 The service provider shall develop and maintain a safety training programme that ensures that personnel are trained and competent to perform their SMS duties.

4.1.2 The scope of the safety training programme shall be appropriate to each individual's involvement in the SMS.

4.2 Safety communication

The service provider shall develop and maintain a formal means for safety communication that:

- (a) ensures personnel are aware of the SMS to a degree commensurate with their positions;
- (b) conveys safety-critical information;
- (c) explains why particular safety actions are taken; and
- (d) explains why safety procedures are introduced or changed.



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**THIRD SCHEDULE**

*(Made under regulations 7, 9 and 22)*

**PRINCIPLES FOR THE PROTECTION OF SAFETY DATA, SAFETY INFORMATION  
AND RELATED SOURCES**

**Introduction**

The protection of safety data, safety information and related sources is essential to ensure its continued availability, since the use of safety data and safety information for purposes other than maintaining or improving safety may inhibit the future availability of such data and information, with a significant adverse effect on safety.

In view of the different legal systems in States, States have the flexibility to draft their laws and regulations in accordance with their policies and practices.

The principles contained in this Schedule are aimed at assisting States to enact and adopt national laws, regulations and policies to protect safety data and safety information gathered from safety data collection and processing systems (SDCPS), as well as related sources, while allowing for the proper administration of justice and necessary actions for maintaining or improving aviation safety.

The objective is to ensure the continued availability of safety data and safety information by restricting its use for the purposes other than maintaining or improving aviation safety.

**1. General principles**

1.1 States shall, through national laws, regulations and policies protecting safety data, safety information and related sources, ensure that:

- (a) a balance is struck between the need for the protection of safety data, safety information in order to and related sources to maintain or improve aviation safety, and the need for the proper administration of justice;
- (b) safety data, safety information and related sources are protected in accordance with this appendix;
- (c) the conditions under which safety data, safety information and related sources qualify for protection, are specified; and
- (d) safety data and safety information remain available for the purpose of maintaining or improving aviation safety.

1.2 When an investigation under Civil Aviation (Aircraft Accident and incident investigation) regulations has been instituted, accident and incident investigation records listed in accordance with the relevant regulation and shall be subject to the protections accorded therein instead of the protections accorded by these regulations.

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## **2. Principles of Protection**

2.1 States shall ensure that safety data or safety information is not used for:

- (a) disciplinary, civil, administrative and criminal proceedings against employees, operational personnel or organizations;
- (b) disclosure to the public; or
- (c) any purposes other than maintaining or improving safety;

unless a principle of exception applies.

2.2 States shall accord protection to safety data, safety information and related sources by ensuring that:

- (a) the protection is specified based on the nature of safety data and safety information;
- (b) a formal procedure to provide protection to safety data, safety information, and related sources is established;
- (c) safety data and safety information will not be used in a way different from the purposes for which it was collected, unless a principle of exception applies;
- (d) to the extent that a principle of exception applies, States shall ensure that the use of safety data and safety information in disciplinary, civil, administrative and criminal proceedings will be carried out only under authoritative safeguards.

## **3. Principles of exception**

Exceptions to the protection of safety data, safety information and related sources shall only be granted when the competent authority:

determines that there are facts and circumstances reasonably indicating that the occurrence may have been caused by an act or omission considered, in accordance with national laws, to be conduct with intent to cause damage, or conduct constituting gross negligence, wilful misconduct or done with criminal intent;

- (a) after reviewing the safety data or safety information, determines that its release is necessary for the proper administration of justice, and that the benefits of its release outweighs the adverse domestic and international impact such release may have on the future collection and availability of safety data and safety information. ; or
- (b) after reviewing the safety data or safety information, determines that its release is necessary for maintaining or improving safety, and that the benefits of its release outweigh the adverse domestic and international impact such release is likely to have on the future collection and availability of safety data and safety information.

## **4. Public disclosure**

States shall provide that the formal procedure referred to in 2.2 b) include that any person seeking disclosure of safety data or safety information shall provide the justification for its release.

States that have right-to-know laws shall, in the context of requests made for public disclosure, create exceptions from public disclosure to ensure the continued confidentiality of voluntarily supplied safety data and safety information.

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Where is made in accordance with section 3, States shall ensure that:

- (a) public disclosure of relevant personal information included in the safety data or safety information complies with applicable privacy laws; and;
- (b) public disclosure of the safety data or safety information is made in a de-identified summarized or aggregate form.

**5. Responsibility of the custodian of safety data and safety information**

5.1 Each States shall ensure that each SDCPS should have has a designated custodian. It is the responsibility of the custodian of to apply the protection to safety data and safety information to apply all possible protection regarding the disclosure of the information, unless in accordance with this appendix:

- (a) the custodian of the safety information has the consent of the originator of the information for disclosure; or
- (b) the custodian of the safety information is satisfied that the release of the safety information is in accordance with the principles of exception.

*Note. — The custodian may refer to an individual or organization.*

**6. Protection of recorded data**

Note. - Ambient workplace recordings required by legislation, such as national laws, for example cockpit voice recorders (CVRs), may be perceived as constituting an invasion of privacy for operational personnel that other professions are not exposed to:

6.1 States shall, through national laws and regulations, provide specific measures of protection regarding the confidentiality and access by the public to ambient workplace recordings.

6.2 States shall, through national laws and regulations, treat ambient workplace recordings required by national laws and regulations as privileged protected data subject to the principles of protection and exception as provided for in this Schedule.

Dar es Salaam,  
20<sup>th</sup> February, 2017

MAKAME M. MBARAWA  
*Minister for Works, Transport and  
Communications*