

GOVERNMENT NOTICE No. 167 published on 7/6/2013

THE CIVIL AVIATION ACT
(CAP.80)

REGULATIONS

(Made under section 60 (i))

THE CIVIL AVIATION (CONTRIBUTION AND ADMINISTRATION OF THE TRAINING
FUND) REGULATION, 2013

ARRANGEMENT OF REGULATION

<i>Regulation</i>	<i>Title</i>
1.	Citation.
2.	Interpretation.
3.	Establishment and commencement of the Committee.
4.	Administration of the training fund and functions of the Committee.
5.	Use of the training fund.
6.	Eligibility for funding.
7.	Sources of the training fund.
8.	Collection and payment into the training fund.
9.	Account and financial audit.
10.	Membership to the aviation training fund committee.
11.	Selection committee.
12.	Selection process.
13.	Conditions for grant of loan.
14.	Training institutions-ab-initio training.
15.	Post-training programme-ab-initio trainees.
16.	Exemption.
17.	Contravention of Regulations.
18.	Offences and Penalties.
19.	Appeal.
20.	Revocation.

Citation 1. These Regulation shall be cited as the Civil Aviation (Contribution and Administration of the Training Fund) Regulation, 2013.

Interpretation 2. In these Regulations, unless the context requires otherwise-
“Act” means the Civil Aviation Act;
“ab-initio training” means initial training provided in a specific field such as aircraft maintenance, pilot and air traffic control;
“Authority” means the Tanzania Civil Aviation Authority;
“beneficiary” means a student who has been granted a loan under these Regulations;
“designated medical examiner” means a medical examiner designated by the Authority as qualified and licensed in the practice of medicine, to conduct medical examinations of fitness of applicants for the issue or renewal of the licences or certificates or ratings as required by appropriate civil aviation regulations;
“Minister” means the Minister responsible for civil aviation;
“Public Register” means the public register of the Authority as defined under section 44 of the Act.

Establishment and commencement of the Committee 3.-(1) It is hereby established a Fund to be known as TCAA Training Fund Committee (hereinafter known as the Committee) which shall be operated in accordance with the provisions of these regulations

(2) the committee shall come into operation on such date as the Minister may be notice publish in the *Government Gazette* and the Public Register.

Administration of the training fund and functions of the Committee 4.-(1) The Committee shall be responsible for the administration of the training fund.

(2) For transparent, efficient and effective operation the Committee shall have the following functions to:

(a) formulate and review strategies and procedure for the use of the training fund;

(b) formulate mechanism for repaying of money spent from the training fund by sponsored candidates or their parents or guardians;

- (c) formulate strategies for the contribution mechanism and recommend for approval by the Authority;
- (d) approve and priorities courses to be supported by the training fund;
- (e) approve candidates applying for sponsorship under the training fund;
- (f) determine and recommend for relief of repayment of the loan to the recipient;
- (g) prepare an annual budget of training requirements;
- (h) keep the register and other records of loan beneficiaries;
- (i) ensure auditing of the training fund as per standing financial regulations;
- (j) prepare and submit within three months after the end of financial year report to the Ministry, on the administration and usage of the training fund and shall include a copy of the audited accounts of the training fund;
- (k) consider all applications for exemption to the fund; and
- (l) assess the effectiveness of the training fund in meeting the objectives of its establishment.

5. The training fund shall be used for financing ab-initio training of Tanzanians in pilot and aircraft maintenance engineers by way of loan or grant.

Use of the Training Fund

6. A candidate shall be eligible for funding of ab-initio training, if he meets the selection eligibility specified in Regulation 11.

Eligibility for funding

7.-(1) The sources of the fund shall consist of:

Sources of the Fund

- (a) annual contributions from regulated suppliers grouped;

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(b) annual contributions from the Authority for such sums, not less than a sum equivalent in Tanzanian shillings of fifty thousand United States dollars;

(c) any donations, grants or loans from any other sources.

(2) For the purposes of this Regulation “regulated suppliers grouped means Air Operators Certificate (AOC) holders, Approved maintenance organization (Amo), Aerodrome Operators and Ground Handling Service Providers as specified in the Schedule.

Collection and payment into the Fund 8.-(1) Every person who is required to contribute to the training fund shall do so by 30th June of each year.

(2) Where the person fails or neglect to contribute to the Fund as specified in regulation (1), he shall be liable to pay a penalty of 10% of the unpaid amount for every thirty (30) days or part thereof during which the moneys continue to be unpaid the Fund.

Account and financial audit 9.-(1) The Authority shall open an independent bank account to be used for the training fund.

(2) All monies collected for the training fund shall be deposited in the bank account for this purpose.

(3) The Committee shall keep books of accounts and maintain proper records of its operations in accordance with accounting standards.

(4) The account shall be subject for annual audit by a person registered as an auditor under the Auditor and Accountants (Regulation) Act, 1972, appointed by the Committee on such terms and conditions as the Committee may determine.

Membership to the aviation training fund committee 10.-(1) The committee shall consist of the following members:

(a) four representatives of aviation industry of whom one of them shall be the Chairperson;

(b) the Authority’s Director of Safety Regulation; and

(c) Director of Economic Regulation.

(2) The Authority shall form the secretariat to the Committee.

(3) The Committee may co-opt a member or members as it deems fit for the purpose of fulfilling its obligations.

(4) The four representatives of the aviation industry shall be nominated by the regulated suppliers, contributing into the fund, in a transparent process as requested by the Authority.

(5) The duration of the nominated members shall be three years from the date of nomination and subject to renewable for another one term.

11.-(1) The secretariat shall advertise in local media, Authority's website and TAOA's website, stating the required entry qualifications and other requirements related to the course and giving a period not exceeding 30 days from the time of advertisement for the applicants to respond.

Selection
process

(2) To be eligible for selection for training a candidate shall:

(a) be a Tanzanian citizen;

(b) meet the entry qualifications and any other specified requirements shortlist.

12.-(1) There is hereby established a Selection Committee which shall include-

Selection
Committee

(a) the Secretariat;

(b) two other persons representing the private sector;

(c) one other person representing the training institution.

(2) The selection Committee shall be responsible to:

(a) prepare a short list of eligible candidates recommended for a loan and submit it to Committee for approval;

- (b) pass a written and oral aptitude test conducted by qualified technical personnel of the Authority;
- (c) pass a medical examination as required for the course to be taken; and for pilots, to undergo simulator training and engineer submitted to maintenance organisation;
- (d) make a written application in a prescribed form in which shall be include; inter alia;
 - (i) the names of the applicant;
 - (ii) the applicant's parent or guardian; and applicant's guarantor.

(3) Upon approved, the Committee shall form the basis of the loan contract, to be known as beneficiary loan agreement between the applicant and the Committee.

Conditions
for grant of
loan

13.-(1) The Committee shall in granting loan to eligible candidate, impose conditions and require repayments in instalments at such times within such periods as the fund may determine.

(2) The recipient of training sponsorship and his parent or guardian shall enter into an agreement with the Committee to repay the loan upon completion.

(3) In case of any default by the student in the repayments of the loan, the guarantor shall automatically and fully be liable to pay to the fund all loan owed to the fund by the beneficiary;

(4) Where the beneficiary of the guarantor fails or refuses to repay such loan as agreed and as required by this regulation, the beneficiary or the guarantor shall be liable to civil proceedings.

Training
institutions
ab-initio
training

14. The committee shall ensure that sponsored ab-initio trainees undertake training at institutions that meet the required standards and approved by the Authority.

15. Financial support to the candidates terminates on completion of the training.

Post-training
programme
ab-initio
trainees
Exemption

16.-(1) Every regulated supplier shall contribute to the fund.

(2) Notwithstanding sub regulation (1), a regulated supplier may be exempted to contribute to the fund if they are:

- (a) training organisation established in the United Republic of Tanzania;
- (b) non Government Organisation for humanitarian services for no hire and reward.

(3) A Regulated supplier who finds himself in any of the situations described in regulation shall apply in writing to the Authority to be exempted from the provisions of sub regulation (1).

(4) The regulated supplier shall attach to his application a certified copy of documents evidencing that they fall under sub regulation (2).

17. Any person who contravenes any provision of these Regulations shall have his licence, certificate, approval, authorisation, exemption or other document revoked or suspended.

Contra-ven-
tion of
Regulations

18.-(1) Any person who does or omit to do any act contrary to the provision of these Regulations; or knowingly, recklessly supplies false information in relation thereto commits an offence and upon conviction shall be liable to a fine of not exceeding two million Tanzanian Shillings or to imprisonment for a term not less than twelve months.

Offences and
penalties

(2) Notwithstanding what is stated in sub-regulation (1), the Authority shall have power not to issue or renew a licence of a person who has failed to contribute to the fund.

(19) Any person who is aggrieved by any order made under these Regulations, may appeal within twenty one days of such order being made to the Minister responsible for civil aviation.

Appeal

Civil Aviation (Contribution and Administration of the Training Fund)

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Revoca-
tion GN.
No. 284 of
2007

20. The Civil Aviation (Contribution and Administration of the Training Fund) Regulations, 2007 are hereby repealed.

SCHEDULE

(Regulation 7(2))

DETERMINATION OF REGULATED SERVICE PROVIDERS FOR THE
PURPOSE OF CONTRIBUTION TO THE
TRAINING FUND

1. AOC Operators

Group	Particulars	Amount
Group 1	0-30 seats	\$ 10,000
Group 2	31-120 seats	\$ 20,000
Group 3	Over 121 seats	\$ 30,000

A Criterion used for AOC operators is the total number of passenger seats.

2. Approved Maintenance Organisation (AMO)

Group	Particulars	Amount
Group 1	0-5700kg	\$ 2,000
Group 2	5701kg-30000kg	\$ 20,000
Group 3	Above 30000kg	\$ 30,000

A criterion used is the number of aircrafts being maintained. Regulated suppliers contributing to one group is exempted to contribute to another group.

3. Aerodrome Operator

Group	Particulars	Amount
Group 1	Cat. I	\$ 30,000
Group 2	Cat. II	\$ 20,000
Group 3	Cat. III	\$ 2,000

4. Ground Handling Service Provider

Group	Particulars	Amount
Group 1	Class I	\$ 30,000
Group 2	Class II	\$ 10,000
Group 3	Class III	\$ 5,000

Dar es Salaam,
.....2013

HARRISON MWAKYEMBE,
Minister for Transport

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