



RWANDA CIVIL AVIATION REGULATION

PART 16: OPERATIONAL CONTROL

Consolidated to include Special Regulations issued since last amendment of Ministerial Order N°01/CAB.M/019 OF 06/02/2019 Establishing Civil Aviation Regulations.

Part 16

Operational Control

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SUBPART A: GENERAL

16.001 APPLICABILITY

- (a) These Regulations may be cited as Civil Aviation (Operational Control) Regulations.
- (b) This Part prescribes the requirements of the Republic of Rwanda for the flight release of aircraft by operators required to exercise operational control of their aircraft.
- (c) This Part is applicable to both the operator, the person designated by the operator to issue a flight release, and any other person that performs a function regarding the flight can be construed to fall under the definition of operational control.
- (d) Civil Aviation Technical Standards published by the Authority shall also be applicable to the operational control of aircraft operations.

16.003 SUMMARY OF AMENDMENTS AND REVISION HIGHLIGHTS

- (a) The summary of amendments and revision highlights to this Part are contained in Appendix 1 to 16.003.

New: Internal: Special Regulation RSR/01/2020: Effective 15 November 2020

16.005 DEFINITIONS

- (a) The definitions applicable to this Part are consolidated in Part 1, Appendix 1 to 1.015.

16.010 ACRONYMS & ABBREVIATIONS

The following acronyms and abbreviations are used in this Part—

- (1) **AOC** = Air Operator Certificate
- (2) **ATC** = Air Traffic Control
- (3) **NOTAM** = Notice to Airmen
- (4) **PIC** = Pilot In Command

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SUBPART B: OPERATIONAL CONTROL**16.015 OPERATIONAL CONTROL**

- (a) Any operator that is required to exercise operational control of the aircraft it operates shall have qualified person(s) and equipment necessary to perform the functions and tasks related to that process.
- (b) The primary task of operational control is the decision-making necessary to authorise, continue, divert, or terminate a flight.
- (c) The responsibility for operational control shall be delegated only to the pilot-in-command and to a flight dispatcher, where the operator's approved method of control and supervision of flight operations requires the use of flight dispatcher personnel
- (d) Any person who participates in the decision-making for any of the tasks and functions associated with operational control is considered to be a party to the flight release of the aircraft and subject to the requirements of this Part.

16.020 FUNCTIONS ASSOCIATED WITH OPERATIONAL CONTROL

- (a) The person(s) exercising responsibility for operational control for an AOC holder shall—
 - (1) Authorise the specific flight operation;
 - (2) Ensure that an airworthy aircraft properly equipped for the flight is available;
 - (3) Ensure that qualified personnel and adequate facilities are available to support and conduct the flight;
 - (4) Ensure that proper flight planning and preparation is made;
 - (5) Ensure that flight locating and flight following procedures are followed; and
 - (6) For flights on a scheduled basis with 20 or more passenger seats, ensure the monitoring and aircraft tracking of the progress of the flight and the provision of information to the flight crew that may be necessary to safety.
- (b) A flight dispatcher assigned to duty should maintain complete familiarization with all features of the operation which are pertinent to such duties, including knowledge and skills related to human performance.

16.025 QUALIFIED PERSONS REQUIRED FOR OPERATIONAL CONTROL FUNCTIONS

- (a) A qualified person shall be designated by the AOC holder to exercise the functions and responsibilities for operational control of each flight in commercial air transport.
- (b) No person may be assigned for duty as a flight dispatcher or other operational control functions unless that person has completed an operator-specific training curriculum that addresses all of the specific components of the approved method of control and supervision of flight operations.
- (c) For passenger-carrying flights conducted on a scheduled basis, an operational control person or flight dispatcher shall be on-duty at an operations base to perform the operational control functions.
- (d) The AOC holder shall use a flight dispatcher licensed in accordance with Part 7 and qualified in accordance with Part 14 to perform the operational control and dispatcher functions for flights of aircraft with 20 or more passenger seats.
- (e) For all other flights, a person qualified in accordance with Part 14 may exercise operational control responsibilities and shall be available for consultation prior to, during and immediately following the flight operation.
- (f) A single pilot air taxi operator is not required to have a qualified person other than the PIC.

16.030 FLIGHT DISPATCHER PRIVILEGES & LIMITATIONS

- (a) Any flight dispatcher licensed under Part 7 may, when also qualified in accordance with

Civil Aviation Regulations

Part 14, exercise the privileges of this licence as the on-duty supervisor or in the immediate dispatch of aircraft in the flight progress (flight watch) system of a scheduled air carrier.

- (b) No person may assign a flight dispatcher for more than 10 consecutive hours of duty within a 24 consecutive hour period, unless he or she is given an intervening rest period of 8 hours.
- (c) No person may assign a flight dispatcher to duty after 12 consecutive months of absence from such duty unless the dispatcher re-qualifies for that position in accordance with the requirements of Part 14.

16.035 PILOT-IN-COMMAND RESPONSIBILITIES

- (a) For all flights, the PIC shares in the responsibility for operational control of the aircraft and has the situational authority to make decisions regarding operational control issues in-flight.
- (b) Where a decision of the PIC differs from that recommended, the person making the recommendation shall make a record of the associated facts.
- (c) The PIC may be designated as the sole person to exercise operational control when the operator is authorised to use flight-locating as the primary method of flight supervision.

16.040 OPERATIONAL CONTROL DUTIES

- (a) For passenger-carrying flights conducted on a published schedule, the qualified person performing the duties—
 - (1) Assist the PIC in flight preparation and provide the relevant information required;
 - (2) Assist the PIC in preparing the operational and ATC flight plans;
 - (3) Sign the dispatch copy of the flight release;
 - (4) Furnish the PIC while in flight, by appropriate means, with information which may be necessary for the safe conduct of the flight; and
 - (5) notify the appropriate ATS unit when the position of the aeroplane cannot be determined by an aircraft tracking capability and attempts to establish communication are unsuccessful.
- (b) In the event of an emergency, the qualified person performing operational control duties shall—
 - (1) Initiate such procedures as outlined in the operations manual while avoiding taking any action that would conflict with ATC procedures; and
 - (2) Convey safety-related information to the pilot-in-command that may be necessary for the safe conduct of the flight, including information related to any amendments to the flight plan that become necessary in the course of the flight.
- (c) A qualified person performing the operational control duties shall avoid taking any action that would conflict with the procedures established by—
 - (1) Air traffic control;
 - (2) The meteorological service;
 - (3) The communications service; or
 - (4) AOC holder.
- (d) If an emergency situation which endangers the safety of the aeroplane or persons becomes known first to the flight dispatcher, action by that person shall include, where necessary, notification to the appropriate authorities of the nature of the situation without delay, and requests for assistance if required.

16.045 METHODS OF FLIGHT SUPERVISION

- (a) The three methods of flight supervision that are to be practised by operators required to

have a system of operational control are—

- (1) Flight locating,
 - (2) Flight following, and
 - (3) Flight watch.
- (b) Operators of non-turbojet aircraft with a gross takeoff weight of less than 5700 kg. and carrying less than 9 passengers in non-scheduled flights may be authorised by the Authority to use flight locating as the primary method of flight supervision.
- (c) Flight locating shall be the minimum acceptable system of flight supervision for domestic operations.
- (d) Operators of turbine aircraft weighing more than 5700 kg and/or with a passenger carrying capacity of 20 or more passengers shall use:
- (1) flight watch, which includes aircraft tracking, or
 - (2) for domestic flights, a combination of flight watch and flight locating, if approved by the Authority.

16.050 OPERATIONAL INSTRUCTIONS

- (a) Each person transmitting operational instructions to an aircraft involving a change to a flight plan should co- ordinate those changes with the appropriate ATS unit prior to transmission to the flight crew.

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SUBPART C: FLIGHT RELEASE

16.055 FLIGHT RELEASE: DECISION-MAKING RECORDS

- (a) No person may issue a flight release unless the required flight preparation documents have been reviewed and determined to be complete and accurate.
- (b) The decision to authorise the flight release of an aircraft in commercial air transport operations must be recorded using a method that can be verified at any time within 3 months after the flight.
- (c) The signature of the PIC, and any other required person, on a filed operational flight plan will be the primary method of recording that decision.
- (d) This flight release documentation must be retained at the point of departure by a designated representative of the operator unless the Authority has approved a different method.

16.060 FLIGHT RELEASE: AIRCRAFT REQUIREMENTS

- (a) No person may issue a flight release unless the aircraft is airworthy and properly equipped for the intended flight operation.
- (b) No person may issue a flight release for a commercial air transport operation using an aircraft with inoperative instruments and equipment installed, except as specified in the Minimum Equipment List approved for the operator for that type aircraft.

16.065 FLIGHT RELEASE: CREW REQUIREMENTS

- (a) No person may issue a flight release unless the crew is qualified in accordance with the requirements of:
 - (1) for commercial air transport, Parts 14 and 15.
 - (2) for all other operators required to have an operational control system, the applicable regulations

16.070 FLIGHT RELEASE: FACILITIES & NOTAMS

- (a) No person may release an aircraft over any route or route segment unless there are adequate communications and navigational facilities in satisfactory operating condition as necessary to conduct the flight safely.
- (b) The Operational Control Person shall ensure that the PIC is provided all available current reports or information on aerodrome conditions and irregularities of navigation facilities that may affect the safety of the flight.
- (c) For their review of the operational flight plan, the PIC shall be provided with all available NOTAMs with respect to the routing, facilities and aerodromes.

16.075 FLIGHT RELEASE: WEATHER REPORTS & FORECASTS

- (a) No person may release a flight unless he or she is thoroughly familiar with reported and forecast weather conditions on the route to be flown.
- (b) No person may release a flight unless he or she has communicated all information and reservations they may have regarding weather reports and forecasts to the PIC.

16.080 FLIGHT RELEASE: IN ICING CONDITIONS

- (a) No person may release an aircraft, when in their opinion or that of the PIC, the icing conditions that may be expected or are met exceed that for which the aircraft is certified and has sufficient operational de-icing or anti-icing equipment.
- (b) No person may release an aircraft any time conditions are such that frost, ice or snow may reasonably be expected to adhere to the aircraft, unless there is the available to the PIC

at the aerodrome of departure adequate facilities and equipment to accomplish the procedures approved for the AOC holder by the Authority for ground de-icing and anti-icing.

16.085 FLIGHT RELEASE: UNDER VFR OR IFR

- (a) No person may release a flight under VFR or IFR unless the weather reports and forecasts indicated that the flight can reasonably be expected to be completed as specified in the release.

16.090 FLIGHT RELEASE: MINIMUM FUEL SUPPLY

- (a) No person may issue a flight release unless the fuel supply specified in the release is equivalent to or greater than the minimum flight planning requirements of Parts 10 and 12, including anticipated contingencies.

16.095 FLIGHT RELEASE: AIRCRAFT LOADING & PERFORMANCE

- (a) No person may issue a flight release unless he or she is familiar with the anticipated loading of the aircraft and is reasonably certain that the proposed operation will not exceed the—
 - (1) Centre of gravity limits;
 - (2) Aircraft operating limitations; and
 - (3) Minimum performance requirements.

16.100.FLIGHT RELEASE: AMENDMENT OR RE-RELEASE EN ROUTE

- (a) Each person who amends a flight release while the flight is en route shall record that amendment.
- (b) No person may amend the original flight release to change the destination or alternate aerodrome while the aircraft is en route unless the flight preparation requirements for routing, aerodrome selection and minimum fuel supply are met at the time of amendment or re-release.
- (c) No person may allow a flight to continue to an aerodrome to which it has been released if the weather reports and forecasts indicate changes which would render that aerodrome unsuitable for the original flight release.

16.105. FLIGHT RELEASE: WITH AIRBORNE WEATHER RADAR EQUIPMENT

- (a) No person may release a large aeroplane carrying passengers under IFR or night VFR conditions when current weather reports indicate that thunderstorms, or other potentially hazardous weather conditions that can be detected with airborne weather radar, may reasonably be expected along the route to be flown, unless the airborne weather radar equipment is in satisfactory operating condition.

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APPENDIX 1 TO 16.003.- SUMMARY OF AMENDMENTS AND REVISION HIGHLIGHTS

This Appendix contains a summary of all amendments and revision highlights to this Part since the issuance of the original regulation.

Amended Regulation	Source of Amendment	Revision	Description of Revision
16.003	Internal	Special Regulation RSR/01/2020 Effective 15 November 2020	Inserted a new summary of Amendments and Highlight of Revisions.
Appendix 1 to 16.003	Internal	Special Regulation RSR/01/2020 Effective 15 November 2020	Added a new Appendix providing details to the summary of Amendments and Highlight of Revisions..

New. Internal: Special Regulation RSR/01/2020: Effective 15 November 2020

END OF RCAR PART 16