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**GOVERNMENT NOTICE**

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**DEPARTMENT OF TRANSPORT****No. R. 540****16 May 2008****AVIATION ACT 1962****PROPOSED AMENDMENT TO THE CIVIL AVIATION REGULATIONS, 1997**

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCOM) hereby publishes for comment the proposed amendments to the Civil Aviation Regulations, 1997, as set out in the schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Mr. Jabulani Mashinini or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at [mashinini@caa.co.za](mailto:mashinini@caa.co.za) or [wildenboerh@caa.co.za](mailto:wildenboerh@caa.co.za), before or on 16<sup>th</sup> June 2008.

**SCHEDULE 1****PROPOSER**

South African Civil Aviation Authority  
Ikhaya Lokundiza 1  
Building 16, Treur Close  
Waterfall Park  
Bekker Street  
Midrand

**Explanation of interest of the Proposer**

The Proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and the regulations and technical standards issued in terms thereof.

**1. PROPOSAL TO SUBSTITUTE REGULATION 67.00.3 OF THE REGULATIONS**

- 1.1 The following regulation is hereby substituted for regulation 67.00.3 of the Regulations:

**“Functions of Commissioner regarding medical examinations**

- 67.00.3** (1) The Commissioner has the power and duty to –
- (a) exercise control over medical examinations or tests and over aviation medical examiners performing such examinations or tests;
  - (b) determine standards for such examinations or tests and for the training of such aviation medical examiners;
  - (c) determine aviation medical standards for training of flight crew and cabin crew in first aid as contained in Document SA-CATS-FCL 61 and 64;
  - (d) issue, amend, suspend or withdraw medical certificates and keep all books or documents regarding such examinations or tests;
  - (e) apply basic safety management principles to the medical assessment process of licence holders by inter alia:
    - (i) routinely collecting and analysing medical findings during medical assessments to identify areas of increased medical risk;
    - (ii) continuously re-evaluating the medical assessment process to concentrate on identified areas of increased medical risk;
    - (iii) routinely collecting and analysing incapacitation in-flight and on active duty.
- (2) The Commissioner may, subject to the provisions of section 4(2) and (3) of the Act, designate a body or institution to-
- (a) exercise control over medical examinations or tests and over aviation medical examiners performing such examinations or tests;
  - (b) determine standards for such examinations or tests and for the training of such aviation medical examiners;
  - (c) issue, amend, suspend or withdraw medical certificates and keep all books or documents regarding such examinations or tests;
  - (d) subject to the provisions of regulation 67.00.9, advise the Commissioner on any matter connected with such examinations, tests or aviation medical examiners and on the training of flight crew and cabin crew in first aid.

(3) The designation referred to in sub-regulation (2) shall be made in writing and shall be published by the Commissioner in the *Gazette* within 30 days from the date of such designation.

(4) The powers and duties referred to in sub-regulation (2) shall be exercised and performed according to the conditions, rules, requirements, procedures and standards prescribed in Document SA-CATS-MR.”

(5) The Commissioner shall oversee the functioning of the designated body or institution.

(6) The designated body or institution shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the effective performance of the designated functions in terms of regulation 67.00.3 (2).”.

## 1.2 Current regulation

### “Designation of body or institution

**67.00.3 (1)** The Commissioner may, subject to the provisions of section 4(2) and (3) of the Act, designate a body or institution to –

- (a) exercise control over medical examinations' or tests and over aviation medical examiners performing such examinations or tests;
- (b) determine standards for such examinations or tests and for the training of such aviation medical examiners;
- (c) issue, amend, suspend or withdraw medical certificates and keep all books or documents regarding such examinations or tests; and
- (d) subject to the provisions of regulation 67.00.9, advise the Commissioner on any matter connected with such examinations, tests or aviation medical examiners and on the training of flight crew and cabin crew in first aid.

(2) The designation referred to in subregulation (1) shall be made in writing and shall be published by the Commissioner in the *Gazette* within 30 days from the date of such designation.

(3) The powers and duties referred to in subregulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document SA-CATS-MR.

(4) Any medical practitioner employed by the body or institution designated in terms of subregulation (1), shall not be disqualified by virtue of such designation from being designated as an aviation medical examiner.

### **1.3 Motivation**

The purpose of this proposal is to ensure that the SACAA comply with ICAO Safety Management requirements, by applying, as part of the safety program, safety management principles to the medical assessment processes of license holders

## **2. PROPOSAL FOR THE AMENDMENT OF REGULATION 67.00.4 OF THE REGULATIONS**

**2.1** It is hereby proposed to amend regulation 67.00.4 by the addition after sub-regulation (3) of the following sub-regulations:

“(4) Any medical officer designated in terms of regulation 67.00.1(2) and (3) to perform any functions or duties on behalf of the Commissioner, shall not be disqualified by virtue of such designation from being designated as an aviation medical examiner.

(5) Any medical practitioner employed by the body or institution designated in terms of regulation 67.00.3 (2), shall not be disqualified by virtue of such designation from being designated as an aviation medical examiner.”.

### **2.2 Current regulation**

The current regulation does not have the provisions which are proposed to be added.

### **2.3 Motivation**

The amendment is necessary so as not to limit the powers of medical officers and medical practitioners.

### **3. PROPOSAL TO AMEND REGULATION 67.00.9 OF THE REGULATIONS**

**3.1** It is hereby proposed to amend regulation 67.00.9 by the addition in sub-regulation (1) after paragraph (c) of the following paragraph:

“(d) without undue delay, but within 7 days, notify the Commissioner of any psychiatric, medical or surgical event that has lead to incapacitation in-flight and on active duty.”.

### **3.2 Current regulation**

This is a new insertion as paragraph (d) did not exist.

### **3.3 Motivation**

The purpose of this proposal is to ensure that the SACAA comply with ICAO Safety Management requirements, by applying, as part of the safety program, safety management principles to the medical assessment processes of license holders.

## **SCHEDULE 2**

### **PROPOSAL FOR THE AMENDMENT OF PART 108 OF THE CIVIL AVIATION REGULATIONS, 1997**

#### **A. PROPOSERS**

Commercial Aviation Association of South Africa  
P. O. Box 658  
Lanseria  
1748

South African Association of Freight Forwarders  
Private Bag X89  
Bryanston  
2021

Johannesburg Chamber of Commerce and Industry  
Private Bag X34  
Auckland Park  
2006

Business Aviation Association of Southern Africa  
Professional House  
Lanseria Airport  
Lanseria  
1748

South African Civil Aviation Authority (SACAA)  
Private Bag X73  
Halfway House  
1685

## **B. PROPOSER'S INTEREST**

These organisations represent the major portion of the industry that will be affected by these Regulations. The SACAA is the regulator of the industry.

### **1. PROPOSAL TO AMEND REGULATION 1.00.1 OF THE REGULATIONS**

1.1 It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of "access control" of the following definition:

"**access control**" means the security procedure applied to ensure that only persons authorized, authorised vehicles and authorized items carried by such persons or transported in such vehicles are allowed access into the premises or zone being controlled".

#### **1.2 Current definition**

"**access control**" means the security procedure applied to ensure that only authorized persons, authorised vehicles and authorized items carried by such persons or transported in such vehicles are allowed access into the premises or zone being controlled".

#### **1.3 Motivation**

The amendment is necessary to clarify confusion that may be caused by the use of 'authorised persons'.

2. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of "cargo" of the following definition:

"**‘cargo’** means any property carried on an aircraft other than mail stores, unaccompanied baggage or mishandled baggage;"

**2.1 Current definition**

'**‘cargo’** means any item, including unaccompanied baggage, tendered with an air waybill for carriage by air in commercial air transport operations;

**2.2 Motivation**

The amendment is necessary to conform to with ICAO definition.

3. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the deletion of the definition of "certificate of proficiency";

**3.1 Current definition**

"**‘certificate of proficiency’** means a certificate issued in terms of Part 108 to a natural person to certify that its holder has successfully completed the initial or refresher security training;

**3.2 Motivation**

The definition is not necessary as the expression is not used.

4. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of "consignee" of the following definition:

'**‘consignee’** means the person whose name appears on the air waybill as the party to whom the goods are to be delivered by the air carrier;

**4.1 Current definition**

"**‘consignee’** The person whose name appears on the air waybill as the party to whom the goods are to be delivered by the carrier;"

#### 4.2 Motivation

The amendment is necessary so as to add the word "air" to "carrier" so that it conforms with the definition of "air carrier"

5. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of "consignment" of the following definition:

"**consignment**" means one or more pieces of goods accepted by the air carrier from one consignor at one time and at one address, receipted for in one lot and moving on one air waybill to one consignee at one destination;

#### 5.1 Current definition

'**consignment**' means one or more pieces of goods accepted by the carrier from one shipper at one time and at one address, receipted for in one lot and moving on one air waybill to one consignee at one destination;

#### 5.2 Motivation

The amendment is necessary so as to add the word "air" to "carrier" so that it conforms to the definition of "air carrier".

6. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of "consignor" of the following definition:

"**consignor**" means the person whose name appears on the air waybill as the party contracting with an air carrier for carriage of goods;

#### 6.1 Current definition

'**consignor**' means the person whose name appears on the air waybill as the party contracting with an carrier(s) for carriage of goods;

#### 6.2 Motivation

The amendment is necessary so as to add the word "air" to "carrier" so that it conforms to the definition of "air carrier".



7. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of "courier service" of the following definition:

"**courier service**' means an operation whereby cargo tendered by one or more consignors are transported as the baggage of a courier passenger on board a scheduled public air transport service under normal passenger hold baggage documentation;

**7.1 Current definition**

"**courier service**' An operation whereby shipments tendered by one or more shippers are transported as the baggage of a courier passenger on board a scheduled airline service under normal passenger hold baggage documentation;

**7.2 Motivation**

The amendment is necessary so as to replace the word "shippers" with "consignors".

8. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of "express air cargo and mail" of the following definition:

"**express air cargo**' means particular time-sensitive shipments, requiring reliable, time-measured transport using simple documentation or an air waybill;;

**8.1 Current definition**

"**express air cargo and mail**' means particular time-sensitive shipments, requiring reliable, time-measured transport, using simple documentation for an inclusive price with one carrier exercising integrated information control;

**8.2 Motivation**

The amendment is necessary so as to clarify that express air cargo may also be tendered with our waybill and may not necessarily be for an inclusive price with one carrier.

9. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of "known cargo" of the following definition:

“**known cargo**’ means a consignment from a known consignor or a regulated agent to which the appropriate security controls prescribed by Part 108 have been applied, and includes a consignment of unknown cargo which has been subjected to appropriate security controls;

#### 9.1 Current definition

“**known cargo**’ means a consignment from a known consignor or a consignment to which the appropriate security controls prescribed by Part 108 have been applied;

#### 9.2 Motivation

The amendment is necessary to clarify the definition.

10. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of “mail” of the following definition:

“**mail**’ means dispatches of correspondence and other objects tendered by, or intended for delivery to, a postal company;

#### 10.1 Current definition

“**mail**’ means dispatches of correspondence and other objects tendered by or intended for delivery to a postal authority;

#### 10.2 Motivation

Amendment is necessary to change the expression “postal authority” in line with the expression used in the post office Act 1958.

11. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of “postal authority” of the following definition:

“**Postal Company**’ means the company incorporated in section 3 (1) of the Postal Office Act, 1958 (Act No. 44 of 1958) or an equivalent authority of a contracting state to the Chicago convention;

#### 11.1 Current definition

“**postal authority**’ means the company incorporated in section 3 (1) of the Postal Office Act, 1958 (Act No. 44 of 1958) or an equivalent authority of a Contracting State;

## 11.2 Motivation

Amendment is necessary to change the expression "postal authority" in line with the expression used in the post office Act 1958.

12. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of "shipper" of the following definition:

"**shipper**' means any person who prepares or offers a package or over pack of goods for conveyance by air;";

### 12.1 Current regulation

"**shipper**' means any person who prepares or offers a package or over pack of dangerous goods for conveyance by air;";

## 12.2 Motivation

Amendment necessary as shipper need not necessarily after package or over pack of only dangerous goods, but also general cargo.

13. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of "transshipment cargo and mail" of the following definition:

"**transshipment cargo and mail**' means cargo or mail that is destined for onward carriage by air;

### 13.1 Current definition

"**transshipment cargo and mail**' means known cargo or mail that –

- (a) arrives by air and is destined for onward carriage by air;
- (b) has been protected against unauthorised interference at all times since it left its point of departure; and
- (c) is accompanied by documentation providing full details on its transportation and security status from point of departure onwards;

## 13.2 Motivation

The amendment necessary so as to accurately convey the meaning of transshipment cargo and mail.

14. It is hereby proposed to amend regulation 1.00.1 of the Regulations by the substitution for the definition of “unaccompanied baggage” of the following definition:

“**unaccompanied baggage**’ means baggage which is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs;

**14.1 Current definition**

“**unaccompanied baggage**’ means baggage, other than check-in or carry-on baggage, that is tendered by a passenger or his or her representative to be carried by air but not necessarily on the same aircraft as the passenger to whom it belongs, and for the purpose of these regulations is deemed to be cargo;

**14.2 Motivation**

The amendment necessary so that the definition conforms to ICAO definition.

**15. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.01.2**

- 15.1 It is hereby proposed to amend regulation 108.01.2 by the substitution for sub-regulation (6) of the following sub-regulation:

“(6) Each regulated agent shall have a designated official responsible for the implementation, application and supervision of the security controls as prescribed by this Part and the Document SA-CATS-ACS and such designated official shall undergo the training as prescribed by SA-CATS-ACS.”.

**15.2 Current regulation**

(6) Each regulated agent shall have a designated official responsible for the implementation, application and supervision of the security controls as prescribed by this Part and the Document SA-CATS-ACS.

**15.3 Motivation**

Amendment is necessary to prescribe the training to be undertaken by the designated officials.

## **16. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.02.1**

**16.1.** It is hereby proposed to amend regulation 108.02.1 by the substitution for paragraphs (c), (d), (e) and (f) of the following paragraphs:

- “(c) Ensure that the acceptance and handling of cargo and shipping documentation is carried out by trained personnel, who have received job specific air cargo security familiarisation training, as stipulated in the security manual, required in terms of Document SA-CATS-ACS;
- (d) Apply physical checks or screening in the manner prescribed in Document SA-CATS-ACS for the purpose of determining whether consignments of cargo contain any explosives, incendiary devices or any other prohibited or harmful articles which may be used to commit acts of unlawful interference;
- (e) Ensure that known cargo is sealed with tamper proof seals and that such seals are intact;
- (f) Conduct background checks on all personnel recruited for accepting all cargo and processing shipping documentation, and storing, forwarding and/or handling of known cargo intended for carriage by air.”.

### **16.2 Current regulation**

- “(c) Ensure that the acceptance and handling of cargo is carried out by trained personnel, who have received job specific cargo security training, as stipulated in the security manual, required in terms of Document SA-CATS-ACS;
- (d) Determine by physical checks or screening in the manner prescribed in Document SA-CATS-ACS, whether consignments of cargo contain any explosives, incendiary devices or any other prohibited/ harmful articles as defined in the National Aviation Safety Plan, 2004;
- (e) Ensure that known cargo is sealed with seals acceptable to the Commissioner and that such seals are intact;
- (f) Conduct background checks on all personnel recruited for accepting all cargo and storing, forwarding and/or handling of known cargo intended for carriage by air.”.

### 16.3 Motivation

It is necessary that personnel handling not only cargo but also shipping documentation receive Air Cargo Security Familiarisation Training. The word "Apply" describes more accurately than the word "Determine" what is to be achieved by the physical checks or screening. The object of the sealing is to ensure that tampering or interference with the cargo is easily detected.

## 17. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.02.2

17.1. It is hereby proposed to amend regulation 108.02.2 by –

- (a) the substitution in sub-regulation (1) for sub-paragraph (ii) of paragraph (c) of the following sub-paragraph:
  - “(ii) all personnel employed to handle known cargo, and shipping documentation, have been subjected to background checks and have received job specific air cargo security familiarisation training as stipulated in Document SA-CATS-ACS;
- (b) the substitution in sub-regulation (1) for sub-paragraph (iv) of paragraph (c) of the following paragraph:
  - “(iv) consignment do not contain any explosives or other dangerous goods or devices or substances unless declared as such;
- (c) the addition after sub-paragraph (iv) of the following sub-paragraphs:
  - “(v) Air waybills, despatch notes or other valid transportation documents will only be signed by authorised personnel.
  - (vi) The cargo may be opened and examined for security reasons.
- (d) the addition of sub-regulation (2):
  - “(2) The declaration referred to in paragraph (c) of sub-regulation (1) shall be valid for a period of twelve months from the date of signature by the known consignor.”.

## 17.2 Current regulation

- “(ii) all staff employed to handle known cargo have been subjected to background checks and have received job specific cargo security familiarisation training as stipulated in Document SA-CATS-ACS;
- (iv) packages and contents of any consignment of have been subjected to the security controls as prescribed in Document SA-CATS-ACS;
- (v) did not exist
- (vi) did not exist.

## 17.3 Motivation

It is necessary that personnel handling not only cargo but also shipping documentation receive Air Cargo Security Familiarisation Training. It is not the responsibility of the consignor to apply security controls. The signing of transportation documentation by authorised personnel provides additional security and audit trail information. It is necessary that the known consignor provide authority for the examination of their cargo.

## 18. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.02.3

18.1. It is hereby proposed to amend regulation 108.02.3 is hereby amended by –

- (a) the substitution in sub-regulation (2) for paragraph (a) of the following paragraph:
  - “(a) Consignments of known cargo are packed or made known and secured by the known consignor in secure premises;”;
- (b) the substitution in sub-regulation (2) for paragraph (b) of the following paragraph:
  - “(b) all personnel employed to handle cargo to be shipped by air and shipping documentation have been subjected to background checks and have received job specific air cargo security familiarisation training as stipulated in document SA-CATS-ACS;

- (c) the substitution in sub-regulation (2) for paragraph (f) of the following paragraph:

“(f) consignments of known cargo are sealed with tamper evident seals and that such seals remain intact whilst in his or her possession.”.

### **18.2 Current regulation**

- (a) Consignments of known cargo are packed and secured by the known consignor in secure premises;
- (b) all staff employed to handle cargo to be shipped by air have been subjected to background checks and have received job specific cargo security training as stipulated in document SA-CATS-ACS;
- (f) consignments of known cargo are sealed with seals acceptable to the Commissioner and that such seals remain intact whilst in his or her possession.”.

### **18.3 Motivation**

It is necessary that personnel handling not only cargo but also shipping documentation receive Air Cargo Security Familiarisation Training. The object of the sealing is to ensure that tampering or interference with the cargo is easily detected.

## **19. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.03.1**

19.1. It is hereby proposed to amend regulation 108.03.1 by –

- (a) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) No air carrier may accept cargo for transportation by air unless a valid air waybill accompanies it.”;

- (b) the addition of the following sub-regulation after sub-regulation (2):

“(3) Diplomatic cargo accompanied by an air waybill must comply with the provisions of the National Aviation Safety Plan, 2004.”.



## 19.2 Current regulation

“(1) No person may tender cargo for transportation by air unless a valid air waybill accompanies it.”;

(3) Does not exist.

## 19.3 Motivation

The addition of the words “No air carrier” now complies with Regulation 108.02.2 (2). The NASP makes provision for the handling of diplomatic cargo accompanied by an air waybill.

## 20. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.03.2

20.1. It is hereby proposed to amend regulation 108.03.2 by –

(a) the substitution in sub-regulation (1) for the words preceding sub-paragraph (i) of the following words:

“(1) No cargo may be placed on board a commercial air transport aircraft –“;

(b) the substitution in sub-regulation (1) for sub-paragraph (ii) of the following sub-paragraph:

“(ii) unless it has been packed or made known and secured by a known consignor and handed to a regulated agent in compliance with the provisions of this Part;”

(c) the insertion in sub-regulation (1) of the word “or” at the end of sub-paragraph (i);

(d) the substitution for sub-regulations (4) and (5) of the following sub-regulations:

“(4) The commercial air transport operator shall ensure that cargo is at all time safeguarded whilst on the ramp prior to loading on-board an aircraft.

(5) Prior to loading on-board a commercial air transport aircraft, the commercial air transport operator shall ensure that all cargo consignments are visually inspected to ensure that they have not been tampered with.”.

## **20.2 Current regulation**

“(1) No person may tender unknown cargo to be placed on board a commercial air transport aircraft –

- (ii) unless it has been packed and secured by a known consignor and handed to a regulated agent for placing on board an aircraft in compliance with sub-regulations 108.2.2 and 108.2.3;

(4) The commercial air transport operator or his handling agent shall ensure that cargo is at all time safeguarded whilst on the ramp prior to loading on-board an aircraft.

(5) Prior to loading on-board a commercial air transport aircraft, the commercial air transport operator or his ground handling agent shall ensure that all cargo consignments are visually inspected to ensure that they have not been tampered with.”.

## **20.3 Motivation**

The intention of this regulation is that all cargo should be included and not only unknown cargo. The known consignor must ensure that cargo is made known in terms of the Regulations. The commercial air transport operator is responsible to ensure that their agents (including their handling agents) comply with the Part 108 Regulations.

## **21. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.03.3**

21.1. It is hereby proposed to amend regulation 108.03.3 by –

- (a) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) Cargo originating from a consignor that has not been subjected to the security controls prescribed in this Part and Document SA-CATS-ACS shall be treated as unknown cargo.”;

- (b) the substitution for sub-regulation (3) of the following sub-regulation:

“(3) Known cargo, where the seals on the packaging are broken or where there is evidence that the seals or the cargo has been tampered with, except where the cargo has been resealed with tamper proof seals by a regulated agent, shall be treated as unknown cargo.”;

- (c) the substitution for sub-regulation (4) of the following sub-regulation:

“(4) Cargo presented as unknown cargo shall be subjected to security controls prescribed in this Part and Document SA-CATS-ACS before being loaded into an aircraft.”.

## **21.2 Current regulation**

“(1) Air cargo originating from an unknown consignor that has not been subjected to the security controls prescribed in this Part and Document SA-CATS-ACS shall be treated as unknown cargo.

(3) Known cargo, where the seals on the packaging are broken or where there is evidence that the seals and or the cargo itself has been tampered with, shall be treated as unknown cargo.

(4) Air cargo presented as unknown cargo shall be subjected to security controls prescribed in this Part before being loaded into an aircraft.”

## **21.3 Motivation**

Amendment necessary to remove the word “air” as it is superfluous. Also, regulated agents are required to inspect 10% of known consignors consignments which must then be re-sealed with tamper proof seals by the regulated agent. Further there is no definition for ‘unknown consignor’.

## **22. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.03.4**

**22.1.** It is hereby proposed to amend regulation 108.03.4 by –

- (a) the substitution for the word “Postal Authority” wherever it appears, of the word “Postal Company”;

- (b) the substitution for sub-regulation (1) of the following sub-regulation:

“(1) The Postal Company must apply for a certificate of approval as a regulated agent in terms of regulation 108.05.1.”;

- (c) the substitution in sub-regulation (2) for paragraph (a) of the following paragraph:

“(a) Subjected to screening, sealed; and”;

- (d) the substitution for sub-regulation (3) of the following sub-regulation:

“(3) The Postal Company shall be responsible for the screening and sealing of mail before submitting the mail for carriage by air.

- (e) the substitution in sub-regulation (4) for the words preceding paragraph (a) of the following words:

“(4) For purposes of excluding the introduction of explosives, incendiary devices, or other prohibited or harmful articles on board an air carrier’s aircraft, the following measures shall be applied:”;

- (f) the substitution in sub-regulation (5) for paragraph (a) of the following paragraph:

“(a) the Postal Company shall declare that mail has been inspected and searched for explosives, incendiary and other prohibited or harmful articles which may be used to commit acts of unlawful interference before bagging and delivery.”.

## 22.2 Current regulation

“(1) The Postal Authority must apply for a certificate of approval as a regulated agent in terms of Regulation 108.06.1.

(2) Mail received by the Postal Authority, that is to be tendered for carriage by air, shall be –

(a) Subjected to security screening, sealed; and;

(3) The Postal Authority shall be responsible for the security screening and sealing of mail before submitting the mail for carriage by air.

“(4) In order to exclude the introduction of explosives, incendiary devices, or other prohibited/or harmful articles as defined in the National Aviation Safety Plan, 2004, on board a commercial air transport aircraft, the following measures shall be applied:”

(5)(a) The Postal Authority shall declare that mail has been inspected and searched for explosives, incendiary and other prohibited/ or harmful articles as defined in the National Aviation Safety Plan, 2004 before bagging and delivery;”

### **22.3 Motivation**

Amendment is necessary to correct a reference to a regulation as well as to delete reference to security screening. The amendment further clarifies the fact that the measures are not able to totally exclude the introduction of explosive, etc, but the intention is to do what is possible to exclude the introduction of explosives.

## **23. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 108.03.5**

**23.1.** It is hereby proposed to substitute regulation 108.03.5 with the following regulation:

### **“Express cargo and mail**

**108.03.5** Regulated agents, or Postal Companies, tendering express cargo and mail for carriage on a commercial air transport operator aircraft shall ensure that such express cargo and mail has been screened in terms of Document SA-CATS- ACS.”

### **23.2 Current regulation**

### **“Express cargo and mail**

**108.03.5** Regulated agents, or Postal Authorities, tendering express cargo and mail for carriage on commercial air operator’s aircraft shall ensure that such express cargo and mail has been screened in terms of this Part.”

### **23.3 Motivation**

The amendment is necessary to correct the reference to Postal Company.

## **24. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 108.03.5**

24.1. It is hereby proposed to substitute regulation 108.03.6 with the following regulation:

### **“Transshipment cargo and mail**

**108.03.6** (1) Transshipment cargo and mail arriving by air, for onward carriage by air, need not be screened or searched provided that it was subjected to security controls at the point of origin and is protected against unlawful interference en route and at the transit points.

(2) Transshipment cargo or mail arriving by air, road, rail or sea for onward carriage by air that has not been subjected to security controls at the point of origin or en route and at the transit points, should be treated as unknown cargo and screened or searched accordingly.

## **24.2 Current regulation**

### **“Transshipment cargo and mail**

**108.03.7** (1) Transshipment cargo and mail arriving by air, for onward carriage by air, need not be screened or searched provided that it was subjected to security controls at the point of departure and is protected against unlawful interference en route and at the transit points.

(2) Transshipment cargo or mail arriving by air, road, rail or sea for onward carriage by air that has not been subjected to security controls at the point of departure or en route, should be treated as “unknown cargo” and screened or searched accordingly.

## **24.3 Motivation**

Amendment is necessary to clarify that transshipment cargo must be subjected to controls at the point of departure, en route and at the transit point.

## **25. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.03.7**

25.1. It is hereby proposed to amend regulation 108.03.7 by –

(a) the substitution in sub-regulation (1) for paragraph (a) of the following paragraph:

- “(a) transshipment cargo, as provided for in regulation 108.03.6 (1);
- (b) the substitution in sub-regulation (2) for paragraph (d) of the following paragraph:
  - “(d) protected from unauthorised interference at all times.”;
- (c) the addition after sub-regulation (2) of the following sub-regulation:
  - (3) The cargo mentioned in sub-regulation (1) is only exempt from security controls if it is tendered by a regulated agent.”.

## 25.2 Current regulation

- “(1)(a) transshipment cargo, as provided for in regulation 108.03.6;
- “(2)(d) protected from unauthorised interference at all times.”;
- (3) Did not exist.

## 25.3 Motivation

The amendment is necessary so as to correct reference to a regulation, and to indicate that exempted cargo must be protected at all times.

## 26. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.03.8

26.1. It is hereby proposed to amend regulation 108.03.8 by –

- (a) the substitution for the words preceding paragraph (a) of the following words:
  - “Any commercial air transport operator or regulated agent shall have the right –“;
- (b) the substitution for paragraph (b) of the following paragraph:
  - “(b) without assuming any liability, to refuse, delay or return any cargo, if there is a reasonable belief that the cargo may contain explosives or dangerous devices.”.

## 26.2 Current regulation

“Any operator involved in commercial air transport operation shall have the right –“;

- (b) without assuming any liability, to refuse, delay or return any cargo, if he or she reasonable believes that the cargo may contain explosives or dangerous devices.”.

## 26.3 Motivation

Amendment needed for clarity, and also to make sure that the regulated agents have the right to examine cargo without assuming liability.

## 27. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 108.04.1

- 27.1. It is hereby proposed to substitute regulation 108.04.1 with the following regulation:

### “Requirements for security screening equipment

**108.04.1** (1) Any equipment operated by a commercial air transport operator or regulated agent to screen cargo, shall meet the minimum technical specifications set out in the Annexure to the National Aviation Safety Plan, 2004.

(2) The equipment referred to in sub-regulation (1) shall be maintained in accordance with the manufacturer’s specifications, and shall comply with any other requirement that is prescribed by legislation.”.

## 27.2 Current regulation

### “Requirements for security screening equipment

**108.04.1** (1) Any equipment operated by an aircraft operator or regulated agent to screen cargo, shall be capable of detecting weapons, explosives and prohibited/ or harmful articles, as defined in the National Aviation Safety Plan, 2004, that may be used to commit an unlawful act.

(2) The said equipment shall comply with the requirements specified in Document SA-CATS-ACS and the National Aviation Safety Plan, 2004.

(3) The equipment referred to in sub-regulation (1), shall be maintained in accordance with the manufacturer’s specifications, and shall comply with any other requirement that may have been prescribed by legislation.”.



### **27.3 Motivation**

Amendment necessary to refer to NASP which contains the minimum technical specifications.

## **28. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.05.2**

**28.1.** It is hereby proposed to amend regulation 108.05.2 by the substitution for sub-regulation (3) of the following sub-regulation:

“(3) The regulated agent shall submit all amendments to an approved security manual to the Commissioner for approval.”.

### **28.2 Current regulation**

“(3) The applicant shall submit all amendments to an approved security manual to the Commissioner for approval.”.

### **28.3 Motivation**

Amendment is necessary for clarity.

## **29. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.05.3**

**29.1** It is hereby proposed to amend regulation 108.05.3 by –

(a) the substitution for sub-regulation (4) of the following sub-regulation:

“(4) If the Commissioner is not so satisfied he or she shall notify the regulated agent, stating the reasons in the notification, and grant the regulated agent the opportunity to rectify or supplement any defect within the period determined by the Commissioner, after which period the Commissioner shall grant or refuse the application concerned.”;

(b) the substitution for sub-regulation (6) of the following sub-regulation:

“(6) The provisions of regulation 108.05.1 shall apply mutatis mutandis.”.

## 29.2 Current regulation

"(4) If the Commissioner is not so satisfied he or she shall notify the operator thereof, stating the reasons in the notification, and grant the operator the opportunity to rectify or supplement any defect within the period determined by the Commissioner, after which period the Commissioner shall grant or refuse the application concerned.";

"(6) The provisions of regulation 108.05.01 shall apply mutatis mutandis."

## 29.3 Motivation

Amendment necessary to correct reference to a regulation and for clarity.

## 30. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.05.6

It is hereby proposed to amend regulation 108.05.6 by –

- (a) the renumbering in sub-regulation (2) of the current paragraph as paragraph (a);
- (b) the renumbering of the current sub-regulation (4) as sub-regulation (3).

## 31. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.05.7

31.1. It is hereby proposed to amend regulation 108.05.7 by –

- (a) the substitution for sub-regulation (3) of the following sub-regulation:

"(3) The Commissioner shall sign and issue to each designated validator a document which shall state the full name of such validator and contain a statement stating that –

- (a) such validator has been designated in terms of sub-regulation (1); and
- (b) such validator is empowered to exercise the privileges referred to in sub-regulation (1).";

- (b) the renumbering of the current sub-regulation (5) as sub-regulation (4).”.

### 31.2 Current regulation

“(3) The Commissioner shall sign and issue to each designated validator a document which shall state the full name of

- (4) such validator and contain a statement stating that –
  - (a) such validator has been designated in terms of sub-regulation (1); and
  - (b) such validator is empowered to exercise the privileges referred to in sub-regulation (1).”;

### 31.3 Motivation

Amendment is necessary to correct numbering of the regulation.

## 32. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.05.8

32.1. It is hereby proposed to amend regulation 108.05.8 by –

- (a) the substitution for sub-regulation (2) of the following sub-regulation:

“(2) In considering an application for renewal of the accreditation certificate, the Commissioner may conduct the investigation he or she deems necessary to ascertain whether the applicant continues to comply with the requirements of this Part.”.

- (b) the substitution for sub-regulation (4) of the following sub-regulation:

“(4) If the Commissioner is not so satisfied he or she shall notify the known consignor, stating the reasons in the notification, and grant the known consignor the opportunity to rectify or supplement any defect within the period determined by the Commissioner, after which period the Commissioner shall grant or refuse the application concerned.”;

- (c) the substitution for sub-regulation (6) of the following sub-regulation:

“(6) The provisions of regulation 108.05.5 shall apply mutatis mutandis.”.

### **32.2 Current regulation**

“(2) In considering an application for renewal of the accreditation certificate the Commissioner may conduct the investigation he or she deems necessary to ascertain whether he or she continues to comply with the requirements of this Part.”.

“(4) If the Commissioner is not so satisfied he or she shall notify the operator thereof, stating the reasons in the notification, and grant the operator the opportunity to rectify or supplement any defect within the period determined by the Commissioner, after which period the Commissioner shall grant or refuse the application concerned.”;

“(6) The provisions of regulation 108.05.01 shall apply mutatis mutandis.”.

### **32.3 Motivation**

Amendment necessary to correct reference to regulation as well as for clarity.

## **33. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 108.05.9**

**33.1.** It is hereby proposed to substitute regulation 108.05.9 with the following regulation:

### **“Inspection fee**

**108.05.9** Where a non-compliance with these regulations is identified, necessitating further inspection, such an inspection shall be charged at the hourly rate, but excluding any travelling time, as set out in regulation 187.00.29.”.

### **33.2 Current regulation**

### **“Inspection fee**

**108.05.9** Should any non-compliance with these regulations be identified, necessitating further inspection, such an inspection will be charged at the hourly rate as set out in Regulation 187.00.29.”.

### **33.3 Motivation**

Amendment necessary to exclude travelling time.

## **34. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.05.10**

**34.1.** It is hereby proposed to amend regulation 108.05.10 by –

- (a) the substitution in sub-regulation (1) for the words preceding paragraph (a) of the following words:

“(1) The Commissioner may upon application in writing by a person, validate any foreign certificate issued for air cargo security training, if the holder of the certificate submits documentary proof that –“;

- (b) the substitution for sub-regulation (3) of the following sub-regulation:

“(3) The provisions of regulation 108.06.2 shall apply mutatis mutandis to the holder of a certificate referred to in sub-regulation (1).”.

### **34.2 Current regulation**

“(1) The Commissioner may upon application in writing by a person, validate any foreign proficiency certificate issued for air cargo security training, if the holder of the certificate submits documentary proof that –“;

“(3) The provisions of Regulation 108.06.1 and 2 shall apply mutatis mutandis to the holder of a certificate referred to in sub-regulation (1).”.

### **34.3 Motivation**

Amendment necessary to delete reference to foreign proficiency certificate, and to correct reference to regulations.

## **35. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.05.12**

It is hereby proposed to amend regulation 108.05.12 by the renumbering of the current sub-regulation (5) as sub-regulation (3).

## **36. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.06.1**

**36.1.** It is hereby proposed to amend regulation 108.06.1 by –

- (a) the substitution in sub-regulation (1) for paragraphs (a) and (b) of the following paragraphs:
- (a) air carrier involved in the transportation of cargo;
  - (b) person who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an air carrier;”.
- (b) the substitution in sub-regulation (1) for the words preceding sub-paragraph (i) of the following words:
- “shall ensure that the following categories of personnel in his, her or its employ, or personnel provided by a service provider, successfully complete air cargo security familiarisation training and refresher training every 24 months thereafter;”;
- (c) the substitution in sub-regulation (1) for sub-paragraph (i) of the following sub-paragraph:
- “(i) personnel involved in acceptance, handling, storage, loading and unloading of cargo, and shipping documentation, to be transported by air;”;
- (d) the addition after sub-paragraph (ii) of the following sub-paragraph:
- “(iii) personnel involved in processing shipping documentation.”;
- (e) the substitution for sub-regulation (3) of the following sub-regulation:
- “(3) Any person referred to in sub-regulation (1) shall complete refresher air cargo security familiarisation training every 24 months, calculated from the date of the successful completion of the air cargo security familiarisation training or the preceding air cargo security familiarisation training, as the case may be.”.

### 36.2 Current regulation

- (1)(a) operator involved in the transportation of cargo;
- (b) person who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an operator;”.

shall ensure that the following categories of personnel in his, her or its employ, successfully complete air cargo security familiarisation training and refresher training every 24 months thereafter;”;

“(i) warehouse personnel involved in acceptance, handling, storage, loading and unloading of cargo to be transported by air;”;

“(iii) personnel involved in processing shipping documentation.”;

“(3) Any person referred to in sub-regulation (1) shall complete refresher air cargo security awareness training every 24 months, calculated from the date of the successful completion of the air cargo security familiarisation training or the preceding air cargo security familiarisation training, as the case may be.”.

### 36.3 Motivation

Amendment is necessary to clarify that personnel handling not only cargo but also shipping documentation receive air cargo security familiarisation training. The word “warehouse” is removed as the personnel concerned are not restricted only to a warehouse.

## 37. PROPOSAL FOR THE AMENDMENT OF REGULATION 108.06.2

37.1. It is hereby proposed to amend regulation 108.06.2 by –

(a) the substitution in sub-regulation (1) for paragraph (a) of the following paragraph:

“(a) air carrier involved in the transportation of cargo;”;

(b) the substitution in sub-regulation (1) for paragraph (b) of the following paragraph:

“(b) personnel who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo or processing of shipping documentation on behalf of an operator;”;

(c) the substitution in sub-regulation (1) for the words preceding sub-paragraph (i) and sub-paragraphs (i), (ii) and (iii) of the following words and sub-paragraphs:

“shall ensure that the following categories of personnel in his, her or its employ, or personnel provided by a service provider, have

successfully completed standard air cargo security training and refresher training every 24 months thereafter:

- (i) Air cargo security officers;
- (ii) Air cargo security supervisor; and
- (iii) Air cargo security manager.”;

(d) the substitution for sub-regulation (4) of the following sub-regulation:

“(4) Any person referred to in sub-regulation (1) shall complete refresher standard cargo security training every 24 months.”.

### **37.2 Current regulation**

“(a) operator involved in the transportation of cargo;

(b) person who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo on behalf of an operator;

(1) shall ensure that the following categories of personnel in his, her or its employ, have successfully complete standard air cargo security training and refresher training every 24 months thereafter:

- (iv) Cargo security officers;
- (v) Cargo security supervisor; and
- (vi) Cargo security manager.

(4) Any person referred to in sub-regulation (1) shall complete refresher standard cargo security training at the interval prescribed in Document SA-CATS-ACS.”.

### **37.3 Motivation**

Amendment is necessary to make provision for a service provider also to have to undergo the necessary training.

## **38. PROPOSAL FOR THE AMENDMENT OF REGULATION 187.00.15A**

**38.1.** It is hereby proposed to amend regulation 187.00.15A by the substitution in sub-regulation (1) for paragraph (e) of the following paragraph:

“(e) Amendment to a security manual

R 12, 50



**38.2 Current regulation**

“(e) Amendment to a security manual R 1000, 00

**38.3 Motivation**

It was considered that the fee of R 1000.00, when an amendment could be minor is too high.

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