

PROPOSED AMENDMENT OF THE SOUTH AFRICAN CIVIL AVIATION TECHNICAL STANDARDS, 2011

Under regulation 11.03.2(6) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCom) hereby publishes for comment the proposed amendments to the SA Civil Aviation Technical Standards, as set out in the schedules hereto. Any comments or representations on the proposed amendments shall be lodged in writing with the Chairperson of CARCom, for attention Ms. Monica Sonjani or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at sonjanim@caa.co.za or wildenboerh@caa.co.za, before or on 26 May 2014.

SCHEDULE 1

PROPOSAL FOR THE AMENDMENT OF PART 61 OF THE CIVIL AVIATION REGULATIONS, 2011

A. PROPOSER

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

B. PROPOSER'S INTEREST

The proposer has been established in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009), to control and regulate civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.

C. GENERAL EXPLANATORY NOTE

Words in strike through indicate deletions from the existing regulations
Words underlined with a solid line indicate insertions in the existing regulations

1. PROPOSAL FOR THE AMENDMENT OF REGULATION 61.01.7

1.1 CAR 61.01.7 is hereby proposed for amendment by the inclusion of the following text:

Language

61.01.7 (1) With the exception of a student pilots licence, no person may be issued with a pilot licence under this Part unless he or she has demonstrated or provided proof of the ability to speak the English language as set out in Document SA-CATS 61.

(2) No pilot may exercise the privileges of the licence issued without a valid language proficiency rating.

2. MOTIVATION

- 2.2** The current regulation does not specifically state that the language proficiency rating must be valid in order for the privileges of the licence to be exercised.
- 2.3** The proposed amendment is intended to remove any misconception of the law.

SCHEDULE 2

PROPOSAL FOR THE AMENDMENT OF PART 63 OF THE CIVIL AVIATION REGULATIONS, 2011

A. PROPOSER

South African Civil Aviation Authority
Ikhaya Lokundiza 1
Building 16, Treur Close
Waterfall Park
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B. PROPOSER'S INTEREST

The proposer has been established in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009), to control and regulate civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.

C. GENERAL EXPLANATORY NOTE

Words in strike through indicate deletions from the existing regulations
Words underlined with a solid line indicate insertions in the existing regulations

3. PROPOSAL FOR THE AMENDMENT OF REGULATION 63.03.4

- 3.1** Regulations 63.03.4 is hereby proposed for amendment by the inclusion of the following text:

CAR 63.03.4 An applicant for the issuing of a type rating shall have demonstrated to the holder of a Grade I flight engineer instructor rating, **or appropriately type rated Designated Flight Examiner,** the ability to perform the procedures and manoeuvres as prescribed in Document SA-CATS 63, with a degree of competency appropriate to the privileges granted to the holder of such type rating.

4. MOTIVATION

- 4.2** Regulation 63.01.14 states that the Director may designate a Grade 1 flight engineer instructor rating or appropriately type-rated Designated Flight Examiner as an examiner.
- 4.3** Regulation 63.03.4 requires that the test be conducted by a Grade 1 flight engineer instructor.
- 4.4** The intention of the law is to infer that wherever the wording “Grade 1 flight engineer instructor rating” is used, that it may be replaced by the wording “appropriately type-rated Designated Flight Examiner”.
- 4.5** The change proposal will alleviate any misconception of the law.

SCHEDULE 3

PROPOSAL FOR THE AMENDMENT OF PART 136 OF THE CIVIL AVIATION REGULATIONS

PROPOSER

SACAA
Private Bag X73
HALFWAY HOUSE
1685

PROPOSER’S INTERESTS

This proposer has been established in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009), to control and regulate Civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.

GENERAL EXPLANATORY NOTE

Words in ~~strike through~~ indicate deletions from the existing regulations.

Words underlined with a solid line indicate insertions in the existing regulations.

1. PROPOSAL FOR THE AMENDMENT OF THE HEADING OF AND TEXT OF REGULATION 136.01.8 (SUB-CHARTERS)

1.1 The heading and regulation 136.01.8(1) are amended as follows:

“Sub-charters (Subchartering)”

136.01.8

- (1) In exceptional circumstances as prescribed in **Document_SA-CATS 48[136]**, an operator may sub-charter a free balloon and crew from any operator who holds a valid operating certificate for the balloon, issued by an appropriate authority: Provided that –

MOTIVATION

The title has been change to match that of Part 48, for correct referencing. The document reference has changed to Part 48 because Part 136 did not cater/specify the requirements of this regulation.

2. PROPOSAL FOR THE DELETION OF REGULATION 136.01.9(PRESERVATION OF DOCUMENTS)

2.1 Regulation 136.01.9 is herewith deleted

~~“The operator of a commercial air transport balloon who is required to retain any of the documents for the specified period referred to in subpart 4, shall retain such documents for such **specified period irrespective of the fact that such operator, before the expiry of such specified period, ceases to be the owner or possessor of the balloon concerned.**”~~

MOTIVATION

This regulation has been moved to 136.04.9

3. PROPOSAL FOR THE AMENDMENT OF REGULATION 136.02.1 (4) (COMPOSITION OF FLIGHT CREW)

3.1 Regulation 136.02.14 of is herewith amended by the substitution of the following sub-regulation for the said sub-regulation

~~[The operator shall designate a PIC and the PIC may delegate the conduct of the flight to another suitably qualified pilot. An operator shall designate for each flight a PIC and where the balloon is required by this part to be operated by two pilots, a second-in-command. Provided that it is for the purpose of training and the operator shall specify the procedures in accordance with the training programme as prescribed in regulation 136.04.2 and requirements prescribed in Part 69.~~

MOTIVATION

The initial regulation allowed the PIC to assign qualified crew to their work station; in this case we have decided to assign the responsibility of crew selection to the operator, and not the PIC as this is not the responsibility of the flight crew.

4. PROPOSAL FOR THE AMENDMENT OF REGULATION 136.02.2(2) (FLIGHT CREW MEMBER EMERGENCY DUTIES)

4.1 REGULATION 136.02.2 IS HEREWITH AMENDED BY THE SUBSTITUTION OF THE SAID SUB-REGUlation of the following sub-regulation:

~~“(2)The functions referred to in sub-regulation (1) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual flight crew members the PIC.”~~

MOTIVATION

Majority of Balloon commercial operations are single crew; only training flights have more than one crew.

5. INSERTION OF A NEW SUBPART 3: TRAINING AND CHECKING-THE EXISTING SUBPART 3: DOCUMENTATION AND RECORDS TO BE RENUMBERED AS SUBPART 4:

5.1 The following Sub-part replaces Subpart 3:

”SUBPART 3: TRAINING AND CHECKING

Training of flight crew members

136.03.1

1. The operator of a commercial air transport balloon shall establish and maintain a training programme for flight crew members and in his or her employ.
2. The operator shall ensure that each flight crew member receives recurrent training in accordance with syllabus requirements prescribed in Part 69.
3. The provisions of this subpart shall apply in respect of full-time and part-time flight crew members.

Initial training of flight crew members

136.03.2

A flight crew member employed by the operator of a commercial air transport free balloon shall have successfully completed the initial training and skills tests as prescribed in Part 69 and through an approved aviation training organisation, and

- (a) be the holder of a free balloon pilot licence;
 - (b) be the holder of a valid Class 1 medical certificate
 - (c) for free balloons less than 120 000 cu ft. –
 - (i) Have a minimum of 100 hours as pilot in command of any free balloon plus a minimum of 5 hours of experience on supervised operational flights, and
 - (ii) Be signed out in his pilot logbook as competent on any hot air balloon less than 120 000 cu ft. by an appropriately rated examiner.
- (a) For free balloons of 120 000 cu ft. and less than 240 000 cu ft. -
 - (i) Have a minimum of 200 hours as pilot in command of any free balloon plus a minimum of 5 hours of experience on supervised operational flights on balloons of 120 000 cu ft. and less than 240 000 cu ft., and
 - (ii) Be signed out in his pilot log book as competent on any hot air balloon of 120 000 cu ft. and less than 240 000 cu ft. by an appropriately rated examiner
- (b) For free balloons of 240 000 cu ft. and less than 360 000 cu ft. –
 - (i) Have a minimum of 300 hours as pilot in command of any free balloon of which a minimum of 100 hours must have been on balloons mentioned in paragraph (d) plus a minimum of 5 hours of

- experience on supervised operational hot air balloon flights on a hot air balloon of 240 000 cu ft. and less than 360 000 cu ft.
 - (ii) Be signed out in his pilot log book as competent on any hot air balloon of 240 000 cu ft. and less than 360 000 cu ft. by an appropriately rated examiner.
- (c) For balloons of 360 cu ft. and more –
 - (i) Have a minimum of 400 hours as pilot in command of any free balloon of which a minimum of 100 hours must have been on balloons mentioned in paragraph (e) plus a minimum of 5 hours of experience on supervised operational hot air balloon flights on a hot air balloon of 360 000 cu ft. and more.
 - (ii) Be signed out in his pilot log book as competent on any hot air balloon of 360 000 cu ft. and more by an appropriately rated examiner.

Recurrent Training and Checking

136.03.3 (1) The operator of a commercial air transport free balloon shall ensure that flight crew members employed by such an operator undergo recurrent training and checking as laid out in regulation 69.03.7

(2) The Operator of a commercial air transport free balloon shall ensure that flight crew members undergo training in accordance with this sub part and with the appropriate requirements prescribed in Document SA-CATS 136.

Conversion Training

136.03.4 (1) The operator of a commercial air transport free balloon shall ensure that flight crew members undergo conversion training in accordance with 69.03.06 when changing from one type or class of balloon to another type or class balloon for which a new type class rating is required, and the he or she has

- (a) Have accumulated sufficient hours relevant to the size category.
- (b) Have undergone 5 hours of experience on supervised operational balloon flights on the relevant size category
- (c) Been signed out in their pilot logbook by an appropriately rated examiner.

Training of ground support crew members

136.03.5 The operator of a commercial air transport balloon will establish and maintain a training programme for ground support crew members and that

- (a) Ground support crew members will undergo initial training when employed by such an operator.
- (b) Ground support crew will undergo recurrent training which will be laid out in the operations manual referred to in 136.04.2.”

MOTIVATION

To maintain the acceptable level of competency for flight crew and operator it is required to construct a training programme and continues checking on crew under the operators employ. This will be in par with the requirements of the operators SMS and QMS.

6. INSERTION OF A NEW SUBPART 4: DOCUMENTATION AND RECORDS

6.1 This Subpart replaces the existing Subpart 3(**Documentation and records**):

“SUBPART 4: DOCUMENTATION AND RECORDS

Documents to be retained.

136.043.1 The operator of a commercial air transport free balloon shall ensure that the load sheet and the passenger manifest for each flight shall be retained for a period of at least 90 days.

Operations manual

136.043.2 (1) The operator of a commercial air transport free balloon shall draw up an operations manual containing all the information required under this part and setting out the manner in which such operator will operate the air service for which such operator is licensed in terms of the International Air Services Act, 1993, or the Air Services Licensing Act, 1990 as the case may be.

(2) The operator shall submit the operations manual in duplicate to the Director for approval.

(3) If the Director is satisfied that the operator –

(a) will comply with the provisions of regulation 136.06[7].6; and

(b) will not operate the air service concerned contrary to any provision of the Act, the International Air Services Act, 1993 or the Air Services Licensing Act, 1990, the Director shall certify in writing on both copies of the operations manual that such manual has been approved, and shall return one copy of the approved operations manual to the operator.

(4) The operator shall submit any amendment of an approved operations manual in duplicate to the Director for approval.

(5) If the Director is satisfied that the operator will comply with the provisions of sub-regulation (3)(a) and (b), the Director shall certify in writing on both copies of the amendment to the approved operations manual that such amendment has been approved, and shall return one copy of the approved amendment to the operator.

(6) The operator shall at all times operate the commercial air transport balloon in accordance with the approved operations manual or an approved amendment thereto.

- (7) The operator shall –
- (a) ensure that all operations personnel are able to understand the technical language used in those sections of the operations manual which pertain to their duties;
 - (b) ensure that every flight is conducted in accordance with the operations and flight manual that those parts of the flight manual which are required for the conduct of a flight, are easily accessible to the PIC on board;
 - (c) make the operations manual available for the use and guidance of operations personnel;
 - (d) provide the flight crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;
 - (e) keep the operations manual up to date; and
 - (f) keep the operations manual in a safe place.

(8) The contents of the operations manual shall not contravene the conditions contained in the operating certificate issued to the operator in terms of regulation 121.06.3.

(9) The structure and contents of the operations manual referred to in sub-regulation (1) shall be as prescribed in Document SA-CATS 136.

~~Balloon operating manual~~

~~136.03.3 (1) The operator of a commercial air transport free balloon shall make use of, and make available a balloon operating manual for use by the flight crew members in such operator's employ.~~

~~(2) The manual shall contain the normal, abnormal and emergency procedures relating to the balloon.~~

~~(3) The operator shall provide each flight crew member with a copy of those parts of the balloon operating manual, which are relevant to the operational duties assigned to such flight crew member.~~

~~(4) The operator shall ensure that the balloon operating manual is provided in a hard copy or in an approved electronic format.~~

~~(5) The balloon operating manual shall be referred to in the operations manual referred in regulation 136.02.2.~~

Balloon [flight manual] Manufacturer's Flight Manual

136.043 (1) The operator of a commercial air transport free balloon shall keep a current approved balloon flight manual for each balloon operated [of which he or she is the operator] which shall be kept current with any updates from the manufacturer.

~~(2) The balloon flight manual referred to in sub-regulation (1) may be included in the balloon operating manual referred to in regulation 136.03.3.~~

(2) The manual shall contain the normal, abnormal and emergency procedures relating to the balloon.

(3) The operator shall provide each flight crew member with a copy of those parts of the balloon operating manual, which are relevant to the operational duties assigned to such flight crew member.

(4) The operator shall ensure that the balloon operating manual is provided in a hard copy or in an approved electronic format.

(5) The balloon manufacturer's flight manual shall be referred to in the operations manual referred in regulation 136.04[2].2.

Flight time and duty period records

136.043.4 (1) The operator of a commercial air transport free balloon shall –

- (a) maintain current flight time and duty period records of all flight crew members in such operator's employ; and
 - (b) retain the flight time and duty period records for a period of 15 calendar months calculated from the date of the last flight of each flight crew member.
- (2) A flight crew member in the part-time employ of an operator shall maintain his or her own flight time and duty period records and shall provide copies thereof to the operator to enable such operator to ensure that such flight crew member does not exceed the limits prescribed in the flight time and duty scheme of the operator referred to in regulation 136.02.[3].5

Records of emergency and equipment

136.04.35 (1) The operator of a commercial air transport free balloon shall compile a list of all the emergency equipment to be carried in the balloon and shall have such list available at all times for immediate communication to rescue co-ordination centres.

(2) The emergency equipment list shall be included in the operations manual referred to in regulation 136.04[3]2.

(3) The format and minimum information to be included in the emergency equipment list shall be as prescribed in Document SA-CATS 136.

Flight crew member training records

136.043.6 (1) The operator of a commercial air transport free balloon shall maintain the records of all training and proficiency checks undertaken by the flight crew members in such operator's employ, and such records shall incorporate certificates indicating the successful completion of training and proficiency checks as prescribed in Document SA-CATS 136.

(2) The operator shall retain the record of each flight deck crew member for a period of at least three years and the record of all other flight crew members for a period of at least 12 months from the date on which the flight crew member concerned has left the employ of such operator.

(3) The certificates referred to in sub-regulation (1) shall be made available by the operator to the flight crew member concerned on request.

Load sheet

136.043-7

- (1) The operator of a commercial air transport free balloon registered or operated in the Republic shall complete a load sheet for each balloon flight.
- (2) A load sheet shall be completed in duplicate and one copy shall be carried in the balloon and one copy shall be retained in accordance with the provisions of Regulation 136.04[3].1.
- (3) The load sheet shall be retained by the operator for a period of at least 90 days calculated from the date on which the flight was undertaken.
- (4) The minimum contents of a load sheet shall be prescribed in Document SA-CATS 136

Preservation of documents

136.04.9

An air service operator shall retain any document required in terms of Subpart 4, for the period of time specified therein even where, prior to the expiry of such retention period, the operator ceases to maintain ownership or possession of the balloon or no longer employs the person concerned.”

MOTIVATION

Balloon Operating Manual (BOM) has been re-titled to Balloon manufacturer’s flight Manual (BFM): due to the diverse differences of balloons per operator, the BFM shall preference over SOP which require balloon operating procedures. However and operator is still required to establish SOP for company operating procedures which will make reference to the BFM.

This regulation has been moved from 136.01.9, there is no change in the regulation.

7. RENUMBERING OF SUBPART 4 AS SUBART 5 (BALLOON INSTRUMENT AND EQUIPMENT)

7.1 The existing Subpart 4 is being renumbered as Subpart 5

“Approval of instruments and equipment

136.05[4].1

- (1) The operator of a commercial air transport free balloon shall ensure that a flight does not commence unless the instruments and equipment required under this subpart, or otherwise installed on the balloon, are, subject to the provisions of sub-regulation (2), approved and installed in accordance with the requirements, including operational and airworthiness requirements applicable to such instruments and equipment.

- (2) The operator shall not be required to obtain approval for the –
- (a) accurate time piece referred to in regulations 91.04.4 and 91.04.5;
 - (b) first aid equipment referred to in Document SA-CATS 136[regulation 91.04.16]
 - (c) flight, navigation and associated equipment for balloons operated under VFR; and
 - (d) fire fighting equipment as described in Document SA-CAT-OPS 91.

136.05[4].2 Flight, navigation and associated equipment for balloon operated under VFR

The operator of a commercial air transport balloon shall not operate the balloon in accordance with VFR, unless such balloon is equipped with –

- (a) an accurate time-piece showing the time in hours, minutes and seconds;
- (b) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascals, adjustable for any barometric pressure setting likely to be encountered during flight;
- (c) a vertical-speed indicator;
- (d) a fusible temperature link and a permanent maximum temperature label to be installed;
- (e) fuel pressure gauge and fuel content indicator;
- (f) handling line;
- (g) fire extinguisher; and
- (h) first aid kit as referred to in regulation 136.05.1 (2) (b)[as prescribed in Document SA-CATS 136 specifically for balloons]
- (i) a VFR radio as prescribed in Part 91.05.01 and Document SA-CATS-OPS-91

8. PROPOSAL TO RENUMBER SUBPART 5 (OPERATING CERTIFICATE) AS SUBPART 6

8.1 The following Subpart is herewith inserted as Subpart 6

“Operating certificate”

136.06[5].1

The operator of a commercial air transport free balloon shall not operate the balloon unless such operator is the holder of a valid –

- (a) licence issued in terms of the Air Services Licensing Act, 1990, or the International Air Services Act, 1993; and
- (b) operating certificate issued in terms of regulation 136.06.05[3].

Application for operating certificate

136.06[5].2

- (1) An application for an operating certificate shall be made to the Director in the appropriate prescribed form and shall be accompanied by the appropriate fee as prescribed in Part 187.
- (2) Each application made in terms of sub-regulation (1), subject to the approval of the Director, shall demonstrate that the applicant –
 - (a) has adequate equipment, facilities and personnel to operate the proposed commercial air transport operation; and
 - (b) is able to conduct the commercial air transport service in a safe and proper manner and in full compliance with all applicable rules and regulations.
- (3) The submission of an application under this Subpart does not place any obligation upon the Director to issue an AOC or OpsSpecs until he or she has been given reasonable time, as agreed in the schedule of events, to review the application and the application has been adjudicated in terms of regulation 136.06.3.
- (4) The holder of an AOC may add to its AOC a balloon registered on another AOC: Provided –
 - (a) the balloon is not registered on more than three AOCs;
 - (b) the balloon is maintained by only one AMO;
 - (c) the manual of procedures or maintenance control manual, as applicable, for all operators and the Operations Specifications for each operator, specify the AMO responsible for the maintenance of each shared balloon, by balloon registration number;
 - (d) the balloon flight folio used is the same for all operators, such that there is but one continuous record of the balloon's activities, and the flight crew members are trained in the procedures for completion of the flight folio;
 - (e) there is one method with respect to the entry, reporting and rectification of defect procedures and the flight crew members are trained in those procedures;
 - (f) the flight crew members receive ground and flight training covering any differences between the model(s) operated by the operator and that being added to the AOC, including at least –
 - (i) safety equipment contained on board;
 - (ii) ancillary equipment
 - (iii) systems differences, engine/airframe limitations, performance considerations and operating characteristics, and the results of such training are recorded on the flight crew member's training file.
- (5) The personnel referred to in sub-regulation (2)(a) shall be comprised of the following positions, the incumbents of which shall be approved by the Director–

- (a) chief executive officer;
 - (b) person responsible for flight operations;
 - (c) person responsible for balloon
 - (d) air safety officer; and
 - (e) quality manager;
- (6) When, after consideration of the scope and size of an operator applicant, the Director is of the opinion that it would be appropriate, he or she may approve the assignment of more than one position to one person or approve different positions.
- (7) The nominated post-holders required by sub-regulation (6) shall meet the qualifications and be responsible for the functions specified in Document SA-CATS 136.
- (8) Any post-holder of the positions listed in sub-regulation (6), who held such position on the commencement of these Regulations, shall be deemed to meet the qualifications required by Document SA-CATS 136: Provided that –
- (a) for a nominated post-holder, such person is satisfactory to the Director;
 - (b) for an incumbent, that incumbent has discharged his or her responsibilities to the satisfaction of the Director; and
 - (c) for a nominated or incumbent post-holder, such person meets the qualifications specified in Document SA-CATS 136 within six months from the commencement of these Regulations.
- (9) Notwithstanding any provision of the Regulations, where any manager no longer meets the qualifications required for that position or fails to discharge the responsibilities of that position, the Director may withdraw such approval.
- (10) The Director may amend any AOC if –
- (a) he or she determines that safety in commercial air transport and the public interest requires the amendment; or
 - (b) the holder of the AOC applies for an amendment, and the Director determines that safety in commercial air transport and the public interest requires such amendment.
- (11) If the Director stipulates in writing that an emergency exists requiring immediate amendment in the public interest with respect to safety in commercial air transportation, such an amendment becomes effective on the date the holder of an AOC receives such notice.
- (12) A holder of an AOC may make representations to the Director against the amendment contemplated in sub-regulation (11) (a) or (12), but shall continue to operate in accordance with such amendment, unless it is subsequently varied or withdrawn.

- (13) Amendments approved by the Director, other than emergency amendments referred to in sub-regulation (12), become effective 30 days after notice to the holder of an AOC, unless the holder of the AOC makes representations against such proposal as contemplated in sub-regulation (13) prior to the effective date.
- (14) Amendments proposed by the holder of an AOC shall be made at least 30 days prior to the intended date of any operation under the proposed amendment.
- (15) No person may perform a commercial air transport operation for which an AOC amendment is required, unless that person has received notice of the approval from the Director.

136.06[5].3 Adjudication of application for operating certificate

- (1) In considering an application referred to in regulation 136.06[5].2, the Director may conduct the investigation he or she considers necessary.
- (2) The Director shall grant an application and issue the operating certificate if the Director is satisfied that –
 - (a) the applicant will comply with the provisions of regulation 136.06.6 [05.7]; and
 - (b) the applicant will not operate the air service concerned contrary to any provision of the Act, the International Air Services Act, 1993 and the Air Service Licensing Act, 1990.
- (3) If the Director 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 Director, after which period the Director shall consider the application concerned.
- (4) An operating certificate shall be issued on the appropriate prescribed form, under such conditions which the Director may determine.

Period of validity of operating certificate

136.06[5].4

- (1) An operating certificate shall be valid for such period as may be determined by the Director: Provided that such period shall not exceed a period of 12 months from the date of issuing thereof.
- (2) If the holder of an operating certificate applies at least 30 days prior to the expiry thereof for a new operating certificate, the existing operating certificate shall, notwithstanding the provisions of sub regulation (1), remain in force until such holder is notified by the Director of the result of the application for the issuing of a new operating certificate.

Safety inspections and audits

136.06[5].5

- (1) An applicant for the issuing of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of an application made in terms of regulation 136.06.2.
- (2) The holder of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this part.

136.06[5].6 Duties of holder of operating certificate

The holder of an operating certificate shall –

- (a) notify the Director in the manner prescribed in Document SA-CATS 136 before any change is effected to the particulars of the operating certificate; and
- (b) keep the operating certificate in a safe place and produce such operating certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person.

136.06[5].7 Register of operating certificates

- (1) The Director shall maintain a register of all operating certificates issued in terms of this Part.
- (2) The register shall contain the following particulars:
 - (a) The full name and, if any, the trade name of the holder of the operating certificate;
 - (b) The postal address of the holder of the operating certificate;
 - (c) The number of the operating certificate issued to the holder;
 - (d) Particulars of the type of air service for which the operating certificate is issued;
 - (e) Particulars of the category of balloons for which the operating certificate was issued; and
 - (f) The date on which the operating certificate was issued.
- (3) The particulars referred to in sub-regulation (2) shall be recorded in the register within 30 days from the date on which the operating certificate was issued.
- (4) The register shall be kept in a safe place at the office of the Director.
- (5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.”

MOTIVATION

It is necessary to bring the provisions of operating certificates in line with the corresponding provisions in Parts 121, 127 and 135,

8. INSERTION OF A NEW SUBPART 7

8.1 The following Subpart is herewith inserted as Subpart 7:

136.07~~[6]~~.1 Establishment of procedures

The operator of a commercial air transport free balloon shall –

- (a) establish procedures and instructions containing ground personnel and flight crew member's duties for all types of operations on the ground and in flight; and
- (b) establish a checklist system to be used by flight deck crew member for all phases of operation under normal, abnormal and emergency conditions, to ensure that the operating procedures in the operations manual referred to in regulation 136.04~~[3]~~.2, are followed.

136.07~~6~~-2 Operational control and supervision

The operator of a commercial air transport free balloon shall exercise operational control and establish and maintain an approved method of supervision of flight operations in the manner prescribed in Document SA-CATS 136

136.07~~6~~-3 Competence of operations personnel

The operator of a commercial air transport free balloon shall ensure that all personnel assigned to or directly involved in ground and flight operations, are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of such duties to the operation as a whole.

136.07~~6~~-4 Use of air traffic services

The operator of a commercial air transport free balloon shall ensure that air traffic services are used for all flights whenever applicable.

136.07~~6~~-5 Smoking in, or in the vicinity of a balloon

- (1) No person shall smoke in and within a 10m radius around a free balloon.
- (2) The operator shall display signs indicating "No Smoking" in relevant areas.

136.07~~6~~-6 Fuel policy

- (1) The operator of a commercial air transport free balloon shall establish a fuel policy for the purpose of flight planning and in-flight pre-planning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.
- (2) The operator shall ensure that the planning of a flight is only based upon—
 - (a) Procedures which are contained in or derived from the balloon flight manual referred to in regulation 136.04[3].2, or current free balloon-specific data; and
 - (b) the operating conditions under which the flight is to be conducted, including –
 - (i) realistic free balloon fuel consumption data;
 - (ii) anticipated masses; and
 - (iii) expected meteorological conditions
 - (iv) ATS procedures, restrictions and anticipated delays.

(3) The operator shall establish policies and procedures with respect to fuel management and publish such policies and procedures in the operations manual referred to in regulation 136.04.2.

(4) The policies and procedures required by sub-regulation (3) shall, as a minimum, include the requirement that –

- (a) in-flight fuel checks are to be performed at least every quarter of the flight by the PIC to ensure that the amount of usable fuel remaining in flight is not less than the fuel required to proceed to a selected landing site where a safe landing can be made with the planned final reserve fuel remaining; and
- (b) the PIC shall declare a situation of urgency when the calculated usable fuel predicted to be available upon landing at the nearest suitable landing site where a safe landing can be made is less than the planned final reserve fuel.

136.076.7 Fuel supply

The operator of a commercial air transport free balloon shall establish a procedure to ensure that in-flight fuel checks and fuel management are carried out.

136.076-8 Carriage of children

The operator of a commercial air transport free balloon shall ensure that a child younger than seven years is only carried when all the conditions as prescribed in the operations manual have been met.

136.076.9 Carriage of passengers with disability

- (1) The operator of a commercial air transport free balloon shall establish procedures, including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with disability.
- (2) The operator shall ensure that –
 - (a) the PIC of the free balloon is notified when a passenger with a disability is to be carried on board;
 - (b) individual briefings on emergency procedures are given to a passenger with a disability and his or her able-bodied assistant, appropriate to the needs of such passenger; and
 - (c) the person giving the briefing shall enquire as to the most appropriate manner of assisting the passenger with a disability so as to prevent pain or injury to such passenger.
- (3) A mentally disturbed person shall not be carried in the balloon unless –
 - (a) he or she is accompanied by an able-bodied assistant; and
 - (b) a medical certificate has been issued by a medical practitioner certifying such mentally disturbed person's suitability for carriage by air, and confirming that there is no risk of violence from such person.
- (4) An operator shall undertake the carriage of a mentally disturbed person who, according to his or her medical history, may become violent, only after special permission has been obtained from the Director by such operator.
- (5) A passenger with a disability may travel unaccompanied provided he or she is able to assist himself or herself.
- (6) Any supporting aids or equipment of a passenger referred to in this sub-regulation shall not obstruct emergency equipment.
- (7) A passenger with a splinted or artificial limb who cannot assist himself or herself shall be accompanied by an able-bodied assistant.

136.076.10 Limitations on carriage of infants, children and passengers with disability

- (1) Only one passenger with a disability or one unaccompanied minor may be carried in a flight in a commercial air transport balloon under the operator's discretion.
- (2) An able-bodied assistant shall accompany a passenger with a disability who cannot assist himself or herself, and such assistant shall be assigned with the responsibility of the safety of such passenger.
- (3) The operator may establish procedures, other than the procedures referred to in sub regulations (1) and (2), for the carriage of infants, children, and passengers with a disability:

Provided that –

- (a) such procedures do not jeopardise aviation safety; and
- (b) prior written approval is obtained from the Director.

136.07[6].11 Passenger services

- (1) Except when in use, all items for passenger services, including food containers, thermos flasks and serving trays, shall be carried in their respective stowages and secured against movements likely to cause injury to persons or damage to the balloon.
- (2) All items referred to in sub-regulation (1) shall be stowed during take-off and landing or during emergency situations, as directed by the PIC of the balloon.

136.07.12 Incidents and defects

- (1) The operator of a commercial air transport free balloon shall establish adequate inspection and reporting procedures to ensure that defective equipment is reported to the PIC of the balloon before take-off.
- (2) The procedures referred to in sub-regulation (1) shall be extended to include the reporting to the operator of all incidents or the exceeding of limitations that may occur while the flight crew is embarked on the balloon and of defective equipment found on board.
- (3) Upon receipt of the reports referred to in sub-regulation (2), the operator shall compile a report and submit such report on a monthly basis to the Director.

136.07.13 Briefing of passengers

- (1) The PIC shall ensure that passengers are given a safety briefing in accordance with Document SA-CATS 136.
- (2) Where the safety briefing referred to in sub-regulation (1) is insufficient for a passenger because of that passenger's physical, sensory or comprehension limitations or because that passenger is responsible for another person on board the balloon, the PIC shall ensure that the passenger is given an individual safety briefing that is appropriate to the passenger's needs.
- (3) The PIC shall ensure that, in the event of an emergency and where time and circumstances permit, all passengers are given an emergency briefing in accordance with the Document SA-CATS 136.
- (4) In the event of a flight crew incapacitation, the PIC shall ensure that at least one passenger is briefed with the basic understanding of the balloon operating procedures for landing. The operator shall ensure that this is prescribed in the operations manual.

MOTIVATION

Fuel Policy: An operator shall construct/establish a policy which will increase the crew awareness on fuel usage, monitoring and inflight replanning with regards to adverse/unexpected operational changes.

Passenger briefing: Due to the operational limitations, majority of balloon flight are conducted as single crew operations, this has raised concern in a number of balloon incidents and accidents, with that regard, operators should establish a generic procedure which will be included in the briefing of passengers on how to control the balloon to a safe landing, especially in the event of pilot incapacitation.

9. INSERTION OF SUBPART 8 INTO THE REGULATIONS

9.1 This Subpart is being substituted for the existing Subpart 7

“SUBPART 8: BALLOON PERFORMANCE OPERATING LIMITATIONS

General

136.087.1 The operator of a free balloon shall not operate the balloon free flight by night or in IMC unless tethered and except under special VFR or under special conditions as approved by the Director.

General provisions for all classes of free balloons

136.087.2 The operator of a commercial air transport balloon shall ensure that the mass of the free balloon, at the start of the take-off, is not greater than the mass at which the requirements prescribed in the appropriate flight manual can be complied with for the flight to be undertaken, allowing for expected reductions in mass, or rise in temperature as the flight proceeds.

Take-off

136.087.3 The operator of a free balloon shall ensure that the mass of the balloon does not exceed the maximum certified mass for the pressure altitude and the ambient temperature at the point of departure.

SUBPART 9: MAINTENANCE

General

136.098.1 The operator of a commercial air transport free balloon shall not operate the balloon unless such balloon is maintained in accordance with the regulations in Part 43.

Balloon maintenance schedule

136.098.2 (1) The operator of a commercial air transport free balloon shall ensure that the balloon is maintained in accordance with a balloon maintenance schedule established by the manufacturer.

(2) The schedule shall contain details, including frequency, of all maintenance required to be carried out on the balloon.

(3) The schedule shall include a reliability programme if the Director determines that such a reliability programme is necessary.

(4) The schedule referred to in sub-regulation (1) and any subsequent amendment thereof shall be approved by the Director.

Maintenance contracted to approved maintenance organisation

136.098.3 If maintenance on a commercial air transport free balloon is carried out by the holder of an AMO approval with the appropriate rating issued in terms of Part 145, the operator of the balloon shall ensure that all contracted maintenance is carried out in accordance with the regulations in Part 43.