



Government Gazette

REPUBLIC OF SOUTH AFRICA

Regulation Gazette

No. 7249

Vol. 439

Pretoria

11

February

2001

No. 23009



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GOVERNMENT NOTICES

DEPARTMENT OF TRANSPORT

No. R. 22

11 January 2002

**AVIATION ACT, 1962,(ACT NO 74 OF 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 amendments in the schedule. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Mr, Kim Gorringer or Mr. Herman Wildenboer, Private Bag X08, Waterkloof, 0145, fax: (012) 346-5979, or e-mail at gorringerk@caa.co.za or wildenboerh@caa.co.za, before or on 11 February 2002.

SCHEDULE (1)

1. Proposal to amend regulation 1.001 of Part 1 of the Civil Aviation Regulations, 1997

PROPOSER:

Civil Aviation Authority
Private Bag X08
Waterkloof
0145

Explanation of interest of the PROPOSER

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

2. **Proposed introduction of New Definitions**

It is proposed to insert the definitions contained hereunder into Part 1.

Motivation :

The definitions contained hereunder are necessary to define certain words and terms used in the proposed Parts 24, 94 and 96.

3. **Current regulation :** The definitions proposed hereunder, except for the definitions for "hang glider", "glider" and "microlight Aeroplane", do not currently exist in Part 1. The current definitions for "hang glider", "glider" and "microlight aeroplane" require substitution with those definitions contained hereunder which more accurately describe and give meaning to words and terms used in the proposed Parts 24, 94 and 96. The current definitions for "hang glider", "glider" and "microlight aeroplane" are :

"hang glider" means a non – power driven heavier than air aircraft capable of being carried, foot launched and landed solely by the energy and use of the pilot's legs, having –

- (a) a rigid primary structure with pilot weight shift as the primary method of control; or
- (b) a rigid primary structure with moveable aerodynamic surfaces as the primary method of control in at least two axes,

and for the purposes of Part 106, includes a paraglider"

"glider" means a non power driven heavier than air aircraft other than a hang glider, deriving its lift in flight mainly from aerodynamic reactions on the surfaces which remain fixed under given conditions of flight and for the purposes of these Regulations, includes a powered glider"

"microlight aeroplane" means an aeroplane the empty mass of which does not exceed 450 kilograms."

PROPOSED DEFINITIONS

“amateur-built aircraft” means an aircraft built in terms of the provisions of Part 24, and for the purpose of these Regulations include any of its components;

“approved”, unless used with reference to another person, means approved in writing by the Commissioner, or in respect of Parts 24, 94 and 96 the Commissioner or the organization approved for the purpose in terms of Part 149, as the case may be;

“approved maintenance schedule” means a document, compiled by an owner or operator in accordance with the provisions of these Regulations, approved by the Commissioner in terms of regulation 43.02.5 of Part 43, that prescribes in detail the inspections that need to be carried out in respect of an aircraft, its components, installed systems and equipment, and the intervals between such inspections;¹

“approved person” means a person, approved in terms of Part 24 of the CAR of 1997, to carry out inspections on non-type certificated aircraft in compliance with the relevant Aircraft Maintenance Schedule approved for the particular aircraft;

“authority to fly” means the authority to fly issued in terms of Subpart 2 of Part 24 of these Regulations as a restricted certificate of airworthiness;

“build standard” means the document package that defines the dimensions, materials and processes to be used in the construction of an aircraft, together with associated documents that show that the design complies to an established design criteria;

¹ The reference is to a amendment of this regulation being proposed but not as yet published for comment.

“captive balloon” means a balloon which is moored to the surface or to a ship, vehicle or construction on the surface;

“certificate of airworthiness”, as used in these regulations, is the certificate of airworthiness referred to in Article 31 of the Convention, issued in terms of Subpart 8 of Part 21 of these Regulations, and includes an authority to fly issued in terms of Sub- part 2 of Part 24;

“design criteria basis” means the design criteria chosen by the constructor of an amateur-built or production-built aircraft, based on a set of airworthiness standards acceptable to the Commissioner;

“ex-military aircraft” means an aircraft which-

- (a) has been in use by the military;
- (b) was not designed, constructed or maintained according to internationally recognised civil airworthiness standards; and
- (c) has been decommissioned from military service.

“factor of safety” means a design factor, used to provide for the possibility of loads greater than those assumed and for uncertainties in design and manufacture;

“glider” definition needs to be substituted by the following:

‘... means a heavier-than-air aircraft other than a hang-glider that is supported in flight by the dynamic reaction of the air against its fixed lifting surfaces and whereof free flight does not depend on an engine; and for the purposes of these Regulations includes a self-launching

“hang-glider” definition needs to be amended by the substitution of the expression ‘... and for the purpose of these Regulations includes a powered hang-glider’ for the expression ‘... and for the purposes of Part 106, includes a paraglider’;

“imported” in the context of Part 24 means brought into the Republic by any means for the purpose of having the aircraft put on the South African Register of Civil Aircraft;

“kite” means a non-power-driven, heavier-than-air aircraft, other than a glider or hang-glider, deriving its lift in flight mainly from aerodynamic reactions on the surfaces which remain fixed under given conditions of flight, and for the purpose of these Regulations means a line-controlled kite only;

“limit loads” means the maximum loads assumed to occur in the anticipated aircraft operating conditions;

“load” means the design strength requirements, prescribed for an aircraft in terms of its limit load and ultimate load;

“maintenance control manual” means a document, compiled by an owner or operator in accordance with the provisions of these Regulations, approved by the Commissioner in terms of regulation 43.02.5 of Part 43, that defines the organisation and procedures established for ensuring the sustained airworthiness of the aircraft to which it applies, its components, installed systems and equipment;²

“mandatory periodic inspection” means an inspection prescribed in sub-regulations 43.02.5(2) or (3) of Part 43;³

² The reference is to a amendment of this regulation being proposed but not as yet published for comment.

“microlight aeroplane” definition to be substituted by the following definition:

‘... means an aeroplane of which the minimum flying speed at maximum take-off mass and the maximum take-off mass have been restricted for classification purposes. The values of these restrictions are defined in Document SA-CATS-NTCA’;

“non-type certificated aircraft” means any aircraft which does not qualify for the issue of a certificate of airworthiness in terms of Part 21; it includes any type certificated aircraft that has been scrapped, of which the original identification plate has been removed and returned to the applicable aviation authority, and is rebuilt as a full-scale replica;

“paraglider” means a non-power-driven, heavier-than-air aircraft without a rigid primary structure, comprising a flexible drag, or drag and ram-air type lift surface, from which the pilot and passenger/s are suspended by shroud lines, which is foot-launched and of which the descent is partly controlled by the pilot by means of two steering lines, and for the purposes of Parts 24, 94 and 96 includes a paratrike and a powered paraglider;

“paratrike” means a paraglider with a large ram-air type lift surface and fixed undercarriage;

“powered hang-glider” means a hang-glider, fitted with an engine attached either to the structure or to the pilot and which may also be fitted with a detachable undercarriage, to support its launch and climb;

“powered paraglider” means a paraglider, fitted with an engine attached to the pilot to assist in its launch and in short local powered flights, and which may have a fixed or detachable undercarriage;

“prescribed loads” in respect of an aircraft means limit loads, unless otherwise stated;

³ The reference is to a amendment of this regulation being proposed but not as yet published for comment.

“production-built aircraft” means an aircraft, of which the prototype has been constructed and approved in terms of Part 24, and which is made available by the constructor to others either as a fully-assembled non-type certificated aircraft, in kit form, or of which the build standard has been approved to be made available for its construction by others; and for the purpose of these Regulations includes its components.

“proving flight” means any flight conducted in terms of a Proving Flight Authority for the purpose of qualifying for the issuance of an Authority to Fly;

“proving flight authority” means the authorisation to commence flight trials as are necessary for development purposes, for the compilation of handling and operational data and, generally, for the preparation of the aircraft for the tests necessary for the issue of an Authority to Fly;

“rocket” means an airborne vehicle propelled by ejected expanding gases generated in its engine/s from self contained propellants and not dependent on the intake of outside substances. It includes any part that becomes separated during operation;

“self-launching glider” means a glider with a maximum all-up mass of not more than 850 kg, fitted with an engine that is used solely for the purpose of launch and climb and not for the sustenance of free flight;

“tiltrotor” means a power-driven heavier-than-air aircraft, deriving its lift in flight mainly from aerodynamic reactions –

- (a) on surfaces which remain fixed under given conditions of flight; or
- (b) on more than one power-driven rotors on axis that may be tilted during flight from the vertical to the horizontal and *vice versa*; or
- (c) from a combination thereof;

“touring glider” means an aeroplane with a maximum all-up mass of not more than 850 kg, fitted with an engine, and having

the characteristics of a glider when the engine is inoperative;

“ultimate load” means the limit load, multiplied by the appropriate factor of safety;

“veteran aircraft” means a previously type- certificated aircraft of which the airworthiness is no longer supported by the holder of the type certificate, or for which no longer a valid type certificate is held by any person;