

**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 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. Kim Gorrington or Mr. Herman Wildenboer, Private Bag X08, Waterkloof, 0145, fax: (012) 346-5979, or e-mail at [gorringek@caa.co.za](mailto:gorringek@caa.co.za) or [wildenboerh@caa.co.za](mailto:wildenboerh@caa.co.za), before or on 11 February 2002.

**SCHEDULE (2)**

1. Proposal to introduce Part 24, Airworthiness Standards: Non-Type Certificated Aircraft

**PROPOSER:**

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**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 Part 24**

It is proposed to introduce the under-mentioned regulations, as Part 24.

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**Motivation :**

The operation of non - type certificated aircraft is currently regulated in terms of Document LS/1 dated 30 November 2000. The re-introduction of Document LS/1 on 15 December 2001 was intended only as a temporary measure, until such time as new regulations pertaining to non type certificated aircraft had been developed. The proposals contained in this schedule, read together with proposed Parts 94 and 96, ( Schedules 3 and 4 respectively) are proposed as the requirements which will replace and expand upon those requirements contained in Document LS/1. The proposed Parts 24, 94 and 96 are a synthesis of; work previously undertaken on this topic, the requirements contained in Document LS/1, the requirements of other aviation authorities, and the imputes obtained from both the CAA and other stakeholders. The proposed Part 24 (this Schedule) establishes the minimum airworthiness standards for non-type certificated aircraft. Proposed Part 94 (Schedule 3) stipulates the operational requirements for non-type certificated aircraft and the proposed Part 96 (Schedule 4), establishes the requirements for the commercial operation of non - type certificated aircraft. The requirements contained in the proposed Part 96 are to address the South African and universal trend towards the utilisation of non - type certificated aircraft for commercial purposes and establish standards that will permit commercial operation within parameters that maintain adequate levels of safety. All three of the proposed Parts have been work shopped with stakeholders.

3. **Current regulation:** No Part 24 currently exists.

**PART 24**  
**LIST OF REGULATIONS**  
**Airworthiness Standards:**  
**Non-Type Certificated Aircraft**

**Subpart 1****General**

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## Applicability

### 24.01.1 (1) This Part applies to -

- (a) Amateur-built aircraft
- (b) Production-built aircraft
- (c) Veteran aircraft
- (d) Ex-military aircraft
- (e) Any other aircraft not qualifying, or not longer qualifying for the issue of a certificate of airworthiness in terms of Part 21.

### (2) The aircraft referred to in sub-regulation (1) are classified in the following sub-groups:

- (a) Aeroplanes, including microlight aeroplanes
- (b) Helicopters
- (c) Gyroplanes
- (d) Gliders, including self-launching gliders and touring gliders
- (e) Manned captive and manned free balloons
- (f) Airships
- (g) Unmanned aerial vehicles
- (h) Hang-gliders, including powered hang-gliders
- (i) Paragliders, including powered paragliders and paratrikes
- (j) Parachutes
- (k) Model aircraft
- (l) Rockets

### (3) This Part does not apply to any aircraft that, for the purpose of flight

- (a) is to be attached to and towed by a vehicle or vessel travelling on the surface;
- (b) is to be moored to the surface or any construction on the surface, provided that the aircraft is not manned;
- (c) is to be controlled with a line by a person on the surface:

Provided that such aircraft shall not be operated in contravention of these Regulations, or cause an obstruction to aviation.

### (4) The airworthiness design standards for each sub-group of aircraft referred to in sub-regulation (2) are those referred to in sub-regulation 24.01.2(5)(a).

**Airworthiness**

- 24.01.2** (1) Before a non-type certificated aircraft, other than a model aircraft or a rocket, is considered to be airworthy it shall—
- (a) have been issued with —
    - (i) an Authority to Fly or a Proving Flight Authority, as the case may be, in terms of this Part; and
    - (ii) a valid certificate of Release to Service;
  - (b) have been maintained in accordance with the provisions of this Part and of Part 43, as applicable to the type of aircraft; and
  - (c) have no known condition which could make the aircraft unsafe for flight.
- (2) Only those aircraft, of which the type, the local or foreign manufacturing organization, the local assembling organization or agent, or the build standard has been approved by the Commissioner, may be built or imported and flown within the Republic.
- (3) The Commissioner may consider a foreign manufacturing organization as being approved by the Commissioner if that facility was approved by an appropriate authority.
- (4) (a) Before any person commences with the construction of an aircraft, which is intended to be put on the South African Civil Aircraft Register, such person shall apply for a build number.
- (b) The application shall be made to the Commissioner, or – if applicable - the body designated for the purpose by the Commissioner in the format prescribed in Document SA-CATS-NTCA, and shall be accompanied by a copy of the design criteria for the aircraft.
- (c) The Commissioner, or the body so designated, shall – on receipt of the prescribed documentation and fee as prescribed in Part 187 of the CAR – issue the build number to the applicant.
- (d) The issuing body shall retain a register of build numbers issued and make relevant information available to any authorised officer, inspector or authorised person who needs such information for the purpose of oversight and inspection.
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- (e) The applicant, on being issued with the build number, shall enter a record of the build number in the aircraft's logbook or any other document associated with the construction of the aircraft.
- (5) The design criteria and the build standard for an amateur- or production-built aircraft shall --
  - (a) comply with the appropriate design criteria as prescribed in Document SA-CATS-NTCA;
  - (b) comply with any special conditions prescribed in terms of Regulation 24.02.4 by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be; and
  - (c) incorporate no feature or characteristic that makes the aircraft type unsafe for its intended use.
- (6) Production-built aircraft may not be delivered to the public by a manufacturer or agent unless the aircraft has been registered in the name of the new owner; Provided that this restriction shall not apply in the case of the sale of a plan according to an approved build standard, in which case the provisions of sub-regulation (4)(a) applies.

### **Registration**

**24.01.3** No non-type certificated aircraft classified in the paragraphs (a) to (g) of sub-regulation 24.01.1(2) shall be flown unless it has been registered and marked in accordance with the provisions of Part 47.

### **Aircraft documentation**

**24.01.4** (1) The owner of a non-type certificated aircraft classified in the paragraphs (a) to (i) of sub-regulation 24.01.1(2) shall submit to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, for approval, the documentation prescribed in SA-CATS-NTCA.

- (2) In the case of a production-built aircraft, a copy of the approved manuals, together with the aircraft logbook/s, shall accompany the aircraft, the kit, or (and except for the logbooks:) the approved build standards on its delivery to a customer.
- (3) In the case where proving flights for the purpose of the issue of an Authority to fly are carried out, the owner of the non-type certificated aircraft shall retain all documents and records, generated in the process, for the duration of the life of the aircraft.

### **Maintenance and Inspection**

- 24.01.5** (1) The owner of a non-type certificated aircraft for which an Authority to Fly is required in terms of these Regulations shall-
- (a) submit to the Commissioner or, if applicable: to the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, for approval an Approved Maintenance Schedule or similar document for the aircraft;
  - (b) ensure that the non-type certificated aircraft is maintained in compliance with-
    - (i) its Approved Maintenance Schedule or similar document; and
    - (ii) to the extent applicable, the requirements of Part 43;
- and furthermore
- (c) take such action as is necessary to ensure the continued airworthiness of the aircraft.
- (2) The format and minimum requirements for the Approved Maintenance Schedule shall be as prescribed in regulation 24.03.1.

### **Instruments, Equipment and Placards**

- 24.01.6** (1) Any flight instrument, required to be installed in terms of these Regulations, shall be calibrated before first flight, and be checked for calibration annually thereafter.
- (2) The minimum instrumentation and equipment and the placards to be installed in non-type certificated aircraft shall be as prescribed in Document SA-CATS-NTCA.

**Issuing of Airworthiness Directives**

- 24.01.7** (1) The Commissioner may issue appropriate airworthiness directives in respect of design changes that are necessary to correct the unsafe condition of a non-type certificated aircraft.
- (2) If the Commissioner issues an airworthiness directive in terms of sub-regulation (1), the holder of any certificate issued in terms of this Part for the aircraft or its component, shall –
- (a) upon the request of the Commissioner, submit appropriate design changes to the Commissioner for approval; and
  - (b) upon approval of the design changes, if applicable, make the descriptive data covering the changes available to all operators of the product.

**Safety Inspections and Audits**

- 24.01.8** (1) An applicant for the issuing of any certificate, approval or authorization in terms of this Part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.
- (2) The holder of any certificate, approval or authorization issued under this Part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.
- (3) Any inspection carried out on a non-type certificated aircraft in terms of sub-regulation (1) is of a conditional nature, in that the inspector shall not be required to guarantee the airworthiness of the aircraft. The owner or operator of the aircraft shall at all times be responsible for the airworthiness status of the aircraft and, if called upon, shall prove to an inspector that the aircraft is in an airworthy condition.

**Suspension, cancellation and appeal**

- 24.01.9** (1) An authorised officer, inspector or authorised person may suspend, for a period not exceeding 30 days, any certificate, approval or authorization issued under this Part, if –



- (a) after a safety inspection and audit carried out in terms of Regulation 24.01.8, it is evident that the holder of the certificate, approval or authorization, does not comply with the requirements prescribed in these Regulations, and such holder fails to remedy such non-compliance within 30 days after receiving notice in writing from the authorised officer, inspector or authorised person to do so; or
  - (b) the authorised officer, inspector or authorised person is prevented by the holder of the certificate, approval or authorization, or its partners or subcontractors, to carry out a safety inspection and audit in terms of Regulation 24.01.8; or
  - (c) the suspension is necessary in the interests of aviation safety.
- (2) The authorised officer, inspector or authorised person who has suspended a certificate, approval or authorization in terms of sub-regulation (1), shall –
  - (a) enter a note to that effect in the aircraft's logbook or other applicable documentation file; and
  - (b) deliver a report in writing to the Commissioner, stating the reasons why, in his or her opinion, the suspended certificate, approval or authorization should be cancelled.
- (3) The authorised officer, inspector or authorised person concerned shall submit a copy of the report referred to in sub-regulation (2), to the holder of the certificate, approval or authorization that has been suspended, and shall furnish proof of such submission for the information of the Commissioner.
- (4) The holder of a certificate, approval or authorization who feels aggrieved by the suspension of the certificate, approval or authorization may appeal against such suspension to the Commissioner, within 30 days after such holder has been notified of such suspension.
- (5) The appeal, referred to in sub-regulation (4), shall be in writing, stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and shall furnish proof of such submission for the information of the Commissioner.

- (7) The authorised officer, inspector or authorised person concerned may, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver his or her written reply to such appeal to the Commissioner.
- (8) The Commissioner may –
  - (a) either adjudicate the appeal on the basis of the documents submitted to him or her; or
  - (b) order the appellant and the authorised officer, inspector or authorised person concerned to appear before him or her to give evidence, either in person or through a representative, at a time and place determined by him or her; and
  - (c) at any time –
    - (i) extend the period of suspension for further periods not exceeding each 30 days, if necessary to deal fairly with the appeal; and
    - (ii) either confirm, vary or set aside the suspension referred to in sub-regulation (1).
- (9) Before the Commissioner confirms the suspension in terms of sub-regulation (8)(ii), he or she shall permit the holder of the certificate, approval or authorisation, if such holder so wishes, to remedy any non-compliance.
- (10) The Commissioner shall –
  - (a) if he or she confirms the suspension in terms of sub-regulation (8)(ii); or
  - (c) if a certificate, approval or authorization is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4),

cancel the certificate, approval or authorization concerned.

#### **Register of certificates**

- 24.01.10 (1)** The Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case

may be, shall maintain a register of all certificates, approvals or authorizations issued in terms of the regulations in this Part.

- (2) The register shall contain the following particulars:
  - (a) the full name of the holder of the certificate, approval or authorization;
  - (b) the postal address of the holder of the certificate, approval or authorization;
  - (c) the date on which the certificate, approval or authorization was issued; and
  - (d) a true, certified copy of the issued certificate, approval or authorisation.
- (3) The particulars referred to in sub-regulation (2) shall be recorded in the register within thirty days from the date on which the certificate, approval or authorization is issued."
- (4) The register shall be kept in a safe place at the office of the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be.
- (5) A copy of the register shall be furnished by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

## **SUBPART 2: AUTHORITY TO FLY AND PROVING FLIGHT AUTHORITY**

### **Application**

- 24.02.1** (1) Any owner of a non-type certificated aircraft, or his, her or its authorised representative, may apply for the issuing of an Authority to Fly for the aircraft, or for an amendment thereof.
- (2) An application for the issuing of an Authority to Fly, or an amendment thereof, shall be –
- (a) made to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, on the form prescribed in Document SA-CATS-NTCA;
  - (b) accompanied by –
    - (i) the appropriate fee as prescribed in Part 187;
    - (ii) proof of compliance with the provisions of Regulation 24.01.2(5);
    - (iii) the aircraft logbook/s or similar document, or certified true copies of all entries;
    - (iv) copies of all documents and records in the construction or testing file;
    - (v) a copy of the flight manual, if applicable; and
    - (vi) a copy of the approved maintenance schedule, referred to in regulation 24.03.1.

### **Requirements**

- 24.02.2** (1) An applicant for the issuing of an Authority to Fly for a non-type certificated aircraft, or an amendment thereof, shall provide the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, with proof that, in the case of–
- (a) a non-type certificated aircraft, built in the Republic,-
    - (i) the provisions of Document SA-CATS-NTCA in respect of proving flights and of performance, handling and strength tests have been complied with; and

- (ii) the aircraft, other than an amateur-built aircraft, was manufactured or assembled by an organization approved by the Commissioner in terms of Regulation 24.04.1
- (b) an imported non-type certificated aircraft, where the owner requests the aircraft to be registered in the South African Civil Aircraft Register, the aircraft-
  - (i) has been de-registered in the country of export or was never registered;
  - (ii) had been issued with a Certificate of Airworthiness, an Authority to Fly, or similar certificate by the military or civil aviation authority of the country of de-registration; and
  - (iii) complies with all the applicable provisions of this Part; or
  - (iv) where the aircraft is a production-built aircraft which has not been previously issued with an Authority to fly or similar certificate by a civil aviation authority, the aircraft was manufactured or assembled by an organization approved by the Commissioner in terms of Regulation 24.04.1.
- (2) Prospective owners of an aircraft referred to in sub-regulation (1)(b) shall first consult the Commissioner and obtain approval before importing such an aircraft.
- (3) Examples of documentation, required to show compliance with the provisions of sub-regulation (1), are given in Document SA-CATS-NTCA.
- (4) Except for the production-built aircraft referred to in sub-regulation (1)(iv), only aircraft which previously have been registered and issued with a Certificate of Airworthiness, an Authority to Fly, or similar document by the appropriate military or civil aviation authority of the country of deregistration may be imported into the Republic.
- (5) The applicant shall, in addition to the provisions of sub-regulation (1), provide the Commissioner with proof that—

- (a) any modification to the aircraft conforms to the design changes approved for the type;
  - (b) the aircraft complies with all appropriate airworthiness directives issued in terms of regulation 24.01.7;
  - (c) the aircraft is issued with the appropriate flight manual, and any logbooks, repair and alteration forms and documents which the Commissioner may require;
  - (d) an annual inspection has been carried out in accordance with the requirements of Regulation 24.03.2; and
  - (e) the aircraft is in a condition for safe operation.
- (6) Where the application is in respect of a previously type-certificated aircraft, other than a veteran aircraft, the applicant shall provide proof that the original identification plate has been removed and handed to the appropriate authority and the aircraft re-registered as a different make and type of aircraft. The Commissioner shall inform the original manufacturer of the fact that the aircraft no longer meets its type certificate.
- (7) In addition to the provisions of sub-regulation (1), (5) and (6), the applicant shall provide the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, with—
- (a) any other airworthiness data which the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, may require; and
  - (b) any document relating to the operation of the aircraft which the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, may require.
- (8) An application referred to in sub-regulation (1) shall be accompanied by the appropriate fee as prescribed in Part 187.

### Issuing

- 24.02.3** (1) An application in terms of Regulation 24.02.1 shall be granted and an Authority to Fly issued if the applicant complies with the provisions of Regulation 24.02.2;

- (2) An Authority to Fly is issued subject to such conditions and limitations which may be determined by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be.
- (3) Whether the Authority to Fly will include permission to operate the aircraft at night, under IMC, or to conduct semi-acrobatic or acrobatic flights, depends on the results of the proving flights, and the aircraft equipment.
- (4) In the case of a locally built amateur-built aircraft, or in the case of any aircraft that previously has been issued with a Certificate of Airworthiness in terms of Part 21 or a similar document issued by another State in accordance with ICAO Annex 8, or of which the Certificate of Airworthiness or Authority to Fly has become invalid as a result of a proposed major modification, the Authority to Fly will normally be granted, or re-issued as the case may be, in two stages, viz. a Proving Flight Authority and, thereafter, where applicable, the Authority to Fly.
- (5) Before a Proving Flight Authority or an Authority to Fly is issued, the Commissioner may require the aircraft to be inspected by an authorised officer, inspector or authorised person, and the owner shall be advised accordingly. The owner shall make the aircraft available for such inspection, where and when required by the Commissioner.

#### **Proving Flight Authority**

- (6) A Proving Flight Authority will normally be validated for maximum six months, and shall show the base from which the proving flights are to be carried out.
- (7) A Proving Flight Authority may be extended for further periods at the discretion of the Commissioner, or if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, on the submission of an inspection report equivalent to an annual inspection.
- (8) Modifications and repairs may be effected by the constructor as required during the periods of validity of the Proving Flight Authority. However, should a major modification or repair be required, the issuing authority may require that the proving flights be commenced anew.

- (9) Proving flights shall be carried out as prescribed in document SA-CATS-NTCA.
- (10) Flights conducted in terms of a Proving Flight Authority-
  - (a) are limited to an area not exceeding 100 km radius from the specified base from which such flights are to be undertaken, unless stated otherwise on the Proving Flight Authority;
  - (b) may only be conducted under VMC by day;
  - (c) are forbidden over open-air assemblies of persons; and
  - (d) are forbidden over built-up areas, except where necessary for take-off and landing.
- (11) Only essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board the aircraft during flights conducted in terms of a Proving Flight Authority.
- (12) Where a Proving Flight Authority is issued in respect of an aircraft of a new design, or of which the originally-approved design has undergone major modification, the first flight or flights shall be conducted by an appropriately rated test pilot.
- (13) With the approval of the test pilot, who undertook the flight or flights referred to in sub-regulation (12), the owner of the aircraft, if suitably qualified, may carry out additional proving flights. For the purpose of this sub-regulation, where the 'owner' consists of more than one natural person, one of these persons shall be designated by the test pilot to carry out the proving flights.
- (14) The owner, referred to in sub-regulation (13), shall be a licensed pilot, holding the appropriate category and class rating, and having been converted on type by an appropriately rated flight instructor.
- (15) Apart from any conversion training, which may be required in terms of sub-regulation (14), no flight training may be conducted on an aircraft, operated in terms of a Proving Flight Authority.
- (16) Where the limitations for flight still have to be established, such proving flight or flights shall be carried out by an appropriately rated test pilot.
- (17) The final proving flight for the issue of an Authority to Fly shall be carried out by an appropriately rated test pilot who, if applicable,



shall be the pilot who carried out the proving flights, referred to in sub-regulation 16.

### **Special Conditions**

- 24.02.4** The Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, may prescribe special conditions for a Proving Flight Authority or an Authority to Fly, in order to establish a level of safety equivalent to the appropriate airworthiness design standards referred to in Regulation 24.01.2(5)(a), if the aircraft has novel or unusual design features which deviate from accepted airworthiness design standards appropriate to the type of aircraft.

### **Form**

- 24.02.5** An Authority to Fly and a Proving Flight Authority shall be issued on the appropriate form as prescribed in Document SA-CATS-NTCA.

### **Period of validity**

- 24.02.6** (1) An Authority to Fly and a Proving Flight Authority shall be valid until –
- (a) in the case of a Proving Flight Authority, if an expiry date has been determined by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, it expires;
  - (b) in the case of an Authority to Fly or a Proving Flight Authority, it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, in terms of Regulation 24.01.9;
  - (c) a major modification is to be incorporated; or
  - (d) the aircraft is involved in an incident or accident that results in major damage to its primary structure.
- (2) Subject to the provisions of sub-regulation (1), an Authority to Fly or Proving Flight Authority shall remain valid for as long as –

- (a) the aircraft remains registered on the South African Civil Aircraft Register; and
  - (b) the aircraft is maintained in accordance with the Regulations.
- (3) The holder of an Authority to Fly or Proving Flight Authority which expires shall forthwith surrender the Authority to Fly or Proving Flight Authority to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be,
  - (4) The holder of an Authority to Fly or Proving Flight Authority which is suspended shall forthwith produce the Authority to Fly or Proving Flight Authority upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.
  - (5) The holder of an Authority to Fly or Proving Flight Authority which is cancelled shall, within 30 days from the date on which the Authority to Fly or Proving Flight Authority is cancelled, surrender such certificate to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be.
  - (6) An Authority to Fly or a Proving Flight Authority, which has been suspended, shall be reinstated when the cause for the suspension has been corrected to the satisfaction of the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be.

#### **International operations**

**24.02.7** (1) An Authority to Fly is only valid for flight in South African airspace.

- (2) Notwithstanding the provision of sub-regulation (1), a non-type certificated aircraft, issued with a South African Authority to Fly, may be flown outside the Republic's borders if the appropriate authority with jurisdiction over the relevant airspace has given prior permission for the aircraft to be flown in such airspace, in the full knowledge that the Authority to Fly is not equivalent to a Certificate of Airworthiness issued in terms of ICAO's Annex 8.

#### **Currency fee**

**24.02.8** A currency fee, as prescribed in Part 187, shall be payable by the holder of an Authority to Fly, on the anniversary date of such

Authority to Fly. Should the Authority to Fly not be valid at the time for any of the reasons stated in regulation 24.02.6, the currency fee will be waived until such time that the Authority to Fly is reinstated and the relevant fee for reinstatement becomes payable. The reinstatement date shall become the new anniversary date.

### Transferability

- 24.02.9 (1) Although a Proving Flight Authority or an Authority to Fly may be transferred in the name of a new owner, the aircraft can be re-registered in the new owner's name only --
- (a) if all documents related to the airworthiness of the aircraft, including reports related to proving flights and the aircraft's logbooks, have been handed over to the new owner; or
  - (b) if the provision of sub-regulation (1) (a) has not or cannot been met, an inspection equivalent to an annual inspection has been carried out by a suitably-qualified person other than the original owner, and the aircraft has been certified airworthy.
- (2) After the transfer of a Proving Flight Authority the provisions of sub-regulations 24.02.3 (6) to (17) *mutatis mutandis* apply. The Commissioner, or if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, shall determine the conditions for the continuation of the proving flights by or on behalf of the new owner, which conditions may include the instruction that the proving flights shall be commenced anew.
- (3) The provisions of Part 47 of the CAR of 1997 shall apply *mutatis mutandis* in respect of an application for the re-registration of an aircraft following a change of ownership.

**Aircraft type approval**

**24.02.10** (1) An applicant, who requires an aircraft type approval for an amateur-built aircraft to qualify as a production-built aircraft, shall make the application to the Commissioner on the form prescribed in Document SA-CATS-NTCA, accompanied by –

- (a) the appropriate fee as prescribed in Part 187;
- (b) proof of compliance with the provisions of Regulation 24.01.2, and in particular the Technical Standard 24.01.2.B.2;
- (c) a copy of the Authority to Fly issued for the prototype aircraft; and
- (d) proof that the applicant meets the requirements of Regulation 24.04.1.

(2) When the Commissioner is satisfied that –

- (a) the applicant has been or may be approved as a manufacturing organisation in terms of Regulation 24.04.1; and
- (b) the aircraft will be manufactured according to the approved build standard,

he or she shall issue a production-built aircraft type certificate on the form prescribed in Document SA-CATS-NTCA.

## **SUBPART 3 MAINTENANCE**

### **Approved Maintenance Schedule**

- 24.03.1** (1) A non-type certificated aircraft shall be maintained in accordance with its Approved Maintenance Schedule in such a manner that it is airworthy at the commencement of any flight.
- (2) The Approved Maintenance Schedule, referred to in sub-regulation (1) shall-
- (a) prescribe who may carry out maintenance on the aircraft;
  - (b) specify the conditions under which maintenance shall be carried out, including environmental conditions and equipment and tools to be used; and
  - (c) be in the format as prescribed in Document SA-CATS-NTCA.

### **Annual inspections**

- 24.03.2** (1) A non-type certificated aircraft shall undergo an annual inspection not later than 365 days since the previous annual inspection, or an inspection equivalent to an annual inspection, was carried out
- (2) The items to be inspected as part of an annual inspection are those listed in Document SA-CATS - NTCA for the particular type of aircraft, and shall be incorporated in the Approved Maintenance Schedule.
- (3) The annual inspection shall be recorded in the aircraft logbook and certified by the organization or person by whom, or under whose direct supervision, the annual inspection was carried out.
- (4) Within fourteen days from the day that the annual inspection is completed, the annual inspection form, as prescribed in Document SA-CATS-NTCA, shall be completed and forwarded to the Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, together with the currency fee prescribed in regulation 24.02.8.
- (5) The inspection, prior to the issue of a Proving Flight Authority and the inspection prior to the issue of an Authority to Fly for an amateur-built or production-built aircraft, referred to in sub-regulation 24.02.2(5)(d), shall be carried out by a person who may

not be the owner of the aircraft, even if the owner is also an appropriately rated Approved Person.

#### **Periodic and other inspections**

- 24.03.3** (1) In addition to the annual inspection, referred to in regulation 24.03.2, the Commissioner may prescribe additional periodic inspections for non-type certificated aircraft, depending on the type of aircraft and its intended use.
- (2) A schedule, reflecting the periodic inspections prescribed in sub-regulation (1) shall be incorporated in the Approved Maintenance Schedule, referred to in regulation 24.03.1.
- (3) In addition to the periodic inspections, referred to in sub-regulation (1), the Commissioner may prescribe any additional inspection of a non-type certificated aircraft if considered necessary in the interest of safety.

#### **Mandatory maintenance**

**24.03.4** All modifications and special inspections prescribed by the Commissioner shall be considered mandatory, unless otherwise stated.

#### **Release to Service**

**24.03.5** Further to the provisions of regulation 43.03.1, the owner who is also the builder of an amateur-built or a production-built aircraft may issue a release to service, as prescribed in Part 43 of the CAR of 1997, for his or her aircraft after it has been issued with an Authority to Fly: Provided the provisions of this Part have been met in respect of the aircraft's airworthiness.

#### **Record keeping and audits**

- 24.03.6** (1) Unless specifically exempted in terms of Part 94 of the CAR, 1997, the owner of a non-type certificated aircraft shall maintain proper maintenance records in accordance with Part 43 of the CAR of 1997 and as prescribed in Document SA-CATS-NTCA.
- (2) The Commissioner or, if applicable, the organization designated for the purpose in terms of Part 149 of the CAR, 1997, as the case may be, may from time to time carry out audits of the equipment, records and procedures to ascertain whether the aircraft continues to be maintained in a safe and satisfactory manner, and the owner shall allow unrestricted access thereto.

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## **SUBPART 4 APPROVAL OF ORGANIZATION**

### **Application**

**24.04.1** An applicant for the approval of a manufacturing or assembling organization shall meet those provisions of Part 148 of the CAR, 1997, which the Commissioner deems to be applicable.

### **Cost recovery**

**24.04.2** The cost incurred by the Authority for approving a local or foreign organization; i.e. travel, accommodation and subsistence, will be at the expense of the applicant, manufacturer or agent, as the case may be.

### **Approved Organisations**

**24.04.3** A list of approved organisations, if any, is provided in Document SA-CATS-NTCA.