

No. R. 435

28 March 2003

AVIATION ACT, 1962 (ACT NO. 74 OF 1962)**TWENTIETH AMENDMENT OF THE CIVIL AVIATION REGULATIONS, 1997**

The Minister of Transport has under section 22(1) of the Aviation Act, 1962 (Act No.74 of 1962) made the regulations in the Schedule hereto.

SCHEDULE**Definition**

1. In these regulations unless the context otherwise indicates "the Regulations" means the Civil Aviation Regulations, 1997, published by Government Notice No R.1219 of 26 September 1997 and No. R. 1255 of 17 October 1997, as amended by Government Notice No R.1735 of 24 December 1997, Government Notice No R.1041 of 14 August 1998, Government Notice No R.1148 of 18 September 1998, Government Notice No R.1664 of 14 December 1998 and Government Gazette No R.172 of 31 December 1998, Government Notice No R.1701 of 31 December 1998, Government Notice No R.639 of 21 May 1999, Government Notice No R.170 of 17 February 2000, Government Notice No R.171 of 18 February 2000, Government Notice No R.558 of 22 June 2001, Government Notice No R. 559 of 22 June 2001, Government Notice No R. 1134 of 30 August 2002, Government Notice No R. 1367 of 15 November 2002, Government Notice No R. 1368 of 15 November 2002, Government Notice No R. 1369 of 15 November 2002, Government Notice No R. 1370 of 15 November 2002, Government Notice No R. 1371 of 15 November 2002, Government Notice No R. 1372 of 15 November 2002 and Government Notice No. R. 434 of 28 March 2003.

Amendment of Regulation 1.00.1 of Part 1 of the Regulations

2. Regulation 1.00.1 of the Regulations is herewith amended by the substitution for the definition of "valid:" of the following definition:
"valid" when used in connection with a licence, rating, certificate, validation, authority, approval or similar document means –
 - (a) that the expiry date on the document, if any, has not been exceeded;
 - (b) that the document has been issued legally and properly to its holder, and has not been suspended or cancelled by the issuing authority; and
 - (c) that all requirements, prescribed by these regulations in respect of the document, have been complied with;".

Amendment of Regulation 65.03.6 of Part 65 of the Regulations

3. Regulation 65.03.6 of the Regulations is herewith amended by the substitution for subparagraph (l) of paragraph (b) of the said regulation of the following subparagraph:

“(i) the appropriate certificate of competency, as prescribed in Document SA-CATS-ATSPL, signed by a validation examiner confirming that the experience specified in Regulation 65.03.5 has been accumulated within the 6 months immediately preceding the application;”.

Amendment of Regulation 65.04.6 of Part 65 of the Regulations

4. Regulation 65.04.6 of the Regulations is herewith amended by the substitution for subparagraph (i) of paragraph (b) of the said regulation with the following subparagraph:

“(i) the appropriate certificate of competency, as prescribed in Document SA-CATS-ATSPL, signed by a validation examiner confirming that the experience specified in Regulation 65.04.5 has been accumulated within the 6 months immediately preceding the application;”.

Amendment of Regulation 65.05.6 of Part 65 of the Regulations

5. Regulation 65.05.6 of the Regulations is herewith amended by the substitution for subparagraph (i) of paragraph (b) of the said regulation with the following subparagraph:

“(i) the appropriate certificate of competency, as prescribed in Document SA-CATS-ATSPL, signed by a validation examiner confirming that the experience specified in Regulation 65.05.5 has been accumulated within the 6 months immediately preceding the application;”.

Amendment of Regulation 65.06.6 of Part 65 of the Regulations

6. Regulation 65.06.6 of the Regulations is herewith amended by the substitution for subparagraph (i) of paragraph (b) of the said regulation with the following subparagraph:

“(i) the appropriate certificate of competency, as prescribed in Document SA-CATS-ATSPL, signed by a validation examiner confirming that the experience specified in Regulation 65.06.5 has been accumulated within the 6 months immediately preceding the application;”.

Amendment of Regulation 65.07.6 of Part 65 of the Regulations

7. Regulation 65.07.6 of the Regulations is herewith amended by the substitution for subparagraph (i) of paragraph (b) of the said regulation with the following subparagraph:

“(i) the appropriate certificate of competency, as prescribed in Document SA-CATS-ATSPL, signed by a validation examiner confirming that the experience specified in Regulation 65.07.5 has been accumulated within the 6 months immediately preceding the application;”.

Amendment of Regulation 65.08.6 of Part 65 of the Regulations

8. Regulation 65.08.6 of the Regulations is herewith amended by the substitution for subparagraph (i) of paragraph (b) of the said regulation with the following subparagraph:

“(i) the appropriate certificate of competency, as prescribed in Document SA-CATS-ATSPL, signed by a validation examiner confirming that the experience specified in Regulation 65.08.5 has been accumulated within the 6 months immediately preceding the application;”.

Amendment of Regulation 65.09.6 of Part 65 of the Regulations

9. Regulation 65.09.6 of the Regulations is herewith amended by the substitution for subparagraph (i) of paragraph (b) of the said regulation with the following subparagraph:

“(i) the appropriate certificate of competency, as prescribed in Document SA-CATS-ATSPL, signed by a validation examiner confirming that the experience specified in Regulation 65.09.5 has been accumulated within the 6 months immediately preceding the application;”.

Amendment of Regulation 65.10.6 of Part 65 of the Regulations

- 10 Regulation 65.10.6 of the Regulations is herewith amended by the substitution for subparagraph (i) of paragraph (b) of the said regulation with the following subparagraph:

“(i) the appropriate certificate of competency, as prescribed in Document SA-CATS-ATSPL, signed by a validation examiner confirming that the experience specified in Regulation 65.10.5 has been accumulated within the 6 months immediately preceding the application;”.

Amendment of Regulation 65.11.6 of Part 65 of the Regulations

11 Regulation 65.11.6 of the Regulations is herewith amended by the substitution for subparagraph (i) of paragraph (b) of the said regulation with the following subparagraph:

- “(i) the appropriate certificate of competency, as prescribed in Document SA-CATS-ATSPL, signed by a validation examiner confirming that the experience specified in Regulation 65.11.5 has been accumulated within the 6 months immediately preceding the application;”.

Amendment of Regulation 65.12.6 of Part 65 of the Regulations

12 Regulation 65.12.6 of the Regulations is herewith amended by the substitution for subparagraph (i) of paragraph (b) of the said regulation with the following subparagraph:

- “(i) the appropriate certificate of competency, as prescribed in Document SA-CATS-ATSPL, signed by a validation examiner confirming that the experience specified in Regulation 65.12.5 has been accumulated within the 6 months immediately preceding the application;”.

Insertion of Regulation 91.04.31 into Part 91 of the Regulations

13 The following Regulation is herewith inserted into the Regulations after Regulation 91.04.30:

“Airborne Collision Avoidance System

91.04.31 No owner or operator shall operate –

- (a) after 1 July 2003, a turbine-engined aeroplane of a maximum certified mass in excess of 15 000 kg or with a maximum approved passenger seating configuration in excess of thirty (30) passengers engaged in commercial air transport operations, or
- (b) after 1 July 2005, a turbine-engined aeroplane of a maximum certified mass in excess of 5 700 kg or with a maximum approved passenger seating configuration in excess of nineteen (19) passengers engaged in commercial air transport operations;

unless such an aeroplane is equipped with an airborne collision avoidance system (ACAS II) and the procedures are followed as prescribed in Document SA-CATS-OPS 91.”:

Amendment of Regulation 91.07.10 of Part 91 of the Regulations

14 Regulation 91.07.10 of the Regulations is herewith amended by the substitution for paragraph (b) of the said regulation of the following paragraph

- “(b) special VFR flights are not commenced when the visibility is less than the visibility prescribed in Regulation 91.06.22(d).”.

Amendment of Regulation 172.01.2 of Part 172 of the Regulations

15 Regulation 172.01.2 of the Regulations is herewith amended by the insertion of the following sub-regulation after sub-regulation (3):

- “(3) The provisions of sub-regulation (3) does not preclude an aerodrome licence holder from providing his own initiative air traffic services that complies with the minimum required level.”.

Short title and commencement

16 These Regulations are called the Twentieth Amendment of the Civil Aviation Regulations, 1997, and shall come into operation on the date of publication thereof.