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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 321

12 March 2004

AVIATION ACT 1962 PROPOSED AMENDMENT TO THE CIVIL AVIATION REGULATIONS, 1997

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCOM) hereby publishes for comment the proposed amendments to the Civil Aviation Regulations, 1997, as set out in the schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Mr. 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 12 April 2004.

SCHEDULE 1

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.

(All the proposals contained in the Schedules originated from the said Authority)

1.1 PROPOSED AMENDMENT TO REGULATION 1.00.1 OF PART 1 OF THE CIVIL AVIATION REGULATIONS OF 1997 BY THE INSERTION ALPHABETICALLY OF THE FOLLOWING DEFINITIONS:

“‘access control’ means the security procedure applied to ensure that only authorised persons, authorised vehicles and authorised items carried by such persons or transported in such vehicles are allowed access into the premises or zone being controlled;”

“‘air side’ means the movement area of an aerodrome, adjacent terrain and buildings or portions thereof to which access is controlled by the aerodrome licensee;”

“‘air waybill’ means the document referred to in regulation 23 of the Domestic Air Services Regulations, promulgated in terms of section 29 of the Air Services Licensing Act, No 115 of 1990.

“**authorised person**’ means any person as defined in section 1 of the Civil Aviation Offences Act, No 10 of 1972;”

“**background check**’ means the checking of a person’s identity and previous experience, including any criminal history where applicable, as part of the assessment of an individual’s suitability for unescorted access to a security restricted area.”

“**cargo**’ means:

- (a) any item, including unaccompanied baggage, tendered with an airway bill for carriage by air in commercial air transport operations;
- (b) any courier, mail or express parcel consignment; and
- (c) any protected diplomatic bag;

“**carry-on baggage**’ means baggage that a passenger carries with him or her on board an aircraft;”

“**check-in baggage**’ means baggage that a passenger hands in when checking in for a flight and that is supposed to be carried in a cargo compartment of the aircraft on which the passenger is travelling;”

“**certificate of approval**’ means a certificate issued in terms of Part 108 to a person approved to accept, store, handle and tender goods for the carriage by air;”

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

“**commercial air transport operator**’ means the provider of a commercial air transport operation;

“**consignment**’ means all the goods that are offered for carriage by air under a single consignment security declaration;

“**consignment security declaration**’ means a document, signed by a regulated agent, certifying that the consignment to which the document refers is known cargo that has been:

- (a) classified as known cargo in accordance with the requirements of Part 108
- (b) protected from unauthorised access;”

“**consignor**’ means the originator of goods tendered for carriage by air for his or her account;”

“**diplomatic bag**’ means a package intended for the head of a diplomatic mission or a member of the staff of a diplomatic mission that bears visible marks of its character and contains only documents or articles intended for official use;”

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

“**known consignor**’ means the originator of goods for carriage by air:

- (a) who has an established business with a regulated agent on the basis of agreed security criteria as prescribed in Part 108; and
- (b) who complies with the criteria prescribed in Part 108 for a known consignor.

“**regulated agent**’ means a commercial air transport operator, a freight forwarder, cargo handling agent, apron service provider and any other person involved in the carriage of cargo by air approved as a regulated agent;”

“**security control**’ means a method by which the introduction of weapons, explosives or articles likely to be utilized to commit an act of unlawful interference can be prevented;”

“**screening**’ means the application of technical or other means that are intended to detect weapons, explosives, incendiary devices or other devices that may be used to commit an unlawful act that could endanger the safety of an aircraft or its crew and passengers;

“**unknown cargo**’ means cargo that has not been classified as known cargo and that shall be subject to screening when tendered for carriage by air;”

“**unknown consignor**’ means a consignor who is not known to the regulated agent and whose goods, when tendered for carriage by air, shall be screened;”

“**transshipment cargo**’ means known cargo that --

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

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

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

“**postal authority**” means the authority established in terms of Post Office Act No. 44 of 1958 or an equivalent authority of a Contracting State;”

1.2 MOTIVATION

The definitions are necessary to give meaning to the contents of the proposed Part 108 of the Regulations contained in Scheduled 2 hereto.

1.3 WORDING OF CURRENT DEFINITIONS

The Regulations do not contain definitions of the said expressions.

SCHEDULE 2

PROPOSED AMENDMENT TO REGULATION 21.06.1 (PRODUCTION UNDER TYPE CERTIFICATE)

2.1 PROPOSED AMENDMENT OF REGULATION 21.06.1

Production under type certificate

21.06.1 The manufacturer of a product being manufactured under a type certificate shall –

- (a) determine that each completed products conforms to the applicable type design and is in a condition for safe operation prior to submitting statements of conformity to the Commissioner;
- (b) unless otherwise authorised by the Commissioner, establish and maintain a production inspection system for products manufactured more than six months after the date on which the type certificate was issued, to ensure that such products conform to the type design, and are in condition for safe operation; and
- (c) upon the establishment of the production inspection system referred to in paragraph (b), submit to the Commissioner a manual that describes such system as well as the procedures for making the determinations referred to in Regulation 21.06.2(2).

2.2 MOTIVATION

The proposed amendment provides for the proposed changes to Part 148, in terms of which the responsibility is put on the manufacturer to confirm that its products conform to the applicable type design, have been manufactured in accordance with its manufacturing organisation approval, and are in a condition for safe operation. A statement of conformity in respect of any manufactured Class I product is then

submitted to the Commissioner, on the strength of which either a certificate of airworthiness is issued by the latter, or an authorised release certificate.

2.3 CURRENT REGULATION

Production under type certificate

21.06.1 The manufacturer of a product being manufactured under a type certificate only shall –

- (a) make each product available for inspection by the Commissioner;
- (b) maintain at the place of manufacture the technical data and drawings necessary for the Commissioner to determine whether the product and its parts conform to the type design;
- (c) unless otherwise authorised by the Commissioner, establish and maintain a production inspection system for products manufactured more than six months after the date on which the type certificate was issued, to ensure that such products conform to the type design and are in condition for safe operation; and
- (d) upon the establishment of the production inspection system referred to in paragraph (c), submit to the Commissioner a manual which describes such system as well as the procedures for making the determinations referred to in Regulation 21.06.2(2).

SCHEDULE 3

Proposal to amend Part 91 of the Civil Aviation Regulations of 1997

3.1 Proposed Amendment of regulation 91.09.4

It is proposed to substitute regulation 91.09.4 with the following new regulation 91.09.4:

“Aeroplane performance classification

91.09.4 For performance purposes, aeroplanes are classified as follows:

- (a) Class A aeroplanes –
 - (i) multi-engine aeroplanes powered by turbo-propeller engines with a maximum certificated mass exceeding 5 700 kilograms; and
 - (ii) multi-engine turbojet-powered aeroplanes;
- (b) Class B aeroplanes – propeller-driven aeroplanes with a maximum certificated mass of 5 700 kilograms or less;

- (c) Class C aeroplanes – aeroplanes powered by two or more reciprocating engines with a maximum certificated mass exceeding 5 700 kilograms; and
- (d) Class D aeroplanes – single-engine aeroplanes.”

3.2 Motivation

Parts 121 and 135 have been amended to make these Parts applicable to aeroplanes with a maximum certificated mass of in excess of 5 700 kg, and 5 700 kg or less respectively. The reference to a maximum approved passenger seating of nine seats was deleted. Argument was that, by using both parameters, a particular aeroplane could fall under both Parts at the same time: because of seating in one and because of mass in the other. The nine-seat reference has also been dropped in the revised Part 43.

3.3 Current Regulation

“Aeroplane performance classification

91.09.4 For performance purposes, aeroplanes are classified as follows:

- (a) Class A aeroplanes –
 - (i) multi-engine aeroplanes powered by turbo-propeller engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and
 - (ii) multi-engine turbojet-powered aeroplanes;
- (b) Class B aeroplanes – propeller-driven aeroplanes with a maximum approved passenger seating configuration of nine seats or less, and a maximum certificated mass of 5 700 kilograms or less;
- (c) Class C aeroplanes – aeroplanes powered by two or more reciprocating engines with a maximum approved passenger seating configuration of more than nine seats or a maximum certificated mass exceeding 5 700 kilograms; and
- (d) Class D aeroplanes – single-engine aeroplanes.”

3.4. Technical Standards

There are no Technical Standards associated with the above proposed amendment of the Regulations.

SCHEDULE 4

Insertion of Part 108 'Air Cargo Security' into the Civil Aviation Regulations of 1997

4.1 Motivation

- 4.1.1 As a Contracting State to the Chicago Convention, South Africa has an obligation to implement the Standards (and where practical, Recommended Practices) contained in the various Annexes to the Convention. Annex 17 (Security) contains standards relating to aviation security.
- 4.1.2 In response to the Lockerbie disaster, the International Civil Aviation Organisation (ICAO) developed the "Security Manual for Safeguarding Civil Aviation against Acts of Unlawful Interference" by which additional requirements for aviation security were established.
 - 4.1.2.1 During the development and promulgation of the CAR, no regulations regarding cargo security were developed to give effect to the requirements of Annex 17 and the Security Manual. The proposal for insertion of Part 108 into the Regulations is intended to remedy this omission.
 - 4.1.2.2 The proposed Part prescribes security measures that a commercial air transport operator and any agent, freight forwarder or other person who conducts business with a commercial air transport operator shall apply in respect of the carriage by air of cargo, and matters incidental thereto. The primary objective of the proposal is to prevent acts of sabotage and unlawful interference with an aircraft through the introduction of explosives or incendiary devices as cargo on board aircraft.
 - 4.1.2.3 The security measures and matters incidental thereto, referred to in paragraph 2.1.4, include measures in respect of the screening and securing against unlawful interference of cargo destined for carriage by air; personnel identification; training; and for cargo the establishment of an audit trail that clearly documents the origin and all stages of handling of individual consignments.
 - 4.1.2.4 Should the proposal in its submitted or an amended form be approved, Part 108 will be promulgated in terms of the authority provided by Section 22(1) m (vi) of the Aviation Act No 74 of 1962.

4.2 Proposed Part 108 (Starts on the following page)

4.3 Current Regulations

No Part 108 currently exists. Please take note that Schedules 1 and 6 also relate to Part 108.

Part 108**Air Cargo Security**

- 108.03.2 Known Cargo
- 108.03.3 Unknown Cargo
- 108.03.4 Mail
- 108.03.5 Courier Mail
- 108.03.6 Transshipment Cargo
- 108.03.7 Exemptions
- 108.03.8 Right of Inspection and Refusal of Carriage

SUBPART 4 SECURITY SCREENING – EQUIPMENT AND PERSONNEL

- 108.04.1 Requirements for Security Screening Equipment

SUBPART 5 CATERING SECURITY AND BONDED STOCKS

- 108.05.1 Catering Stock
- 108.05.2 Bonded Stock

SUBPART 6 APPROVALS

- 108.06.1 Application for Approval
- 108.06.2 Security Inspections
- 108.06.3 Check Lists
- 108.06.4 Certificates
- 108.06.5 Amendments
- 108.06.6 Period of Validity of Certificate of Approval
- 108.06.7 Renewal of Certificate of Approval
- 108.06.8 Duties of Holder
- 108.06.9 Inspection Fees
- 108.06.10 Ad-hoc Inspections
- 108.06.11 Validation of Foreign Certificates
- 108.06.12 Suspension and Withdrawal of Approval; Appeal
- 108.06.13 Register of Certificates of Approval

SUBPART 7 TRAINING

- 108.07.1 General
- 108.07.2 Training Required
- 108.07.3 Prescribed Training
- 108.07.4 Issuance of Certificates

SUBPART 1 : GENERAL PROVISIONS**Applicability**

- 108.01.1 This Part shall apply to all persons engaged in acceptance, forwarding, storage and carriage of goods by air and shall regulate:

- (a) aviation security in respect of all cargo entering the airside of an aerodrome;
- (b) security measures required for the storage and carriage by air of cargo in commercial air transport operations;
- (c) training requirements for personnel involved in matters related to the handling of air cargo; and
- (d) any other aspect incidental to air cargo security.

Requirements for carriage by air of cargo

108.01.2 (1) Any person engaged in the acceptance or storage or forwarding or handling of cargo intended for carriage by air in a commercial air transport operation shall comply with the security controls prescribed by this Part.

- (2) No commercial air transport operator shall carry unknown cargo.
- (3) Unaccompanied baggage shall be treated as originating from an unknown consignor.
- (4) Any regulated agent engaged in the acceptance or storage or forwarding or handling of cargo intended for carriage by air shall hold a certificate of approval issued by the Commissioner: Provided that any person in the employ of a certificate holder and physically involved with air cargo, shall be required to hold a personal certificate of proficiency relevant to the type of work that he or she performs.
- (5) Each regulated agent shall establish a confidential air cargo security programme for the acceptance or storage or forwarding or handling of cargo intended for carriage by air. Such security programme shall be in the form prescribed by Document SA-CATS-ACS and shall be approved by the Commissioner.
- (6) Each regulated agent shall develop a security manual detailing the implementation procedure for its confidential air cargo security programme. Such manual shall be in the format prescribed by Document SA-CATS-ACS and shall be approved by the Commissioner. In the case of a Part 121, Part 127 or Part 135 operator, the security manual may be made part of the operator's operations manual.
- (7) Each regulated agent shall have a designated official responsible for the implementation, application and supervision of the required security controls.
- (8) The Commissioner shall provide from time to time for inspections to ensure that the security programme, referred to in sub-regulation (5), is implemented.

- (9) The Commissioner may authorise random checks of cargo, emanating from and through regulated agents, to ensure compliance with this Part

Issuing of air cargo security directives

108.01.3 (1) The Commissioner may issue appropriate air cargo security directives in respect of cargo to be carried by air where it is deemed necessary to improve standards of aviation security.

- (2) If the Commissioner issues an air cargo security directive, the regulated agent holding a certificate of approval issued under the regulations in this Part shall –
- (a) upon the request of the Commissioner, submit appropriate amendments to the security programme and manual, as applicable, to the Commissioner for his or her approval; and
- (b) on approval of the security programme and manual amendments, make such changes available to all persons engaged in the regulated agent's acceptance, storage, forwarding and handling of air cargo.

SUBPART 2: REGULATED AGENT

Duties and Functions

108.02.1 The duties and functions of the regulated agent in respect of cargo carried in commercial air transport operations are:

- (a) to maintain records of the personal details of the person who delivers a consignment as an agent of the consignor, and to keep copies of all relevant shipping documents showing the cargo's consignee, consignor and description, which copies shall be retained for a period of a minimum of one year;
- (b) to ensure that, after the receipt of known cargo, and whilst such cargo is under his or her control, it is safeguarded from unauthorised interference in accordance with the security measures stipulated in the security programme, referred to in sub-regulation 108.01.2(5);
- (c) to ensure that the receipt, processing and handling of cargo is carried out by properly trained personnel as stipulated in the security manual, referred to in sub-regulation 108.01.2(6);
- (d) to ensure that each consignment intended for carriage by air, tendered to a commercial air transport operator or another regulated agent, is accompanied by a consignment security declaration containing –

- (i) the full particulars of the regulated agent including his or her name, address and telephone numbers;
 - (ii) name and address of the consignor;
 - (iii) contents of the consignment as declared in the Consignment Security Declaration;
 - (iv) the completed Consignment Security Declaration in the format prescribed in Document SA-CATS-ACS .
- (e) to determine by random checks or screening whether any explosive, incendiary or other dangerous devices are contained in a consignment of cargo, as prescribed in Document SA-CATS-ACS;
- (f) to ensure that any seal on the packaging of the cargo is intact;
- (g) to conduct background checks on all personnel recruited for the accepting or storing or forwarding or handling of cargo intended for carriage by air.

SUBPART 3: SECURITY CONTROLS

General

108.03.1 Cargo, other than diplomatic bags, shall only be carried by air when accompanied by either –

- (a) a valid air waybill;
- (b) a valid Consignment Security Declaration signed by a regulated agent in the format prescribed by Document SA-CATS-ACS;
- (c) a valid courier document; or
- (d) a valid embassy document.

Known cargo

108.03.2 (1) Air cargo shall be security-cleared prior to loading on board a commercial air transport aircraft. Thereupon it is deemed to be known cargo and shall be declared as such.

(2) A consignment security declaration shall be drawn up for each consignment of known cargo. The declaration must be signed and dated by a staff member of a regulated agent, trained and authorised to do so.

(3) Known cargo shall be kept secure within the custody of a regulated agent. Known cargo that has been handled by a person not holding a certificate of approval or certificate of proficiency issued in terms of this Part shall be treated as unknown cargo.

Unknown cargo

108.03.3 (1) Air cargo not covered by a valid Consignment Security Declaration, other than cargo specifically exempt from security controls, shall be treated as unknown cargo.

- (2) Air cargo presented as unknown cargo must be accompanied by an air waybill and be subjected to security controls

Mail

108.03.4 (1) Mail from a postal authority, tendered for carriage by air, shall—

- (a) be considered as unknown cargo and be subjected to security screening; and
 - (b) be accompanied by a valid postal manifest listing the numbers of secured bags.
- (2) The responsibility for the security screening and sealing of mail shall be that of the postal authority submitting the mail for carriage by air.
- (3) In order to exclude the introduction of explosives, incendiary, or other dangerous devices on board a commercial air transport aircraft through mail, the following measures shall apply :
- (a) mail bags shall be inspected visually to ensure that they have not been tampered with;
 - (b) mail must be kept in locked or closed containers and protected against unauthorised interference;
 - (c) integrity of the mail bags and seals shall be verified upon receipt of the mail by the commercial air transport operator and again at the time of loading.
- (4) At times of high security alert, declared by an appropriate authority, the following additional measures shall be implemented:
- (a) each piece of mail shall be screened by the postal authority;
 - (b) the postal authority shall declare that mail has been inspected for explosives, incendiary and other dangerous devices before bagging and delivery;
 - (c) mail bags must be searched by postal authorities;
 - (d) the postal authority or the commercial air transport operator shall use X-ray equipment or pressure chamber equipment and shall delay mail for at least 24 hours in a safe area;

- (e) should the security of mail be in doubt, the said mail shall not be tendered or accepted for carriage by air.
- (f) the security controls required in terms of this regulation shall not be applicable to a postal authority in respect of --
 - (i) mail received from a known consignor;
 - (ii) letters under 500 grams;
 - (iii) high-value goods that have been screened; and
 - (iv) transshipment mail as defined in regulation 108.03.6.

Courier mail

108.03.5 All courier mail shall be screened and shall be accompanied by a courier document, certifying it as known cargo.

Transshipment Cargo

108.03.6 (1) Arriving transshipment cargo does not require screening provided that :

- (a) it is protected against unauthorised interference at all transit points; and
 - (b) information to the satisfaction of an authorised officer, inspector or authorised person is furnished, showing that the transshipment cargo has been protected against unauthorised interference at all transit points.
- (2) Any arriving transshipment cargo that has not been subjected to security controls at the point of departure or en route shall be screened by the receiving regulated agent in accordance with the security controls prescribed by these regulations and shall be protected from unauthorised interference.

Exemptions

108.03.7 (1) The security controls required by these regulations shall not be applicable in respect of --

- (a) transshipment cargo , as provided for in regulation 108.03.6 ;
 - (b) human remains;
 - (c) live animals;
 - (d) bona fide consignments of life-saving materials;
 - (e) special nuclear materials;
 - (f) diplomatic bags; and
 - (g) high-value goods.
- (2) Consignments that are exempted from security controls in terms of sub regulation (1) shall :

- (a) be clearly declared on shipping documents as such;
- (b) be physically checked upon receipt for signs of tampering;
- (c) be subjected to documentary checks to establish on face value the correctness and sufficiency of information on any document; and
- (d) be protected from unauthorised interference.

Right of inspection and refusal of carriage

108.03.8 (1) A commercial air transport operator shall have the right –

- (a) to examine, or cause to be examined by his or her agent, the packaging and contents of all cargo tendered for carriage by air, and to inquire into the correctness or sufficiency of information or documentation submitted in respect of any cargo; and
 - (b) without assuming any liability, to refuse, delay or return any cargo, if he or she reasonably believes that the cargo may contain explosives or dangerous devices.
- (2) All courier and express packages, tendered to a commercial air transport operator for carriage by air on the next available flight, shall be x-rayed, physically examined or screened prior to carriage by methods prescribed in these regulations, unless it is transshipment cargo and has been certified as such.

SUBPART 4 : SECURITY SCREENING - EQUIPMENT AND PERSONNEL

Requirements for Security Screening Equipment

108.04.1 (1) Any equipment, used to screen cargo, shall be capable of detecting weapons, explosives and dangerous devices that may be used to commit an unlawful act. Said equipment shall be approved by the Commissioner for such purpose.

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

SUBPART 5 : CATERING SECURITY AND BONDED STOCKS

Catering Stock

108.05.1 The following measures shall be taken by persons involved in supplying catering services to commercial air transport operators:

- (a) Catering stock consignments tendered by a regulated agent shall be subjected to security controls as prescribed in this Part and thereby classified as known cargo.
- (b) Only persons who are approved as a regulated agent, or their certified employees, shall load catering stock on board an aircraft.
- (c) The conditions under which catering stock is prepared and loaded shall be prescribed in the security manual, referred to in sub-regulation 108.01.2(6).

Bonded Stock

108.05.2 The following measures shall be taken by persons involved in supplying bonded stock to commercial air transport operators:

- (a) Bonded stock consignments tendered by a regulated agent shall be subjected to security controls as prescribed in this Part and thereby classified as known cargo.
- (b) Only persons who are approved as a regulated agent, or their certified employees, shall load bonded stock on board an aircraft.
- (c) The conditions under which bonded stock is prepared and loaded shall be prescribed in the security manual, referred to in sub-regulation 108.01.2(6).

SUBPART 6: APPROVALS

Application for Approval

108.06.1 An application for a certificate of approval as a regulated agent or the renewal of such certificate of approval shall:

- (a) be made to the Commissioner in the appropriate format as prescribed in Document SA-CATS-ACS;
- (b) be accompanied by –
 - (i) two copies of the security programme and the security manual of procedure, referred to in sub-regulations 108.01.02(5) and (6) respectively; and
 - (ii) the appropriate fee or fees as prescribed in Part 187.

Security Inspections

108.06.2 Prior to the issuing of a certificate of approval as regulated agent, the Commissioner shall have the operation of the applicant inspected to ascertain whether the applicant is able to comply with the provisions of this Part.

Checklists

108.06.3 The checklist, used to assess whether the premises where the regulated agent conducts business, and the security procedures implemented, comply with the provisions of this Part, is contained in Document SA-CATS-ACS.

Certification

108.06.4 If the Commissioner is satisfied that the applicant is able to comply with the provisions of this Part, the Commissioner shall –

- (a) certify in writing on the copies of both the confidential security programme and the security manual that these documents have been approved;
- (b) return one copy of the approved confidential security programme and the security manual to the applicant; and
- (c) issue to the applicant a certificate of approval as regulated agent, in the format prescribed in Document SA-CATS-ACS.

Amendments

108.06.5 Before any amendment to a confidential security programme or a security manual is made, the regulated agent or listed cargo agent shall submit in duplicate such proposed amendment to the Commissioner for approval. The provisions of regulations 108.06.3 and 108.06.4 shall apply mutatis mutandis.

Period of Validity of Certificate of Approval

108.06.6 The certificate of approval shall be valid for a period of 12 months from the date of issue.

Renewal of Certificate of Approval

108.06.7 (1) The holder of a certificate of approval shall apply for the renewal of such certificate at least 60 days immediately preceding the date on which such approval expires.

- (2) The provisions of regulation 108.06.2 shall apply mutatis mutandis in respect of a renewal, to ascertain whether the applicant continues to comply with the requirements of this Part.

- (3) The application for the renewal of the certificate of approval shall be made on the form prescribed in SA-CATS-ACS and shall be accompanied by the appropriate fee as prescribed in Part 187.

Duties of holder

108.06.8 The regulated agent shall at all times conduct his or her business in accordance with the approved confidential security programme and the security manual or an approved amendment thereto.

Inspection Fee

108.06.9 Should any non-compliance be identified, necessitating a follow-up inspection, an inspection fee at the hourly rate as set out in regulation 187.00.29 is payable.

Ad-hoc Inspections

108.06.10 Regulated agents are subject to ad-hoc inspections carried out by the Authority.29.

Validation of foreign certificates

108.06.11 (1) The Commissioner may, upon application in writing by a person, validate any certificate for the handling of air cargo issued by or with the approval of an appropriate authority, if the holder of such certificate submits documentary proof that-

- (a) in the case of a foreign commercial air transport operator, such certificate has been issued by the appropriate authority to standards equal to or exceeding those set in this Part for a certificate of approval; and
 - (b) in the case of personnel in the employ of an operator, referred to in sub-regulation (a), such certificate of proficiency has been issued by a training organisation approved by the appropriate authority to standards equal or exceeding those set in this Part for a certificate of proficiency.
- (2) The requirements prescribed in this Part in respect of the issue, validity period and renewal of a certificate of approval or certificate of proficiency, as well as the suspension and withdrawal of all or some of the privileges thereof, shall apply mutatis mutandis to a validated certificate.
- (3) The application referred to in sub-regulation (1) shall be accompanied by the appropriate fee as prescribed in Part 187.

Suspension and withdrawal of approval and appeal

108.06.12 (1) An authorised officer, inspector or authorised person may suspend, for a period not exceeding 30 days, a regulated agent from exercising all or any of the privileges of his or her certificate of approval or validated certificate if -

- (a) immediate suspension is necessary in the interests of aviation security; or
- (b) it is evident that the holder of the certificate of approval or validated certificate does not comply with the relevant requirements prescribed in this Part.

The notice of suspension shall be given in writing, stating the reasons for the suspension.

- (2) The regulated agent, to be suspended in terms of sub-regulation (1)(a), shall be given the opportunity to respond before the suspension takes effect.
- (3) The regulated agent, to be suspended in terms of sub-regulation (1)(b), shall be given thirty days from the time that the suspension notice is issued, the opportunity to respond and to remedy such non-compliance before the suspension takes effect.
- (4) The authorised officer, inspector or authorised person who has suspended a regulated agent from exercising all or any of the privileges of his or her certificate of approval or validated certificate in terms of sub-regulation (1) shall within seven days deliver a report in writing to the Commissioner, stating the reasons why in his or her opinion the suspended privileges should be withdrawn.
- (5) The authorised officer, inspector or authorised person concerned shall within seven days submit a copy of the report, referred to in sub-regulation (4), to the holder of the certificate of approval or validated certificate of whom all or some of the privileges have been suspended, and shall furnish proof of such submission to the Commissioner.
- (6) The holder of a certificate of approval or validated certificate who feels aggrieved by any suspension in terms of sub-regulation (1) may appeal against such suspension to the Commissioner within 30 days after such holder has been notified of such suspension.
- (7) The appeal, referred to in sub-regulation (6), shall be in writing, stating the reasons why in the regulated agent's opinion the suspension should be varied or set aside.
- (8) The regulated agent shall submit a copy of the appeal and any documents or records supporting such appeal to the authorised officer, inspector or authorised person who gave notice of the suspension, and shall furnish proof of such submission to the Commissioner.

- (9) The authorised officer, inspector or authorised person concerned shall, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (8), deliver his or her written reply to such appeal to the Commissioner.
- (10) The Commissioner may at any time, on the basis of the documents submitted to him, extend the period of suspension for further periods each not exceeding 30 days, if necessary to deal fairly with the appeal; and --
 - (a) either adjudicate the appeal on the basis of the documents submitted to him or her, and confirm, vary or set aside the suspension referred to in sub-regulation (1); or
 - (b) order the regulated agent 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 thereafter either confirm, vary or set aside the suspension referred to in sub-regulation (1).
- (11) Before the Commissioner withdraws any privileges in terms of sub-regulation (12), he or she shall give the regulated agent, if he or she so wishes, the opportunity to remedy any non-compliance with the provisions of this Part in order to restore the privileges of his or her certificate of approval or validated certificate.
- (12) With due regard to the provisions of sub-regulation (11), the Commissioner shall withdraw the privileges of the certificate of approval or validated certificate concerned if -
 - (a) he or she confirms the suspension in terms of sub-regulation (10); or
 - (b) the holder does not appeal against such suspension in terms of sub-regulation (6).

Register of Certificates of Approval

108.06.13 (1) The Commissioner shall maintain a register of all certificates of approval issued in terms of this Part, and of any validation of such certificates issued by a appropriate authority.

- (2) The register of certificates of approval shall contain the following particulars –
 - (a) the full name and, if any, the trade name of the holder of the certificate of approval;
 - (b) the postal address of the holder of the certificate of approval;
 - (c) the date on which the certificate of approval was issued or a foreign certificate was validated; and
 - (d) in the case of a validation, the identity of the issuing foreign authority.

- (3) The particulars referred to in sub-regulation (2) shall be recorded in the register within 30 days from the date on which the certificate of approval or the validation was issued by the Commissioner.
- (4) The register shall be kept in a safe place at the office of the Commissioner.
- (5) An extract from the register shall be furnished by the Commissioner, on payment of the appropriate fee as prescribed in Part 187, to any person who can show good and sufficient reason why he or she should be furnished with such extract.

SUBPART 7 : TRAINING

General

108.07.1 Any training required by this Part shall be conducted by a training organisation approved in terms of Part 141.

Training required

108.07.2 (1) (a) Any commercial air transport operator; and

(b) any person -

- (i) responsible for the management of a licensed aerodrome in the Republic;
- (ii) performing functions on behalf of a commercial air transport operator at a licensed aerodrome;
- (iii) involved in the receipt, handling, storage and forwarding of cargo, tendered for carriage by air;

shall ensure that personnel involved in the performing of duties and the exercising of functions relating to cargo security, as required by these regulations, undergo the required training prescribed by Document SA-CATS-ACS.

- (2) The personnel employed by the persons described in sub-regulation (1) include, but is not limited to:
 - (a) all flight crew, ground-handling staff and security personnel of the operator;
 - (b) ground-handling staff and security personnel of the aerodrome licensee;
 - (c) cargo handling organisations performing functions on behalf of commercial air transport operators, apron handling organisations, catering organisations and aviation re-fuelling organisations; and

- (d) all other security personnel involved in the security of air cargo.

Prescribed training

108.07.3 (1) The nature, contents and scope of the initial and refresher training to be undertaken by the categories of persons referred to in regulation 108.07.2 shall be in accordance with Document SA-CATS-ACS.

- (2) Any person, employee or agency, referred to in regulation 108.07.2 shall undergo recurrent air cargo security training every 24 months, calculated from the end of the month in which the initial air cargo security training or the preceding recurrent air cargo security training, as the case may be, was successfully completed.

Issue of certificate

108.07.4 Upon the successful completion of the initial air cargo security training or the refresher air cargo security training, referred to in regulation 108.07.3, the air cargo security training organisation concerned shall issue to the candidate a certificate of proficiency in the handling of air cargo.

SCHEDULE 5

5.1 Substitution of Part 148 of the Civil Aviation Regulations, 1997

PART 148

MANUFACTURING ORGANISATIONS

LIST OF REGULATIONS

SUBPART 1: GENERAL

- | | |
|------------|---|
| 148.01.1 | Applicability |
| 148.01.2 | Eligibility |
| 148.01.3 | Display of manufacturing organisation approval |
| 148.01.4 | Advertisements |
| 148.01.5 | Safety inspections and audits |
| 148.01.5.1 | Suspension and cancellation of manufacturing organisation approval and appeal |
| 148.01.6 | Ratings |
| 148.01.7 | Register of approvals |

SUBPART 2: APPROVAL OF MANUFACTURING ORGANISATION

- | | |
|----------|-----------------------|
| 148.02.1 | Approval requirements |
| 148.02.2 | Application |
| 148.02.3 | Issue of Approval |

148.02.4	Quality System
148.02.5	Manual of Procedures
148.02.6	Changes to the Organisation
148.02.7	Changes in Location
148.02.8	Transferability
148.02.9	Terms of Approval
148.02.10	Changes to the Terms of Approval
148.02.11	Period of validity
148.02.12	Privileges
148.02.13	Duties of holder of Approval
148.02.14	Annual declaration and currency fee

SUBPART 1 GENERAL

Applicability

148.01.1 (1) This Part shall apply to the approval and operation of manufacturing organisations that –

- (a) manufacture specified products, parts or appliances;
 - (b) apply specified processes to products, parts or appliances; or
 - (c) carry out specified tests on products, parts or appliances.
- (2) This Part also prescribes rules governing the holders of such approvals for showing conformity of products, parts or appliances with the applicable approved data.

Eligibility

148.01.2 The Commissioner shall accept an application for a manufacturing organisation approval if –

- (a) he or she agrees that for a defined scope of work, such an approval is appropriate for the purpose of showing conformity with a specific design; and
- (b) the applicant –
 - (i) holds, or has applied for, an approval of such a design; or
 - (ii) has a suitable arrangement with a holder of, or an applicant for, an approval of such a design; that ensures satisfactory co-ordination between production and design.

Display of manufacturing organisation approval

148.01.3 The holder of a manufacturing organisation approval shall display the approval in a prominent place at such holder's principal place of business, generally accessible to the public, and, if a copy of the approval is displayed, shall produce the

original approval to an authorised officer, inspector or person if so requested by such officer, inspector or person.

Advertisements

148.01.4 Any advertisement by an organisation, indicating that it is a manufacturing organisation, shall reflect the number of the manufacturing organisation approval issued by the Commissioner.

Safety Inspections and audits

148.01.5 (1) An applicant for the issuing of a manufacturing organisation approval shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits as may be necessary to verify the validity of any application made in terms of regulation 148.02.2.

(2) The holder of a manufacturing organisation approval 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) Inspection and audit fees, as prescribed in Part 187, shall be payable in respect of the inspections referred to in sub-regulation (1,) and for any inspection considered necessary by the Commissioner in order to adjudicate on the suspension as referred to in regulation 148.01.6.

Suspension and cancellation of manufacturing organisation approval and appeal

148.01.6 (1) An authorised officer, inspector or authorised person may suspend for a period not exceeding thirty (30) days the holder of a manufacturing organisation approval issued under this Part from exercising all or any of the privileges of such approval, if –

(a) after a safety inspection and audit, carried out in terms of regulations 148.01.5, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such holder fails to remedy such non-compliance within thirty (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 approval, or any of its partners or subcontractors, to carry out a safety inspection and audit in terms of regulations 148.01.5; or

(c) the suspension is necessary in the interests of aviation safety.

(2) The notice of suspension shall be given in writing, stating the reasons for the suspension.

(3) A person who has been suspended from exercising all or any of the privileges of his or her manufacturing organisation approval in terms of sub-regulation (1) shall be afforded an opportunity to make representations against such

suspension within a maximum period of seven days after such suspension, which representations shall be considered by the authorised officer, inspector or authorised person making the suspension, who may either confirm, vary or set aside the suspension.

- (4) Should no representations be received in terms of sub-regulation (3), or should the authorised officer, inspector or authorised person making the suspension either confirm or vary the suspension after receipt of representations, such authorised officer, inspector or authorised person shall within a period of seven days after the period, referred to in sub-regulation (3), deliver a report in writing to the Commissioner, stating the reasons why, in his or her opinion, the suspended privileges should be withdrawn or the approval should be cancelled.
- (5) The authorised officer, inspector or authorised person concerned shall within seven days submit a copy of the report, referred to in sub-regulation (4), to the holder of the manufacturing organisation approval of which all or some of the privileges have been suspended, and shall furnish proof of such submission to the Commissioner.
- (6) The holder of an approval who feels aggrieved by any suspension in terms of sub-regulation (1) may appeal against such suspension to the Commissioner within thirty (30) days after such holder has been notified in terms of sub-regulation (2) of the suspension.
- (7) The appeal, referred to in sub-regulation (6), shall be in writing, stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (8) 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 to the Commissioner.
- (9) The authorised officer, inspector or authorised person concerned shall, within seven days of receipt of the copy of the appeal referred to in sub-regulation (8), deliver his or her written reply to such appeal to the Commissioner.
- (10) The Commissioner may -
 - (a) at any time -
 - (i) extend the period of suspension for a further period of thirty (30) days, should the interests of fairness or aviation safety so require; and
 - (ii) either confirm, vary or set aside the suspension referred to in sub-regulation (1), and impose any conditions necessary for the varying or setting aside of such suspension; and
 - (b) either adjudicate the appeal on the basis of the documents submitted to him or her; or

- (c) 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.
- (11) Before the Commissioner withdraws any privileges of, or cancel the approval, in terms of sub-regulation (10), he or she shall permit the holder, if he or she so wishes, to meet the relevant requirements for the issue, renewal or re-issue of the said maintenance organisation approval in order to restore the privileges thereof.
- (12) With due regard for the provisions of sub-regulation (11), the Commissioner shall withdraw the privileges of, or cancel, the maintenance organisation approval concerned if –
 - (a) he or she confirms the suspension in terms of sub-regulation (10)(a)(ii); or
 - (b) the holder does not appeal against such suspension in terms of sub-regulation (6).

Ratings

148.01.7 The ratings for a manufacturing organisation approval are –

- (a) an M rating, to manufacture specified products, parts or appliances;
- (b) a P rating, to apply specified processes to products, parts or appliances; and
- (c) a T rating, to carry out specified tests on products, parts or appliances.

Register of approvals

148.01.8 (1) The Commissioner shall maintain a register of all manufacturing organisation approvals issued in terms of this Part.

- (2) The register shall contain the following particulars:
 - (a) The full name of the holder of the approval;
 - (b) The postal address of the holder of the approval;
 - (c) The date on which the approval was issued or renewed;
 - (d) Particulars of the rating issued to the holder of the approval; and
 - (e) The nationality of the holder of the approval.
- (3) The particulars, referred to in sub-regulation (2), shall be recorded in the register within seven days from the date on which the approval is issued by the Commissioner.
- (4) The register shall be kept in a safe place at the office of the Commissioner.

- (5) A copy of the register shall be furnished by the Commissioner, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

SUBPART 2 APPROVAL OF MANUFACTURING ORGANISATION

Approval requirements

148.02.1 The applicant for a manufacturing organisation approval must show, on the basis of the information submitted in the manual of procedures, requested in terms of regulation 148.02.5, that he or she meets the following requirements:

(a) General:

The facilities, working conditions, equipment and tools, processes and associated materials, personnel numbers and competence, and general organisation are adequate to discharge the responsibilities under the terms of regulation 148.02.13.

(b) Data:

(i) The manufacturing organisation –

- (aa) is in receipt of all approved data from the Commissioner and from the holder of, or an applicant for, the approval of the type design, as appropriate, to determine conformity with the applicable design data; and
- (bb) has a procedure to ensure that approved data are correctly incorporated in its production data; and

(ii) The above data are kept up to date and made available to all personnel who need access to such data to perform their duties.

(c) Organisation:

- (i) A manager, accountable to the Commissioner, has been nominated, with responsibility within the organisation to ensure that all production is performed to the required standards and that the production organisation is continuously in compliance with the data and procedures identified in the manual of procedures.
- (ii) A manager or group of managers has been nominated to ensure that the organisation is in compliance with the requirements of this Subpart, and is/are identified together with the extent of his/her/their authority. In this respect, such person(s) must be directly responsible to the manager identified in sub-paragraph (i) of this paragraph.
- (iii) Staff at all levels have been given appropriate authority to be able to discharge their allocated responsibilities with full and effective co-ordination within the production organisation in respect of airworthiness matters.

- (d) Certifying staff:
 - (i) Certifying staff is defined as those personnel who are authorised by the manufacturing organisation to sign the documents issued under the scope or terms of its approval. The knowledge, background (including other functions in the organisation), and experience of the certifying staff shall be appropriate to discharge their allocated responsibilities.
 - (ii) The manufacturing organisation maintains a record of all certifying staff that shall include details of the scope of their authorisation.
 - (iii) Certifying staff are provided with evidence of the scope of their authorisation.

Application

148.02.2 An application for the issuing, renewal or amendment of a manufacturing organisation approval shall:

- (a) be made to the Commissioner in the appropriate form, as prescribed in document SA-CATS-MORG and shall include –
 - (i) an outline of the information required by regulation 148.02.5;
 - (ii) the terms of approval requested to be issued under regulation 148.02.9; and
- (b) be accompanied by the appropriate fee as prescribed in part 187.

Issuing of Approval

148.02.3 (1) The Commissioner shall issue a manufacturing organisation approval if the applicant complies with the requirements of regulation 148.02.1.

- (2) The approval with the relevant rating shall be issued on the appropriate form as prescribed in document SA-CATS-MORG.

Quality System

148.02.4 (1) The manufacturing organisation shall show that it has established and can maintain a quality system. The quality system shall be documented. This quality system shall be such as to enable the organisation to ensure that –

- (a) in the case of an approval with an M rating, each product, part or appliance produced by the organisation or by its partners, or supplied from or subcontracted to outside parties, conforms to the applicable design data and is in a condition for safe operation;
 - (b) in the case of an approval with a P rating, the processing of products, parts or appliances is controlled and supervised to ensure conformation with the conditions of the approval; and
 - (c) in the case of an approval with a T rating, the testing of products, parts or appliances is controlled and supervised to ensure conformation with the conditions of the approval;
- and thus may exercise the privileges set forth in regulation 148.02.12.

- (2) The quality system shall include, as applicable within the scope of approval, control procedures for those elements shown in document SA-CATS-MORG.

Manual of procedure

148.02.5 An applicant for the issuing of a manufacturing organisation approval shall provide the Commissioner with his or her manual of procedure, which shall:

- (a) comply with the requirements prescribed in this Subpart;
- (b) contain the information prescribed in Document SA-CATS-MORG, and
- (c) be amended, as necessary to remain an up-to-date description of the organisation. Copies of amendments shall be supplied to the Commissioner.

Changes to the Organisation

148.02.6 (1) If the holder of a manufacturing organisation approval desires to make any change to the organisation, which is significant to the showing of compliance with the appropriate requirements prescribed in this Subpart, such holder shall apply to the Commissioner for the approval of such change.

- (2) The provisions of regulation 148.02.2 shall apply mutatis mutandis to an application for the approval of a change to the organisation.
- (3) An approval of a change to the organisation shall be granted by the Commissioner if the applicant satisfies the Commissioner, upon submission of appropriate proposed changes to its manual of procedure, that he or she will continue to comply with the provisions of regulations 148.02.1 after the implementation of such approved change.

Changes in location

148.02.7 A change in the location of the manufacturing, processing or testing facilities of the approved manufacturing organisation shall be regarded as a change of significance to the organisation which shall, therefore, comply with the provisions of regulation 148.02.6.

Transferability

148.02.8 (1) Subject to the provisions of sub-regulation (2), a manufacturing organisation approval shall not be transferable.

- (2) A change in ownership of the holder of an approval shall be deemed to be a change of significance to the organisation, referred to in regulation 148.02.6.

Terms of Approval

148.02.9 The terms of approval shall:

- (a) be issued as part of the manufacturing organisation approval;
- (b) specify the rating(s) relevant for the activity of the organisation; and
- (c) specify the products or the categories of parts and appliances to be manufactured, processed or tested.

Changes to the terms of approval

148.02.10 (1) Application for a change to the terms of approval –

- (a) shall be made in a manner acceptable to the Commissioner, as prescribed in document SA-CATS-MORG; and
 - (b) be accompanied by the appropriate fee as prescribed in part 187.
- (2) The applicant shall comply with the provisions of regulations 148.02.5 and 148.02.6.

Period of validity

148.02.11 (1) A manufacturing organisation approval shall be issued for an unlimited duration. It shall remain valid unless --

- (a) the manufacturing organisation fails to demonstrate compliance with the applicable requirements of this Part; or
- (b) it is suspended by an authorised officer, inspector, or authorised person, or cancelled by the Commissioner in terms of regulation 148.01.6; or
- (c) there is evidence that the manufacturing organisation cannot maintain satisfactory control of the manufacture, processing or testing of products, parts or appliances under the approval; or
- (d) the manufacturing organisation no longer meets the requirements of regulation 148.02.1; or the approval certificate has been revoked in terms of sub-regulation 148.01.6(12).

- (2) The holder of an approval that is suspended shall forthwith produce the approval upon suspension thereof to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.
- (3) The holder of an approval that is revoked shall, within thirty (30) days from the date on which the approval is revoked, surrender such approval to the Commissioner.

Privileges

148.02.12 The holder of a manufacturing organisation approval may, within the terms of approval issued in accordance with regulation 148.02.9:

- (a) in the case of a manufacturing organisation with an M rating:
 - (i) in case of a complete aircraft and upon presentation of an aircraft statement of conformity in the format as prescribed in Document SA-CATS-MORG, obtain a certificate of airworthiness (standard or export) without further showing;
 - (ii) in case of any other Class I product and upon presentation of a statement of conformity in the format as prescribed in Document SA-CATS-MORG, obtain from the Commissioner an authorised release certificate without further showing;
 - (iii) in the case of products, parts or appliances, other than a Class I product, issue authorised release certificates in the format as prescribed in Document SA-CATS-MORG without further showing; and
 - (iv) carry out maintenance on a new aircraft produced by the organisation to the extent necessary to keep it in an airworthy condition, and that does not require an approval in terms of Part 145, and issue a certificate of release to service in respect of such maintenance in accordance with Part 43.
- (b) in the case of a manufacturing organisation with a P rating:
 - (i) apply the process or processes for which the organisation is rated in terms of regulation 148.02.9; and
 - (ii) issue authorised release certificates without further showing.
- (c) in the case of a manufacturing organisation with a T rating:
 - (i) perform the test/s on products, parts or appliances for which the organisation is rated in terms of regulation 148.02.9; and
 - (ii) issue authorised release certificates without further showing.

Duties of Approval holders

148.02.13 (1) The holder of a manufacturing organisation approval with an M rating shall:

- (a) ensure that the manufacturing organisation's manual of procedure, furnished in accordance with regulation 148.02.5 and the documents to which it refers, are used as the basic working documents within the organisation;
 - (b) maintain the manufacturing organisation in conformity with the data and procedures approved for the manufacturing organisation approval;
 - (c) determine that –
 - (i) each completed aircraft conforms to the type design and is in condition for safe operation prior to submitting statements of conformity to the Commissioner; or
 - (ii) other products, parts or appliances are complete and conform to the approved design data and are in condition for safe operation for the issuing of authorised release certificate to certify airworthiness for conformity, as applicable;
 - (d) record all details of work carried out in a form acceptable to the Commissioner;
 - (e) report to the holder of the type certificate or design approval all cases where products, parts or appliances have been released by the manufacturing organisation and subsequently identified to have deviations from the applicable design data, and investigate with the holder of the type certificate or design approval to identify those deviations that may lead to an unsafe condition;
 - (f) provide assistance to the holder of the type certificate or design approval in dealing with any continuing airworthiness actions that are related to the products, parts or appliances that have been produced;
 - (g) institute an archiving system incorporating requirements to its partners, suppliers and subcontractors, ensuring conservation of the data used to justify conformity of the products, parts or appliances, to be held at the disposal of the Commissioner and be retained in order to provide the information necessary to ensure the continuing airworthiness of the products, parts or appliances; and
 - (h) where under the terms of approval, a certificate of release to service is to be issued, determine that each completed aircraft has been subjected to necessary maintenance and is in a condition for safe operation, prior to the issuing of the certificate.
- (2) The holder of an organisation approval with a P rating shall:
- (a) ensure that the organisation's manual of procedure, furnished in accordance with regulation 148.02.5 and the documents to which it refers; are used as the basic working documents within the organisation;
 - (b) maintain the organisation in conformity with the data and procedures approved for the manufacturing organisation;

- (c) determine that each completed process conforms to the applicable approved data and that such process does not undermine operational safety prior to the issuance of authorised release documents to certify airworthiness or conformity, as applicable; and
 - (d) record all details of work carried out in a manner acceptable to the Commissioner.
- (3) The holder of a manufacturing organisation with a T rating shall:
- (a) ensure that the testing organisation's manual of procedure furnished in accordance with regulation 148.02.5 and the documents to which it refers, are used as the basic working documents within the organisation;
 - (b) Maintain the testing organisation in conformity with the data and procedures approved for the testing organisation;
 - (c) determine that each tested product, part or appliance conforms to the type design and is in a condition for safe operation prior to submitting statements of conformity to the Commissioner or prior to issuing of authorised release certificates to certify airworthiness; and
 - (d) record all details of work carried in a manner acceptable to the Commissioner.

Annual declaration and currency fee

148.02.14 The holder of a manufacturing organisation approval shall, on the anniversary date of the issuing of the approval, or of the date of its reinstatement, as the case may be, submits to the Commissioner –

- (a) a signed statement that the organisation remains in compliances with all aspects of the terms of its approval, in the format as prescribed in Document SA-CATS-MORG; and
- (b) the currency fee prescribed in Part 187.

5.2 MOTIVATION

- (1) The revised Part –
 - (a) consolidates Subparts 2, 3, and 4;
 - (b) harmonises the South African regulations with those of the JAA and FAA; and
 - (c) provides for the manufacturing of aeronautical products, parts and appliances to internationally acceptable standards.
- 2. Comparison of the two indexes, following the consolidation of Subparts 2, 3, and 4, as set out in Table 1, will show that the structure and the name of several headings has been amended, and that the following headings have been deleted:

- Personnel requirements
- Accommodation, facilities and equipment
- Documentation
- Production acceptance test procedure
- Renewal of approval.

New headings are:

- Changes to the organisation
- Changes in location
- Terms of approval
- Changes to the terms of approval
- Annual declaration and currency fee

Table 1

Current Part 148 (Subparts 2, 3, and 4)		Proposed Revised Part 148 (Subpart 2)	
148.02.15	Requirement for approval	148.02.1	Approval requirements
148.02.16	Manual of procedure	148.02.2	Application
148.02.17	Quality control system	148.02.3	Issue of Approval
148.02.18	Personnel requirements	148.02.4	Quality System
148.02.19	Accommodation, facilities and equipment	148.02.5	Manual of Procedures
148.02.20	Application for approval or amendment thereof	148.02.6	Changes to the Organisation
148.02.21	Issuing of approval	148.02.7	Changes in Location
148.02.22	Privileges	148.02.8	Transferability
148.02.23	Period of validity	148.02.9	Terms of Approval
148.02.24	Transferability	148.02.10	Changes to the Terms of Approval
148.02.25	Changes in quality control system	148.02.11	Period of validity
148.02.26	Duties of holder of approval	148.02.12	Privileges
148.02.27	Documentation	148.02.13	Duties of holder of Approval
148.02.28	Production acceptance test procedure	148.02.14	Annual declaration and currency fee
148.02.29	Renewal of approval		

The structure has been brought in line with Part 21 of EASA.

3. The deleted items have been provided for in the proposed revised Part as set out in Table 2:

Table 2

Deleted items:	Provided for in:
Personnel requirements	148.02.1 (3) and (4), and TSs 148.02.4 and 148.02.5
Accommodation, facilities and equipment	148.02.1 (1), and TS 148.02.5
Documentation	148.02.1 (2), and TS 148.02.4
Production acceptance test procedure	TS 148.02.4
Renewal of approval	No longer required

Schedule 5.3 Current Regulations

A copy of the existing Part 148 is obtainable on request from the CAA or can be accessed on the CAA website (www.co.za)

SCHEDULE 6**6.1 PROPOSED INSERTION OF REGULATION 187.00.15A INTO THE CIVIL AVIATION REGULATIONS OF 1997****“Fees relating to Part 108**

187.00.15A (1) The following fees shall be payable on application:

	R
(a) Initial issue of certificate of approval	3 000,00
(b) Renewal of certificate of approval	1 500,00
(c) Validation of certificate of approval	5 000,00
(d) Validation of certificate of proficiency	100,00
(e) Amendment to a security manual or programme	1 000,00
(f) Extract of the register of certificates of approval	50,00

(2) The following fees shall be payable per site in respect of prescribed inspections:

(a) sites up to 1 000 m ²	1 000,00
(b) sites in excess of 1 000 m ² up to and including 5 000 m ²	1 400,00
(c) sites exceeding 5 000 m ²	1 800,00

(3) The following fees shall be payable in respect of the initial approval of a confidential security programme:

(a) Per programme consisting of 100 or less pages	1 000,00
(b) Per programme consisting of 101 to 200 pages	2 000,00
(c) Per programme consisting of more than 200 pages	5 000,00

(4) The following fees shall be payable in respect of the initial approval of a security manual:

(a) Per manual consisting of 100 or less pages	1 000,00
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(b)	Per manual consisting of 101 to 200 pages	2 000,00
(c)	Per manual consisting of more than 200 pages	5 000,00

6.2 Motivation

- (1) The size of the regulated agent's premises will directly influence the time taken to effectively inspect and assess the security measures, facilities and procedures in place.
- (2) The time taken to analyse the content of a security programme can vary according to the length and complexity of such programme and the size and the complexity of the operation. It is therefore necessary to make provision for the charging of fees that will adequately compensate the CAA for the amount of work and time expended on each application.
- (3) The thorough analysis of a security manual for the purpose of approval, can be time consuming process. As organisations differ in both size and complexity of operation, which impacts on their security requirements and the number of pages of the security manual, it is necessary to make provision for the charging of fees that will adequately compensate the CAA for the amount of work and time expended on each application.

6.3 CURRENT REGULATION

No such regulation exists.
