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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 849

16 July 2004

**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 schedule/s. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Ms Miriam Mamabolo or Mr. Herman Wildenboer, Private Bag X08, Waterkloof, 0145, fax: (012) 346-5979, or e-mail at mamabolom@caa.co.za or wildenboerh@caa.co.za, before or on 16 August 2004.

SCHEDULE 1**PROPOSAL TO AMEND PART 65 OF THE CIVIL AVIATION REGULATIONS OF 1997****Proposer**

ATNS
Private Bag X15
Kempton Park
1620

Explanation of interest of the Proposer (both proposals contained in schedule 1)

The Proposer provides practical training to prospective Air Traffic Controllers, in accordance with the Civil Aviation Regulations, 1997.

SCHEDULE 1A**1.1. Proposed amendment of regulation 65.08.05 (Aerodrome Control Rating)**

“(1) An applicant for the validation of an Aerodrome control rating shall, under the supervision of an air traffic service instructor (operational), have

provided aerodrome control services at the air traffic service unit for which the validation is sought:-

- (a) for at least 100 hours but not more than 200 hours, in respect of a simple tower environment, 50 percent of which may be provided on a simulator.; or
- (b) for at least 100 hours but not more than 300 hours, in respect of a complex tower environment , 50 percent of which may be provided on a simulator.

(2) For the purposes of sub-regulation (1)-

- (a) a simple tower environment is defined as meaning 'a tower normally providing an aerodrome service requiring the use of a single frequency for air traffic services'; and
- (b) a complex tower environment is defined as meaning 'a tower normally providing an aerodrome service involving more than one function within the environment on multiple frequencies.'".

1.2 Motivation

The proposed changes to the maximum hours applicable to the validation of aerodrome and area control ratings are due to the increased complexity and traffic loading associated with these air traffic services.

1.3 Current Regulation

"An applicant for the validation of an Aerodrome control rating shall, under the supervision of an air traffic service instructor (operational), have provided Aerodrome control services at the air traffic service unit for which the rating is sought for at least 100 hours but not more than 200 hours, 50 percent of which may be provided on a simulator".

SCHEDULE 1B

1.1. Proposed amendment of Regulation 65.10.5 (Area Control Rating)

"An applicant for the validation of an area control rating shall, under the supervision of an air traffic service instructor (operational), have provided area control services at the air traffic service unit for which the validation is sought for at least 200 hours but not more than 400 hours, 50 percent of which may be provided on a simulator."

1.2 Motivation

The same motivation as contained in paragraph 1.2 in schedule 1A above, is applicable.

1.3 Current Regulation

"An application for the validation of an area control rating shall, under the supervision of an air traffic service instructor (operational), have provided area control services at the air traffic service unit for which the rating is sought for at least 200 hours but not more than 300 hours, 50 percent of which may be provided on a simulator".

SCHEDULE 2**PROPOSAL TO AMEND PART 67 OF THE CIVIL AVIATION REGULATIONS OF 1997****PROPOSER**

Civil Aviation Authority
Private Bag X08
0145 Waterkloof

Explanation of interest of the Proposer in regard to Schedules 2,3 and 4

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

2.1 Proposed amendment to regulation 67.00.5(Class 4 Medical Certificates)

It is proposed that the regulation be deleted and all Class four examinations be performed by CAA registered Aviation Medical Examiners.

2.2 Motivation

- 1) The current certification system allocates specific serial numbers and codes to aviation medical examiners for quality assurance and efficient oversight. Medical practitioners not registered with the CAA cannot be allocated these codes.
- 2) The certification process is delayed due to the medical practitioner's lack of knowledge of the aviation medical requirements and standards.
- 3) The general practitioners often do not submit the medical examination records to the IAM and in instances where they do, the records are frequently incorrectly and incompletely filled in.

- 4) The medical practitioners do not have the specific documents for completion of the examination.
- 5) The Class 4 applicants can be examined by CAA registered medical examiners.

3.3 Current Regulation

- (1) Notwithstanding the provisions of Regulation 67.00.4, any medical practitioner who is registered in terms of section 17 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), may perform a medical examination for the purpose of the issuing of a Class 4 medical certificate.
- (2) The provisions of Regulation 67.00.7(1) and (2) shall apply mutatis mutandis to an application for the issuing of a Class 4 medical certificate.
- (3) The medical practitioner concerned shall, within 60 days from the date on which the medical examination has been performed, submit the application together with any appropriate –
 - (a) supporting medical reports; and
 - (b) results of medical examinations or tests performed;to the designated body or institution for the verification of the application and the issuing of the medical certificate.
- (4) An applicant who complies with the appropriate medical requirements and standards referred to in Regulation 67.00.2(6), shall be entitled to the medical certificate.
- (5) On receipt of the documents referred to in subregulation (3), the designated body or institution shall –
 - (a) verify the application concerned; and
 - (b) if the applicant complies with the appropriate medical requirements and standards referred to in Regulation 67.00.2(6), issue the medical certificate.
- (6) The designated body or institution may –
 - (a) if medical conclusion requires that –
 - (i) medical examinations or tests be performed at shorter intervals; or
 - (ii) additional examinations or tests be performed; or
 - (b) when the safe performance of the duties essential to the operation of an aircraft, of the holder of the medical certificate, depends on compliance with any special limitation, endorse the medical certificate with such requirement or limitation.

SCHEDULE 3

PROPOSAL TO AMEND PART 67 OF THE CIVIL AVIATION REGULATIONS OF 1997

3.1 Proposed amendment to regulation 67.00.11(Appeal)

It is proposed that the following paragraph be added to the said regulation:

“The designated panel of medical practitioners may also serve to advise the Commissioner on any matter related to medical conditions affecting licenced personnel. Any other service to be performed by the panel will be agreed to in writing by the panel and the Commissioner.”

3.2 Motivation

- 1) Commissioner. Should the institution not be designated, the Commissioner would have no medical advisory panel.
- 2) The IAM panel members are not all active in research. The panel appointed to adjudicate on appeals will be constituted by research specialists in the various medical disciplines and will thus be able to advise on the latest research findings. The appeal panel will also be broader in the medical disciplines catered for.

3.3 Current Regulation

Appeal

67.00.11 (1) An applicant for, or the holder of, a medical certificate who feels aggrieved by –

- (a) a decision by the designated body or institution in terms of Regulation 67.00.8(4)(a) to cancel his or her medical certificate;
 - (b) a decision by a designated aviation medical examiner, declaring him or her unfit or temporarily unfit;
 - (c) any endorsement made by the designated body or institution in terms of Regulation 67.00.5(6) or 67.00.8(4)(b) on his or her medical certificate; or
 - (d) any endorsement made by a designated aviation medical examiner in terms of Regulation 67.00.6(4) on his or her medical certificate, may appeal against such decision or endorsement to the Commissioner, within 30 days after he or she becomes aware of such decision or endorsement.
- (2) The appellant shall –
- (a) deliver his or her appeal in writing, stating the reasons why, in his or her opinion, the decision or endorsement should be varied or set aside;

- (b) pay the appropriate fee as prescribed in Part 187; and
 - (c) be responsible for the payment of any additional medical expenses incurred as a result of the appeal.
- (3) The appellant shall submit a copy of his or her appeal and any documents or records supporting such appeal, to the designated aviation medical examiner concerned or the designated body or institution, as the case may be, and shall furnish proof of such submission for the information of the Commissioner.
 - (4) The designated aviation medical examiner concerned or the designated body or institution, as the case may be, may, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (3), deliver his, her or its written reply to such appeal to the Commissioner.
 - (5) The Commissioner may designate a panel of medical practitioners to assist him or her in adjudicating the appeal.
 - (6) The panel referred to in sub-regulation (5) shall consist of at least two medical practitioners who are registered in terms of section 17 of the Medical, Dental and Supplementary Health Service Professions Act, 1974, one of whom shall have obtained a postgraduate qualification in aviation medicine, and the other shall be a specialist in the field of medicine concerned.
 - (7) The Commissioner may order the appellant and the designated aviation medical examiner concerned or the designated body or institution, as the case may be, to appear before him or her, either in person or through a representative, at a time and place determined by him or her, to give evidence.
 - (8) The Commissioner may confirm, vary or set aside the decision or endorsement referred to in sub-regulation (1).

SCHEDULE 4

PROPOSAL TO AMEND REFERENCES IN PART 67 OF THE REGULATIONS

4.1 Proposed amendment to Part 67

It is proposed that the following be applied to all references to medical practitioner registration:

Section 17 of the Health Professions Act, 1974 (Act No. 56 of 1974)

4.2 Motivation

The current reference has to be amended to bring it into line with current legislation

4.3 Current reference to medical practitioner registration

Section 17 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974)

SCHEDULE 5

PROPOSAL TO AMEND PART 139 OF THE CIVIL AVIATION REGULATIONS OF 1997

Proposer

Civil Aviation Authority
Private Bag X08
0145 Waterkloof

Explanation of interest of the Proposer

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

5.1 Proposed amendment to regulation 139.02.19 (General duties of holder of licence)

Replace (e) with: -

- (e) (i) Where an ATSU is present on the aerodrome or where scheduled commercial operations are conducted, or where unscheduled commercial operations exceeding 6 movements a week and exceeding MTOW 5700kg, sensing equipment will be installed to technical specifications as per SA-CATS AH to provide data to the ATSU the specifications of which are mentioned is SA-CATS AH.
- e (ii) Such data must be displayed in the aerodrome control tower / ATSU and the aeronautical meteorological station where applicable.
Where an ATSU is not in operation and where scheduled commercial operations occur, such data shall be transmitted automatically to a minimum range of 5nm from the aerodrome reference point.”
- e (iii) All aerodromes supporting training operations shall make wind direction, speed, surface air temperature and barometric pressure data available at a location accessible to pilots prior to take off.
- e (iv) Where the aerodrome is designated as “international” ensure that office facilities are available for an aeronautical meteorological station.

Motivation

The proposed amendment is necessary to align the Republic of South Africa with ICAO requirements and international best practice. In particular this will improve the safety situation at major aerodromes in the Republic of South Africa.

5.3 Current Regulation:

“(2) The holder of the licence shall ensure that-

(e) an apparatus to show the surface direction of the wind, is installed and functions satisfactorily;”
