

**DEPARTMENT OF TRANSPORT
DEPARTEMENT VAN VERVOER**

No. R. 1138

17 November 2006

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. Jabulani Mashinini or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at mashinini@caa.co.za or wildenboerh@caa.co.za, before or on 17 December 2006.

SCHEDULE 1**Proposer**

Civil Aviation Authority
Ikhaya Lokundiza
Building 16
Treur Close
WaterFall Park
Bekker Street
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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.

1.0 PROPOSAL TO AMEND REGULATION 1.00.1 OF PART 1 OF THE CIVIL AVIATION REGULATIONS

1.1 It is proposed to amend regulation 1.00.1 of the Regulations by substituting the definitions of the various SA-CATS Documents by the following definitions:

"(a) Document SA-CATS-ACCID and INCID' means the technical standard document

of the said regulations relating to Aviation Accident and Incident Investigation, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

- (b) “ Document SA-CATS-AH’ means the technical standard document of the said regulations relating to Aerodromes and Heliports, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (c)“ Document SA-CATS-AIRS’ means the technical standard document of the said regulations relating to Aeronautical Information and Related Services, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (d) “Document SA-CATS-AMEL’ means the technical standard document of the said regulations relating to Aircraft Maintenance Engineer Licensing, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (e) “ Document SA-CATS-AMO’ means the technical standard document of the said regulations relating to Aircraft Maintenance Organisations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (f)“ Document SA-CATS-AR” means the technical standard document of the said regulations relating to Airworthiness Requirements, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (g))“ Document SA-CATS-ARM’ means the technical standard document of the said regulations relating to Aircraft Registration and Marking, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (h)” Document SA-CATS-ARO means the technical standard document of the said regulations relating to Aviation Recreational Organisations , but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (i) “Document SA-CATS-AT0 means the technical standard document of the said regulations relating to Aviation Training Organisations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (j) “Document SA-CATS-ATS’ means the technical standard document of the said

- regulations relating to *Air* Traffic Services ,but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (k) “ Document SA-CATS-ATSPL’ means the technical standard document of the said regulations relating to Aviation Accident and Incident Investigation, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (l) “Document SA-CATS-DG’ means the technical standard document of the said regulations relating to Conveyance of Dangerous Goods ,but excludes the format any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (m) “Document SA-CATS-DO’ means the technical standard document of the said regulations relating to Design Organisations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act’;
- (n) “Document SA-CATS-ENVIRO ‘ means the technical standard document of the said regulations relating to Environmental Protection ,but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (o) “Document SA-CATS-FC’L means the technical standard document of the said regulations relating to Flight Crew Licensing, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (p) “Document SA-CATS-GMR means the technical standard document of the said regulations relating to General Maintenance Rules ,but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (q) “Document SA-CATS-MORG’ means the technical standard document of the said regulations relating to Manufacturing Organisations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (r) “Document SA-CATS-MR’ means the technical standard document of the said regulations relating to Medical Requirements, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (s) “Document SA-CATS-OPS 91’ means the technical standard document of the said

regulations relating to General Operating and Flight Rules but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

- (t) “Document SA-CATS-OPS 98’ means the technical standard document of the said regulations relating to Powered Paragliders, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (u) “Document SA-CATS-OPS 100’ means the technical standard document of the said regulations relating to Operation of Gyroplanes, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (v) “Document SA-CATS-OPS 101’ means the technical standard document of the said regulations relating to Unmanned Balloons, Kites and Remotely Piloted Aircraft, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (w) “Document SA-CATS-OPS 102’ means the technical standard document of the said regulations relating to Free Balloons and Airships, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (x) “Document SA-CATS-OPS 103’ means the technical standard document of the said regulations relating to Operation of Microlight Aeroplanes, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (y) “Document SA-CATS-OPS 104’ means the technical standard document of the said regulations relating to Operation of Gliders, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (z) “Document SA-CATS-OPS 105’ means the technical standard document of the said regulations relating to Operation of Parachutes, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (aa) “Document SA-CATS-OPS 106’ means the technical standard document of the said regulations relating to Operation of Hang Gliders, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (bb) “Document SA-CATSOPS 121’ means the technical standard document of the said regulations relating to *Air* Transport Operations of Large Aeroplanes, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”

- (cc) “Document SA-CATS-OPS 127’ means the technical standard document of the said regulations relating to *Air* Transport Operations of Helicopters, but excludes the format **of** any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (dd) “Document SA-CATS-OPS 133’ means the technical standard document of the said regulations relating to Helicopter External-load Operations, but excludes the format **of** any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (ee) “Document SA-CATS-OPS 135’ means the technical standard document of the said regulations relating to *Air* Transport Operations of Small Aeroplanes, but excludes the format **of** any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (ff) “Document SA-CATS-OPS 137’ means the technical standard document of the said regulations relating to Agricultural Operations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act.”
- (gg) “Document SA-CATS-OPS’ the technical standard document of the said regulations relating to *Air* Ambulance Operations, but excludes the format of any related forms and certificates which is published by the Commissioner in terms of the Act’; and
- (hh)) “Document SA-CATS-RON means the technical standard document **of** the said regulations relating to Aviation Accident and Incident Investigation, but excludes the format **of** any related forms and certificates which is published by the Commissioner in terms of the Act.”

1.2 MOTIVATION

It is intended to take all the forms and certificates out of the CATS documents. At present they form part and parcel of the CATS documents. Due to the fact that forms are from time to time amended in respect of relatively minor issues, it is necessary to invoke the CARCOM process, which is a lengthy and time-consuming process. To prevent the commission of offences like fraud and forgery and uttering, it is suggested that certificates also not form part **of** CATS documents.

The proposed amendment is to the effect of limiting the content of CATS documents to The heading of Document SA-CATS-OPS 138 has also been amended to be in line with the heading of the corresponding Regulations.

1.3 CURRENT DEFINITIONS IN THE REGULATIONS

- "(a) "Document SA-CATS-ACCID and JNCJD" means a document on the South African Civil Aviation Technical Standards relating to Aviation Accident and Incident Investigation, which is published by the Commissioner in terms of the Act;
- (b) "Document SA-CATS-AH" means a document on the South African Civil Aviation Technical Standards relating to Aerodromes and Heliports, which is published by the Commissioner in terms of the Act;
- (c) "Document SA-CATS-AIRS" means a document on the South African Civil Aviation Technical Standards relating to Aeronautical Information and Related Services, which is published by the Commissioner in terms of the Act;
- (d) "Document SA-CATS-AMEL" means a document on the South African Civil Aviation Technical Standards relating to Aircraft Maintenance Engineer Licensing, which is published by the Commissioner in terms of the Act;
- (e) "Document SA-CATS-AMO" means a document on the South African Civil Aviation Technical Standards relating to Aircraft Maintenance Organisations, which is published by the Commissioner in terms of the Act;
- (f) "Document SA-CATS-AR" means a document on the South African Civil Aviation Technical Standards relating to Airworthiness Requirements, which is published by the Commissioner in terms of the Act;
- (g) "Document SA-CATS-ARM" means a document on the South African Civil Aviation Technical Standards relating to Aircraft Registration and Marking, which is published by the Commissioner in terms of the Act;
- (h) "Document SA-CATS-ARO" means a document on the South African Civil Aviation Technical Standards relating to Aviation Recreation Organisations, which is published by the Commissioner in terms of the Act;
- (i) "Document SA-CATS-AT0" means a document on the South African Civil Aviation Technical Standards relating to Aviation Training Organisations, which is published by the Commissioner in terms of the Act;
- (j) "Document SA-CATS-ATS" means a document on the South African Civil Aviation Technical Standards relating to Air Traffic Services, which is published by the Commissioner in terms of the Act;
- (k) "Document SA-CATS-ATSPL" means a document on the South African Civil Aviation Technical Standards relating to Air Traffic Service Personnel Licensing, which is published by the Commissioner in terms of the Act;
- (l) "Document SA-CATS-DG" means a document on the South African Civil Aviation
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Technical Standards relating to the Conveyance of Dangerous Goods, which is published by the Commissioner in terms of the Act;

- (m) "Document SA-CATS-DO" means a document on the South African Civil Aviation Technical Standards relating to Design Organisations, which is published by the Commissioner in terms of the Act;
- (n) "Document SA-CATS-ENVIRO" means a document on the South African Civil Aviation Technical Standards relating to Environmental Protection, which is published by the Commissioner in terms of the Act;
- (o) "Document SA-CATS-FCL" means a document on the South African Civil Aviation Technical Standards relating to Flight Crew Licensing, which is published by the Commissioner in terms of the Act;
- (p) "Document SA-CATS-GMR" means a document on the South African Civil Aviation Technical Standards relating to General Maintenance Rules, which is published by the Commissioner in terms of the Act;
- (q) "Document SA-CATS-MORG" means a document on the South African Civil Aviation Technical Standards relating to Manufacturing Organisations, which is published by the Commissioner in terms of the Act;
- (r) "Document SA-CATS-MR" means a document on the South African Civil Aviation Technical Standards relating to Medical Requirements, which is published by the Commissioner in terms of the Act;
- (s) "Document SA-CATS-OPS 91" means a document on the South African Civil Aviation Technical Standards relating to General Operating and Flight Rules, which is published by the Commissioner in terms of the Act;
- (t) "Document SA-CATS-OPS 98" means a document on the South African Civil Aviation Technical Standards relating to Operation of Powered Paragliders, which is published by the Commissioner in terms of the Act;
- (u) "Document SA-CATS-OPS 100" means a document on the South African Civil Aviation Technical Standards relating to Operation of Gyroplanes, which is published by the Commissioner in terms of the Act;
- (v) "Document SA-CATS-OPS 101" means a document on the South African Civil Aviation Technical Standards relating to Operation of Unmanned Free Balloons, Kits and Remotely Piloted Aircraft, which is published by the Commissioner in terms of the Act;
- (w) "Document SA-CATS-OPS 102" means a document on the South African Civil Aviation Technical Standards relating to Operation of Free Balloons and Airships, which is published by the Commissioner in terms of the Act;

- (x) "Document SA-CATS-OPS 103" means a document on the South African Civil Aviation Technical Standards relating to Operation of Microlight Aeroplanes, which is published by the Commissioner in terms of the Act;
- (y) "Document SA-CATS-OPS 104" means a document on the South African Civil Aviation Technical Standards relating to Operation of Gliders, which is published by the Commissioner in terms of the Act;
- (z) "Document SA-CATS-OPS 105" means a document on the South African Civil Aviation Technical Standards relating to Operation of Parachutes, which is published by the Commissioner in terms of the Act;
- (aa) "Document SA-CATS-OPS 106" means a document on the South African Civil Aviation Technical Standards relating to Operation of Hang Gliders, which is published by the Commissioner in terms of the Act;
- (bb) "Document SA-CATS-OPS 121" means a document on the South African Civil Aviation Technical Standards relating to Air Transport Operations of Large Aeroplanes, which is published by the Commissioner in terms of the Act;
- (cc) "Document SA-CATS-OPS 127" means a document on the South African Civil Aviation Technical Standards relating to **Air** Transport Operations Helicopters, which is published by the Commissioner in terms of the Act;
- (dd) "Document SA-CATS-OPS 133" means a document on the South African Civil Aviation Technical Standards relating to Helicopter, External-load Operations, which is published by the Commissioner in terms of the Act;
- (ee) "Document SA-CATS-OPS 135" means a document on the South African Civil Aviation Technical Standards relating to **Air** Transport Operations of Small Aeroplanes, which is published by the Commissioner in terms of the Act;
- (ff) "Document SA-CATS-OPS 137" means a document on the South African Civil Aviation Technical Standards relating to Agricultural Operations, which is published by the Commissioner in terms of the Act;
- (gg) "Document SA-CATS-OPS 138" means a document on the South African Civil Aviation Technical Standards relating to Emergency Medical Service Operations, which is published by the Commissioner in terms of the Act;
- (hh) "Document SA-CATS-ROA" means a document on the South African Aviation Technical Standards relating to Rules of the Air and General Operating Rules which is published by the Commissioner in terms of the Act;"

SCHEDULE 2**Proposer**

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Bekker Street
Midrand

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.

2.0 PROPOSAL TO INSERT REGULATION 12.04.6 INTO PART 12 OF THE REGULATIONS

2.1 It is proposed to insert the following regulation after regulation 12.04.5
“NON-DISCLOSURE OF RECORDS

- 12.04.6
- (1) The following records shall not be made available for the purposes other than accident or incident investigations, unless a court of law determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or future investigations, taking into account all applicable law.
 - (a) all statements taken from persons by the investigator/s of the investigation team in the course of the investigation
 - (b) all records of communications between persons having been involved in the operation of the aircraft
 - (c) medical and private information regarding persons involved in the accident or incident
 - (d) cockpit voice recordings and transcripts from such recordings
 - (e) recordings and transcriptions of recordings from air traffic control units, and
 - (f) opinions expressed in the analysis of information, including flight recorders

- (2) These Records shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident.
- (3) Parts of the record not relevant to the analysis shall not be disclosed”.

2.2 MOTIVATION

During a recent meeting of the Occurrence Investigations Section to review the provisions of ICAO Annex 13 in relation to accident/incident investigations in the South African context it seemed that the said Section does not have enough provisions in Part 12 of the Civil Aviation Regulations, 1997, for the protection of the recorded material gathered during accident/incident investigations as required by Part 12 or in a wider sense by ICAO Annex 12. The proposal put forward is an attempt to include a regulatory provision 4 of Part 12 to make provision for the above.

2.3 CURRENT REGULATION

“Does not exist. “

SCHEDULE 3

3. PROPOSAL TO INSERT PART 136 (AIR TRANSPORT OPERATIONS – COMMERCIAL OPERATION OF FREE AIR BALLOONS) INTO THE REGULATIONS

3.1 It is proposed to insert the following Part after Part 135 into the Regulations

Proposer

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Midrand

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.

Air Transport Operations – Commercial Operation of Free Air Balloons

SUBPART 1: GENERAL

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- 136.01.2 Intoxication
- 136.01.3 Dry lease-in of commercial air transport Balloon
- 136.01.4 Wet lease-in of commercial air transport balloon
- 136.01.5 Dry lease-out of commercial air transport balloon
- 136.01.6 Wet lease-out of commercial air transport balloon
- 136.01.7 Leasing of commercial air transport balloon between two South African Operators.....
- 136.01.8 Sub chartering
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SUBPART 2: FLIGHT CREW

- 136.02.1 Composition of flight crew
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SUBPART 3: TRAINING AND CHECKING

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- Division One: General.. ..
- 136.03.1 Training of flight crew members.....
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- Division Two: Pilot Training
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136.07.1	Establishment of procedures
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SUBPART 8: BALLOON PERFORMANCE OPERATING LIMITATIONS

136.08.1	General
136.08.2	General provisions for all classes of balloons
136.08.3	Take-off

SUBPART 9: MAINTENANCE

136.09.1	General..
136.09.2	Balloon maintenance schedule
136.09.3	Maintenance contracted to approved maintenance Organisation

"SUBPART 1: GENERAL**Applicability**

136.01.1

- (1) This part shall apply to –
 - (a) Free balloons engaged in commercial air transport operations within the Republic;
 - (b) Persons acting as flight crew members of a free balloon registered in the Republic; and
 - (c) Persons who are on board a free balloon operated under this part.
- (2) For the purposes of this part, a free balloon registered in another State and operated by the holder of Operating certificate issued in the Republic, shall be deemed to be registered in the Republic.
- (3) The provisions of Part 91 shall *mutatis mutandis* apply to any free balloon operated in terms of this part.

Intoxication

136.01.2

- (1) The operator of a free balloon shall not permit, and no person shall enter or be in, a free balloon while under the influence of alcohol or a drug having a narcotic effect, to the extent where the safety of such balloon or its occupants is, or is likely to be, endangered.
- (2) The operator shall establish procedures to ensure that any person referred to in sub regulation (1) is –
 - (a) Refused embarkation; or
 - (b) If such person is on board, restrained or disembarked.

Dry lease-in of free balloons

136.01.3

- (1) **An** operator who intends to dry lease-in a free balloon for commercial air transport purposes, shall –
 - (a) Ensure that such balloon can be operated and is operated in accordance with the requirements prescribed in this Part;
 - (b) Obtain prior approval from the Commissioner to operate such balloon.
- (2) The approval referred to in sub- regulation (1)(b) shall, subject to such conditions as the Commissioner may determine, be granted if such balloon is –

- (a) Type certificated in accordance with the requirements prescribed in Part 21;
 - (b) Maintained in accordance with a balloon maintenance schedule referred to in Part 136.09;
 - (c) Operated under the operating certificate held by the operator referred to in sub-regulation (1).
- (3) The conditions of approval referred to in sub regulation (2) shall be part of the lease agreement between the operator referred to in sub regulation (1) and the operator from which the balloon is leased.

Wet lease-in of free balloons

136.01.4

- (1) **An** operator who intends to wet lease-in a foreign registered free balloon for commercial air transport purposes shall, subject to such conditions as the Commissioner may determine, obtain prior approval from the Commissioner to operate such balloon.
- (2) The duration of the lease agreement concerned shall be limited to a maximum period of six calendar months in one year.
- (3) The approval referred to in sub- regulation (1) shall, subject to such conditions as the Commissioner may determine, be granted if such balloon –
 - (a) **Is** wet leased-in from an operator who is the holder of an operating certificate or similar document issued by an appropriate authority?
 - (b) Has been type certificated by the appropriate authority;
 - (c) holds a valid certificate of airworthiness or similar document issued by such appropriate authority;
 - (d) is maintained and operated in accordance with safety standards at least equivalent to the safety standards referred to in this Part; and
 - (e) Will be operated in terms of the operating certificate or similar document held by the operator referred to in paragraph (a).
- (4) The operator referred to in sub- regulation (1) shall –
 - (a) Satisfy the Commissioner that the safety standards of the lesser are not less than the safety standards referred to in this Part;
 - (b) Ensure that any law applicable to the balloon to be wet leased-in, the maintenance or operation thereof, is complied with.
- (4) The total number of wet leased-in balloons shall be such that an operator referred to in sub- regulation (1) will not be predominantly dependent on foreign registered balloons.
- (5) The conditions of approval referred to in sub- regulation (1) shall be part of the lease agreement between the operator referred to in sub- regulation (1) and the operator from which the foreign registered balloon is leased.

Dry lease-out of commercial air transport balloons

136.01.5

- (1) Subject to the provisions of sub- regulation (2), the operator of a South African registered balloon may dry lease-out the balloon to any operator in a contracting State.
- (2) On request of the operator of a South African registered balloon, the Commissioner may exempt the operator from the applicable provisions of this Part and remove the balloon from the operating certificate held by such operator: Provided that –
 - (a) the appropriate authority of the State of the Operator to which such balloon is dry leased has accepted, in writing, responsibility for surveillance of the maintenance and operation of such balloon; and
 - (b) such balloon is maintained according to an approved maintenance programme.

Wet lease-out of commercial air transport balloons

136.01.6 The operator of a South African registered balloon who intends to wet lease-out the balloon to any operator, other than an operator of a contracting State, shall remain the operator of the balloon for the purposes of Subpart 6, and responsibility for surveillance of the maintenance and operation of such balloon shall not be transferred to the appropriate authority of the State of the Operator to which such balloon is wet leased-out.

Leasing of a commercial air transport balloon between two South African operators

- 136.01.7
- (1) A South African operator who intends to lease out a balloon and complete crew to another South African operator, shall remain the operator of the balloon and shall retain the functions and responsibilities prescribed in Subpart 6.
 - (2) A South African operator, intending to utilise a balloon leased from, or to lease it to, another South African operator shall obtain prior approval from the Commissioner for the operation, and the conditions of approval shall be part of the lease agreement between the operators.
 - (3) The terms of an approved lease agreement, other than an agreement in terms of which a balloon together with crew is leased, and where no transfer of functions and responsibilities is intended, shall include –
 - (a) the arrangement concerning the operating certificate under which the flights with the leased balloon shall be operated; and
 - (b) any deviation from the operating certificate under which the flights with the leased balloon shall be operated.

Sub- chartering

136.01.8(1) In the exceptional circumstances as prescribed in Document SA-CATS-OPS 136, an operator may sub -charter a balloon and crew from any operator who holds a valid operating certificate for the balloon, issued by an appropriate authority: Provided that –

- (a) the sub charter period does not exceed five consecutive days; and
- (b) the operator of the balloon so sub chartered, informs the Commissioner, within 24 hours, of such sub charter.

(2) The provision of **Regulations** 136.01.3(1)(a) and (2), 136.01.4(3) and (4)(b) and 136.01.7(1) and (3) shall apply *mutatis mutandis* to any sub- charter referred to in this **regulation**.

Preservation of documents

136.01.9 The operator of a commercial air transport balloon who is required to retain any of the documents for the specified period referred to in S-subpart 4, shall retain such document for such specified period irrespective of the fact that such operator, before the expiry of such specified period, ceases to be the owner or possessor of the balloon concerned.

SUBPART 2: FLIGHT CREW

Composition of flight crew

- 136.02.1 (1) A minimum of one flight crew member shall be required for the operation of a commercial air transport balloon.
- (2) The operator shall ensure that the flight crew member –
 - (a) is competent to perform the duties assigned to them; and
 - (b) hold the appropriate valid licences and ratings.
 - (3) The flight crew member shall hold a valid radiotelephony operator licence or an equivalent document issued by an appropriate authority, authorising such member to operate the type of radio transmitting equipment to be used.
 - (4) The operator shall designate the pilot-in-command and the pilot-in-command may delegate the conduct of the flight to another suitably qualified pilot.

Flight crew member emergency duties

- 136.02.2 (1) **An** operator and, where appropriate, the pilot-in-command **of** a commercial air transport balloon, shall perform the necessary duties in an emergency or a situation requiring emergency evacuation.
- (2) The functions referred to in sub -regulation (1) shall be such as to ensure that any reasonably anticipated emergency can be adequately dealt with and shall take into consideration the possible incapacitation of individual flight crew members.
- (3) **A** flight crew member shall not accept an assignment of emergency functions unless such flight crew member has been trained to perform emergency functions in accordance with the requirements prescribed in Subpart 3.

Flight time and duty periods

- 136.02.3 (1) Flight crew members shall
- (a) not work more than seven consecutive days between days **off**;
 - (b) have two consecutive days off in any consecutive fourteen days;
 - (c) have a minimum of *six* days off in any consecutive four weeks;
 - (d) have an average of at least eight days off in each consecutive four week period, averaged over three such periods.

SUBPART 3: TRAINING AND CHECKING

Division One: General

Training of flight crew members

- 136.03.1 (1) The operator of a commercial air transport balloon shall establish and maintain a ground and flight training programme for flight crew members in his or her employ.
- (2) The operator shall ensure that:
- (a) each flight crew member received training in accordance with this subpart and the appropriate syllabus prescribed in Document SA-CATS-OPS 136;
 - (b) each flight crew member passes a written examination with regard to all the subjects of the training syllabus referred to in paragraph (a).

- (3) The provisions of this Subpart shall apply in respect of full-time and part-time employed flight crew members.

Initial training of flight crew members

136.03.2 (1) A flight crew member employed by the operator of a commercial air transport balloon shall have successfully completed the initial training and skills tests as prescribed in Part 61 and through an approved Aviation Training Organisation and be:

- (a) the holder of a free balloon licence;
- (b) the holder of a valid Class 1 Medical Certificate; and
- (c) for balloons less than 120,000 cu ft, have
 - a minimum of 100 hours as pilot in command of any free hot air balloon plus a minimum of 5 hours of experience on supervised operational flights; and be the holder of a valid Flight Competence Certificate “for any hot air balloon less than 120,000 cu ft” issued by an approved examiner;
- (d) For balloons of 120,000 cu ft and less than 240,000 cu ft, have
 - (i) a minimum of 200 hours as pilot in command of any free hot air balloon plus a minimum of 5 hours of experience on supervised operational hot air balloon flights on a hot air balloon of 120,000 cu. ft. or more
and
 - (ii) be the holder of a valid flight test certificate “for any hot air balloon less than 240,000 cu ft” issued by an approved examiner;
- (e) For balloons of 240,000 cu ft and less than 360,000 cu ft, have
 - (i) A minimum of 300 hours as pilot in command of any free hot air balloon of which a minimum of 100 hours must have been on balloons in (d) plus a minimum of 5 hours of experience on supervised operational hot air balloon flights on a hot air balloon of 240,000 cu. ft. or more
and
 - (ii) be the holder of a valid flight test certificate “for any hot air balloon less than 360,000 cu ft” issued by an approved examiner;
- (f) For balloons of 360,000 cu ft and more
 - (i) A minimum of 400 hours as pilot in command of any free hot air balloon, of which 300 hours should be on balloons 120,000 cu ft and greater (of which a minimum of 100 hours must have been on balloons in (e) plus a minimum of 5 hours of experience on supervised operational hot air balloon flights on a hot air balloon of 360,000 cu. ft. or more

and

- (ii) be the holder of a valid flight test certificate “for any hot air balloon” issued by an approved examiner;

Division Two: Pilot Training

Conversion training

- 136.03.3 (1) The operator of a commercial air transport balloon shall ensure that –
- (a) a flight deck crew member completes a type conversion course in accordance with the applicable requirements prescribed in Part 61, when changing from **one type** of balloon to another type or class for which a new type or class rating **is required**;
 - (b) a flight deck crew member completes the operator’s type conversion course before commencing unsupervised operational flying –
 - (i) when changing to a balloon for which a new type or class rating is required; or
 - (ii) when employed by such operator.

Recurrent training and checking

- 136.03.4 (1) The operator **of** a commercial air transport balloon shall ensure that –
- (a) each flight deck crew member undergoes recurrent training and checking and that all such training and checking is relevant to the type or variant of balloon on which the flight deck crew member is licensed to operate;
 - (b) a recurrent training and **checking** programme is included in the operations manual referred to in regulation 136.04.2;
 - (c) recurrent training is conducted by –
 - (i) a competent person, in the case of ground and refresher training;
 - (ii) competent personnel in the case **of** emergency and safety equipment training and checking.
- (2) The operator shall ensure that, in the case of the operator proficiency check referred to in sub-regulation (1)(a) –
- (a) each flight deck crew member undergoes such checks to demonstrate his or her competence in carrying out normal, abnormal and emergency procedures;
- (3) Upon successful completion of the operator proficiency check referred to in sub-regulation (1) (a), the operator shall issue a certificate of competency to the flight deck crew member concerned, which certificate shall be valid for a period of twelve calendar months calculated from the last day of the calendar month in which such certificate is issued.
- (4) The operator shall ensure that, in the case of emergency and safety equipment training and checking, each flight deck crew member undergoes training and checking on the location and use of all emergency and safety equipment carried.

- (5) Upon successful completion of the emergency and safety equipment check referred to in sub-regulation (4), the operator shall issue a certificate of competency to the flight deck crew member concerned, which certificate shall be valid for a period of 12 calendar months calculated from the last day of the calendar month in which such certificate is issued.
- (6) The operator shall ensure that, in the case of ground and refresher training, each flight deck crew member undergoes training every 12 calendar months.

SUBPART 4: DOCUMENTATION AND RECORDS

Documents to be retained on ground

136.04.1 (1) The operator of a commercial air transport balloon shall ensure that;

- (a) the load sheet;
- (b) the passenger list;
- (c) the special loads notification, if applicable; and

(2) The documents referred to in sub-regulation (1) shall be retained for a period of at least 90 days.

Operations manual

136.04.2 (1) The operator of a commercial air transport balloon shall draw up an operations manual containing all the information required under this part and setting out the manner in which such operator will operate the air service for which such operator is licensed in terms of the International Air Services Act, 1993 (Act No. 60 of 1993), or the Air Services Licensing Act, 1990 (Act No. 115 of 1990), as the case may be.

(2) The operator shall submit the operations manual in duplicate to the Commissioner for approval.

(3) If the Commissioner is satisfied that the operator –

- (a) will comply with the provisions of regulation 136.06.7; and
- (b) will not operate the air service concerned contrary to any provision of the Act, the International Air Services Act, 1993, the ~~Air~~ Services Licensing Act, 1990, or the Civil Aviation Offences Act, 1972 (Act No. 10 of 1972), the Commissioner shall certify in writing on **both** copies of the operations manual that such manual has been **approved**, and shall return one copy of the approved operations manual to the operator.

(4) The operator shall submit an amendment to an approved operations manual in duplicate to the Commissioner for approval.

- (5) If the Commissioner is satisfied that the operator will comply with the provisions of sub- regulation (3)(a) and (b), the Commissioner shall certify in writing on both copies ~~of~~ the amendment to the approved operations manual that such amendment has been approved, and shall return one copy of the approved amendment to the operator.
- (6) The operator shall at all times operate the commercial air transport balloon in accordance with the approved operations manual or an approved amendment thereto.
- (7) The operator shall –
- (a) ensure that all operations personnel are able to understand the technical language used in those sections of the operations manual which pertain to their duties;
 - (b) ensure that every flight is conducted in accordance with the operations manual and that those parts of the operations manual which are required for the conduct of a flight, are easily accessible to the flight crew members on board;
 - (c) make the operations manual available for the use and guidance of operations personnel;
 - (d) provide the flight crew members with their own personal copy of the sections of the operations manual which are relevant to the duties assigned to them;
 - (e) keep the operations manual up to date; and
 - (f) keep the operations manual in a safe place.
- (8) The contents of the operations manual shall not contravene the conditions contained in the operating certificate issued to the operator in terms of regulation 121.06.3.
- (9) The structure and contents of the operations manual referred to in sub- regulation (1) shall be as prescribed in Document SA-CATS-OPS 135.

Balloon Operations Manual

136.04.3 (1) The operator of a commercial air transport balloon shall make use of; and make available a balloon operations manual for use by the flight crew members in such operator's employ.

(2) The manual shall contain the normal, abnormal and emergency procedures relating to the balloon;

(3) The operator shall provide each flight crew member with a copy of those parts of the balloon operations manual, which are relevant to the operational duties assigned to such flight crew member.

(4) The operator shall ensure that the balloon operations manual is provided in a hard copy or in an approved electronic format.

(5) The balloon operations manual shall be referred to in the operations manual referred in regulation 136.04.2.

Balloon Flight Balloon

136.04.4 The balloon flight manual referred to in regulation 102.03.2 may be included in the balloon operating manual referred to in regulation 136.04.3.

Flight time and duty period records

136.04.5 (1) The operator of a commercial air transport balloon shall –

- (a) maintain current flight time and duty period records of all flight crew members in such operator's employ; and
- (b) retain the flight time and duty period records for a period of 15 calendar months calculated from the date of the last flight of each flight crew member.

(2) A flight crew member in the part-time employ of an operator shall maintain his or her own flight time and duty period records and shall provide copies thereof to the operator to enable such operator to ensure that such flight crew member does not exceed the limits prescribed in the flight time and duty scheme of the operator referred to in Regulation 136.02.5.

Records of emergency and equipment

136.04.6 (1) The operator of a commercial air transport balloon shall compile a list of all the emergency equipment to be carried in the balloon and shall have such list available at all times for immediate communication to rescue co-ordination centres.

(2) The emergency equipment list shall be included in the operations manual referred to in regulation 136.04.2.

(3) The format and minimum information to be included in the emergency equipment list shall be as prescribed in Document SA-CATS-OPS 136.

Flight crew member training records

136.04.7 (1) The operator of a commercial air transport balloon shall maintain the records of all training and proficiency checks undertaken by the flight crew members in such operator's employ, and such records shall incorporate certificates indicating the successful completion of such training and proficiency checks.

(2) The operator shall retain the record of each flight deck crew member for a period of at least three years and the record of all other flight crew members for a period of at least 12 months from the date on which the flight crew member concerned has left the employ of such operator.

(3) The certificates referred to in sub regulation (1) shall be made available by the

operator to the flight crew member concerned on request.

Load sheet

- 136.04.8 (1) The operator of a commercial air transport balloon—
- (a) registered and operated in the Republic shall complete a load sheet—
 - (2) A load sheet shall be completed in duplicate and one copy shall be carried in the balloon and one copy shall be retained in accordance with the provisions of regulation 1384.1.
 - (3) The load sheet shall be retained by the operator for a period of at least 90 days calculated from the date on which the flight was undertaken.
 - (4) The minimum contents of a load sheet shall be as prescribed in Document SA-CATS-OPS 136.

SUBPART 5: BALLOON INSTRUMENTS AND EQUIPMENT

Approval of instruments and equipment

- 136.05.1 (1) The operator of a commercial air transport balloon shall ensure that a flight does not commence unless the instruments and equipment required under this subpart, or otherwise installed on the balloon, are –
- (a) subject to the provisions of sub-regulation (2), approved and installed in accordance with the requirements, including operational and airworthiness requirements applicable to such instruments and equipment; and
 - (2) The operator shall not be required to obtain approval for the –
 - (a) accurate time piece referred to in regulations 91.04.4 and 91.04.5;
 - (b) first aid equipment referred to in regulation 91.04.16; and
 - (c) Flight, navigation and associated equipment for balloons operated under VFR
 - (d) Fire Fighting Equipment
- 136.05.2 (1) The operator of a commercial air transport balloon shall not operate the balloon in accordance with VFR, unless such balloon is equipped with –
- (a) an accurate time-piece showing the time in hours, minutes and seconds;
 - (b) a sensitive pressure altimeter with a subscale setting, calibrated in hectopascal, adjustable for any barometric pressure setting likely to be encountered during flight;
 - (c) a vertical-speed indicator;
 - (d) a fusible temperature link and a permanent maximum temperature label

- to be installed;
- (e) fuel pressure gauge;
 - (f) and fuel content indicator;
 - (g) handling line
 - (h) fire extinguisher
 - (i) 1st Aid Kit (as per SA-CATS-OPS 136 specifically for balloons)

SUBPART 6: OPERATING CERTIFICATE

Operating certificate

136.06.1 The operator of a commercial air transport balloon shall not operate the balloon unless such operator is the holder of a valid –

- (a) licence issued in terms of the Air Services Licensing Act, 1990, or the International *Air* Services Act, 1993; and
- (b) operating certificate issued in terms of regulation 136.06.3.

Application for operating certificate

136.06.2 **An** application for an operating certificate shall be made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-OPS 135 and shall be accompanied by the appropriate fee as prescribed in Part 187.

Adjudication of application for operating certificate

136.06.3 (1) In considering an application referred to in regulation 136.06.2 the Commissioner may conduct the investigation he or she deems necessary.

(2) **An** application shall be granted and the operating certificate issued if the Commissioner is satisfied that –

- (a) the applicant will comply with the provisions of Regulation 136.06.7; and
- (b) the applicant will not operate the air service concerned contrary to any provision of the Act, the Civil Aviation Offences Act, 1972, the International Air Services Act, 1993, or the Air Service Licensing Act, 1990.

(3) If the Commissioner is not so satisfied he or she shall notify the operator thereof, stating the reasons in the notification, and grant the operator the opportunity to rectify or supplement any defect within the period determined by the Commissioner, after which period the Commissioner shall grant or refuse the application concerned.

(4) **An** operating certificate shall be issued on the appropriate form as prescribed in Document SA-CATS-OPS 135, under such conditions which the Commissioner may determine.

Period of validity of operating certificate

136.06.4 (1) **An** operating certificate shall be valid for such period as may be determined by the Commissioner: Provided that such period shall not exceed a period of 12 months from the date of issuing thereof.

(2) If the holder of an operating certificate applies at least 30 days prior to the expiry thereof for a new operating certificate, that first-mentioned operating certificate shall, notwithstanding the provisions of sub regulation (1), remain in force until such holder is notified by the Commissioner of the result of the application for the issuing of a new operating certificate.

Safety inspections and audits

136.06.5 (1) **An** applicant for the issuing of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to verify the validity of an application made in terms of regulation 136.06.2.

(2) The holder of an operating certificate shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits which may be necessary to determine compliance with the appropriate requirements prescribed in this part.

Suspension and cancellation of operating certificate and appeal

136.06.6 (1) **An** authorised officer, inspector or authorised person may suspend for a period not exceeding 30 days, an operating certificate issued under this subpart, if –

- (a) after a safety inspection and audit carried out in terms of regulation 135.06.5, it is evident that the holder of the operating certificate does not comply with the requirements prescribed in this Part, 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 operating certificate to carry out a safety inspection and audit in terms of regulation 136.06.5; or
- (c) the suspension is necessary in the interests of aviation safety.

(2) The authorised officer, inspector or authorised person who has suspended an operating certificate in terms of sub regulation (1), shall deliver a report in writing to the Commissioner, stating the reasons why, in his or her opinion, the suspended operating certificate 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 operating certificate which has been suspended, and shall furnish proof of such submission for the information of the Commissioner.

(4) The holder of an operating Certificate who feels aggrieved by the suspension of the

operating certificate may appeal against such suspension to the Commissioner, within 30 days after such holder becomes aware of such suspension.

- (5) **An** appellant shall deliver an appeal in writing, stating the reasons why, in his, her or its 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) 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, either in person or through a representative, at a time and place determined by him or her, to give evidence,
- (9) The Commissioner may confirm, vary or set aside the suspension referred to in sub-regulation (1).
- (10) The Commissioner shall –
 - (a) if he or she confirms the suspension in terms of sub-regulation (9); or
 - (b) if an operating certificate 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 operating certificate concerned.

Duties of holder of operating certificate

136.06.7 The holder of an operating certificate shall –

- (a) **notify** the Commissioner in the manner as prescribed in Document SA-CATS-OPS **136** before any change is effected to the particulars on the operating certificate;
- (b) keep the **operating** certificate in a safe place and produce such operating certificate to an **authorised** officer, inspector or authorised person for inspection if so requested by such officer, inspector or person; and
- (c) not commence or continue with the air service concerned unless such holder is the holder **of** a valid operating certificate.

Register of operating certificates

136.06.8 (1) The Commissioner shall maintain a register of all operating certificates issued in terms of the regulations in this part.

- (2) The register shall contain the following particulars:

- (a) The full name and, if any, the trade name of the holder of the operating certificate;
 - (b) the postal address of the holder of the operating certificate;
 - (c) the number of the operating certificate issued to the holder;
 - (d) particulars of the type of air service for which the operating certificate is issued;
 - (e) particulars of the category of balloons for which the operating certificate was issued; and
 - (f) the date on which the operating certificate was issued.
- (3) The particulars referred to in subregulation (2) shall be recorded in the register within **30** days from the date on which the operating certificate was 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 7: FLIGHT OPERATIONS

Establishment of procedures

136.07.1 The operator **of** a commercial air transport balloon shall –

- (a) establish procedures and instructions, for each balloon type, containing ground personnel and flight crew member's duties for all types of operations on the ground and in flight;
- (b) establish a checklist system to be used by flight deck crew members for all phases of operation under normal, abnormal and emergency conditions, to ensure that the operating procedures in the operations manual referred to in regulation 136.04.2, are followed;

Operational control and supervision

136.07.2 The operator of a commercial air transport balloons shall exercise operational control and establish and maintain an approved method **of** supervision of flight operations.

Competence of operations personnel

136.07.3 The operator of a commercial air transport balloon shall ensure that all personnel assigned to, or directly involved in ground and flight operations, are properly instructed, have demonstrated their abilities in their particular duties and are aware of their responsibilities and the relationship of such duties to the operation as a whole.

Use of air traffic services

136.07.4 The operator of a commercial air transport balloon shall ensure that air traffic services are used for all flights whenever applicable.

Smoking in, or in the vicinity of a balloon

136.07.5 No person shall smoke in and 10m around a South African registered balloon. No Smoking signs should be prominently displayed in relevant areas.

Fuel policy

136.07.6 (1) The operator of a commercial air transport balloon shall establish a fuel policy for the purpose of flight planning and in-flight preplanning to ensure that every flight carries sufficient fuel for the planned operation and reserve fuel to cover deviations from the planned operation.

(2) The operator shall ensure that the planning of a flight is only based upon-

- (a) procedures, tables or graphs which are contained in or derived from the operations manual referred to in regulation 136.04.2, or current balloon-specific data;
- (b) the operating conditions under which the flight is to be conducted including –
 - (i) realistic balloon fuel consumption data;
 - (ii) anticipated masses; and
 - (iii) expected meteorological conditions;

Fuel supply

136.07.7 The operator of a commercial air transport balloon shall establish a procedure to ensure that in-flight fuel checks and fuel management are carried out.

Carriage of children

136.07.8 (1) The operator of a commercial air transport balloon shall ensure that child younger than seven years is only carried when all the conditions as prescribed in the operations manual have been met.

Carriage of passengers with disability

136.07.9 (1) The operator of a commercial air transport balloon shall establish procedures, including identification, seating positions and handling in the event of an emergency, for the carriage of passengers with a disability.

- (2) The operator shall ensure that –
- (a) the pilot-in-command of the balloon is notified when a passenger with a disability is to be carried on board;
 - (b) individual briefings on emergency Procedures are given to a passenger with a disability and his or her able-bodied assistant, appropriate to the needs of such passenger; and
 - (c) The person giving the briefing shall enquire as to the most appropriated manner of assisting the passenger with a disability so as to prevent pain or injury to such passenger.
- (3) A mentally disturbed person shall not be carried in the balloon unless
- (a) Accompanied by an able-bodied assistant; and
 - (b) A medical certificate has been issued by a medical practitioner certifying such mentally disturbed person's suitability for carriage by air, and confirming that there is no risk of violence from such person.
- (4) The operator shall undertake the carriage of a mentally disturbed person who, according to his or her medical history, may become violent, only after special permission has been obtained from the Commissioner by such operator.
- (5) A passenger with a disability may travel unaccompanied provided he or she is able to assist himself or herself.
- (6) Any **supporting** aids or equipment of a passenger referred to in sub regulation shall not obstruct emergency equipment.
- (7) If a passenger with a splinted or artificial limb cannot assist himself or herself then he or she shall be accompanied by an able-bodied assistant.

Limitations of carriage of infants, children and passengers with disability

136.07.10 (1) Only one passenger with a disability or one unaccompanied minor may be carried in a commercial air transport balloon under the operator's discretion.

- (2) **An** able-bodied assistant shall accompany a passenger with a disability who cannot assist himself or herself, and such assistant shall be assigned with the responsibility of the safety of such passenger.
- (3) The operator may establish procedures, other than the procedures referred to in sub- regulations (1) and (2), for the carriage of infants, children, and passengers with a disability: **Provided** that such procedures –
 - (a) do not jeopardise aviation safety; and
 - (b) prior written approval is obtained from the Commissioner.

Passenger services -

136.07.12 (1) Except when in use, all items for passenger services, including food containers, thermos flasks and servicing trays, shall be carried in their respective stowage's and secured against movements likely to cause injury to persons or damage to the balloon.

- (2) All items referred to in sub-regulation (1) shall be stowed during take-off and landing or during emergency situations, as directed by the pilot-in-command of the balloon.

Incidents and defects

- 136.07.13 (1) The operator of a commercial air transport balloon shall establish adequate inspection and reporting procedures to ensure that defective equipment is reported to the pilot-in-command of the balloon before take-off.
- (2) The procedures referred to in sub-regulation (1) shall be extended to include the reporting to the operator of all incidents or the exceeding of limitations that may occur while the flight crew are embarked on the balloon and of defective equipment found on board.
- (3) Upon receipt of the reports referred to in sub-regulation (2), the operator shall compile a report and submit such report on a monthly basis to the Commissioner.

SUBPART 8: BALLOON PERFORMANCE OPERATING LIMITATIONS

General

- 136.08.1 The operator of a balloon shall not operate the balloon free flight
- (a) by night; unless tethered
- (b) in IMC except under special VFR or under special conditions as approved by the Commissioner.

General provisions for all classes of balloons

- 136.08.2 (1) The operator of a commercial air transport balloon shall ensure that the mass of the balloon, at the start of the take-off, is not greater than the mass at which the requirements prescribed in the appropriate flight manual can be complied with for the flight to be undertaken, allowing for expected reductions in mass as the flight proceeds.

Take-off

- 136.08.3 (1) The operator of a balloon shall ensure that the mass of the balloon does not exceed the maximum certificated mass for the pressure altitude and the ambient temperature at the point of departure.

SUBPART 9: MAINTENANCE

General

136.09.1 The operator of a commercial Balloon operator shall not operate the Balloon unless such Balloon is maintained in accordance with the regulations in Part 43.

Balloon maintenance schedule

- 136.09.2 (1) The operator of a commercial balloon shall ensure that the Balloon is maintained in accordance with a balloon maintenance schedule established by the manufacturer.
- (2) The schedule shall contain details, including frequency, of all maintenance required to be carried out on the balloon.
- (3) The schedule shall include a reliability programme if the Commissioner determines that such a reliability programme is necessary.
- (4) The schedule referred to in sub-regulation (1) and any subsequent amendment thereof shall be approved by the Commissioner.

Maintenance contracted to approved maintenance organisation

136.09.3 If maintenance on a commercial balloon is carried out by the holder of a holder of an aircraft maintenance organisation approval with the appropriate rating issued in terms of Part 145, the operator of the balloon shall ensure that all contracted maintenance is carried out in accordance with the regulations in Part 43."

3.2 Motivation

On the 15th of September 2005 the **SACAA** Flight Operations Part 135 invited all the Balloon operators in the CAA office for a meeting regarding the Proposed Balloon Regulations regarding the Operations of a Free Balloons engaged in commercial Air Transport Operating within the Republic of South Africa. The propose regulation was tabled to the Operators and there was a lot of input from the Operators. The Operators **took** the proposed balloon regulation to their Balloon Associations. On the 27th of September the Commercial Balloon Operators held their meeting and they submitted their proposal which were incorporated into this proposed regulation. This proposal has been drafted with the involvement of the industry itself and it will help the SACAA in the safety oversight of the whole Balloon Operations in the Republic.

3.3 Current Part

SCHEDULE 4

4.0 PROPOSAL TO AMEND PART 187 OF THE REGULATIONS

4.1 It is proposed to insert the following regulation after regulation 187.00.14 B into the Regulations

“Fees relating to Part 136

187.00.14C The following fees shall be payable upon application-

Part 136 A	Issuing of Operating Certificate	R 3500.00
Part 136 B	for Each Balloon	R 605.00
Part 136 C	Renewal of Operating Certificate	R 2350.00
Part 136 D	Renewal in respect of each Balloon	R 605.00
Part 136 E	Copy of the register	R 120.00
Part 136 F	Operations Manual	R 2700.00
Part 136 G	For amendments to an Operations man	R 120.00
Part 136 G(i)	Ops Man text or contents of manual	R 1.20
Part 136 G(ii)	Ops Man name and numbering	R 2.40
Part 136 H	Removal of a balloon from certificate	R 130.00”

4.2 Motivation

It was stated by the Balloon Operators that the fees which they were paying relating to Part 135 are inappropriate, unfair and expensive for Balloon operations.

- (a) The Balloon operation is unlike the charter operations because they normally operate in the morning part of the day.
- (b) Their operations are mainly in winter they hardly do business in summer because of the weather.
- (c) The Balloon is unlike the aircraft after 5 years you need to dispose it because of the texture of the balloon material.

With the above reason a consensus with the stake holder was reached that they will be charged half the fees relating to part 135. Therefore we are proposing the above fees for the Commercial Air Balloon Operations to be implemented on adoption of the regulations.

4.3 Current Part

Does not exist

SCHEDULE 5

5.0 PROPOSAL TO AMEND PART 139 OF THE REGULATIONS

5.1 It is proposed to amend regulation 139.01.32 by the substitution for the said regulation of the following regulation and to delete regulation 139.01.31

PROPOSER

Airports Company South Africa
P O Box 75480
Gardenview
2047

Explanation of interest of the Proposer

The Proposer administers the Airports Company Act of 1993 (Act No. 44/1993) and the regulations and technical standards issued in terms thereof.

Acts prohibited in terminal buildings

139.01.31 [Deleted]

“Acts prohibited on aerodrome or heliport and in terminal buildings

139.01.32 (1) No person shall on a licensed aerodrome or a licensed or approved heliport –

- (a) obstruct or interfere with the proper use of the aerodrome or heliport;
- (b) obstruct any person in the full-time employment of the aerodrome or heliport operator acting in the execution of his or her duty in relation to the aerodrome or heliport;
- (c) remove any notice board erected by the aerodrome or heliport operator, or with the permission of the aerodrome or heliport operator, or any writing or document displayed on such notice board, or deface any such writing or document or any marking on such notice board or document;
- (d) throw, leave or drop anything capable of causing injury to any person or animal or damage to any property;
- (e) dump any waste matter whatsoever elsewhere than at a place approved for the purpose by the aerodrome or heliport operator;
- (f) commit any nuisance or disorderly or indecent act or be in a state of intoxication or behave in a violent or offensive manner to the offence or annoyance of other persons on the aerodrome or heliport or make use of offensive language;
- (g) write, draw or affix any profane, obscene, indecent or abusive word, matter, presentation or character on the aerodrome or heliport, or on property on the aerodrome or heliport;

- (h) dump or spill any substance capable of causing water pollution, whether such substance is a solid, liquid, vapour or gas or combination thereof, elsewhere than at a place approved for that purpose by the aerodrome or heliport operator.
- (2) The right of admission to terminal buildings on a licensed aerodrome or licensed or approved heliport is strictly reserved, and signs to this effect shall be erected in a conspicuous place near all entrances to terminal buildings.
- (3) Except with the written approval of the aerodrome or heliport operator, no person shall –
 - (a) bring a vehicle into or drive a vehicle in or into a terminal building on a licensed aerodrome or licensed or approved heliport; or
 - (b) obstruct an entrance to or a passage in such terminal building in such a manner as to inconvenience other users of the entrance or passage concerned.
- (4) Except with the written permission of the aerodrome or heliport operator, no person shall on a licensed aerodrome or licensed or approved heliport or on any public road or parking area adjacent to such aerodrome or heliport –
 - (a) damage, interfere or tamper with any part of the aerodrome or heliport or any equipment associated with the operation of the aerodrome or heliport;
 - (b) climb any wall, fence, barrier, railing, gate or post;
 - (c) wash or otherwise clean or polish a vehicle elsewhere than at a place approved for that purpose by the aerodrome or heliport operator;
 - (d) cut, dig, damage or remove any soil, grass, tree, shrub or flower;
 - (e) go on to or damage any flower-bed or anything growing therein;
 - (f) remove, pick or otherwise damage any tree, shrub, plant or flower;
 - (g) go on to a lawn or on to ground which has been seeded or planted for the purpose of growing grass to form a lawn;
 - (h) advertise;
 - (i) display any poster, banner or anything similar, except name plates for the purposes of meeting and collection;
 - (j) handle any baggage or confront passengers to carry their baggage;
 - (k) tout for any services, including public transport, taxi, car valet, accommodation, parking and car-wash services; or
 - (l) solicit for funds.
- (5) The aerodrome or heliport operator, the aerodrome or heliport manager or a security officer acting on his or her behalf, and members of the South African Police Service may request any person on the licensed aerodrome or licensed or approved heliport or on premises of such aerodrome or heliport to explain reasons for being there, and if an acceptable reason cannot be furnished, order that person to leave the aerodrome or heliport and its premises.

- (6) Anybody who is ordered by the aerodrome or heliport operator of a licensed aerodrome or a licensed or approved heliport, the aerodrome or heliport manager or a security officer acting on his or her behalf, or a member of the South African Police Service to leave the aerodrome or heliport and its premises, and fails to do so forthwith, shall be guilty of an offence.
- (7) The aerodrome or heliport operator of a licensed aerodrome or a licensed or approved heliport, the aerodrome or heliport manager or a security officer acting on his or her behalf, or a member of the South African Police Service may carry out a search of any article, parcel or baggage in possession of, or under the control of, an undesirable person, vagrant, loiterer or other suspected person.
- (8) No person shall on a licensed aerodrome or licensed or approved heliport carry on any trade or business unless he or she is the holder of a valid permit, licence or concession, issued by or on behalf of the aerodrome or heliport operator, which entitles the holder thereof to carry on the trade or business specified on that particular aerodrome or heliport.”

5.2 Motivation

Acts of illegal touting by taxi operators, illegal porters and soliciting by various parties contribute to increasing criminal activity. Further more the harassment of passengers and airport users by such illegal operators impacts negatively on the image of our country. Departing and arriving visitors are often apprehensive and become victims to robbery by loiterers, job seekers and illegal taxi operators.

Currently no offences exist to arrest and prosecute such individuals who openly conduct their illegal activities without any fear of prosecution.

Our experience in attempting to deal with this problem was unsuccessful due to a lacuna in the law to arrest and prosecute such persons. Previous attempts to do so was met with withdrawals of criminal cases by the Public Prosecutor and reprimand from Magistrates in that such parties are considered members of public who are at a public place.

We have a strong police presence at the airports who are powerless to arrest, detain and prosecute as no offence exists. The creation of this offence would greatly assist in cleaning our image as a crime free airport and prepare us for the influx of visitors for the 2010 World Cup

5.3 Current Regulations

“Acts prohibited in terminal building

139.01.31 Except with the approval of the aerodrome or heliport operator, no person shall –

- (a) bring a vehicle into or drive a vehicle in or into the terminal building; or
- (b) obstruct an entrance to or a passage in the terminal building in such a manner as to inconvenience other users of the entrance or passage concerned.

Acts prohibited on aerodrome or heliport

139.01.32 (1) No person shall on a licensed aerodrome or heliport –

- (a) obstruct or interfere with the proper use of the aerodrome or heliport;
- (b) obstruct any person in the full-time employment of the aerodrome or heliport operator acting in the execution of his or her duty in relation to the aerodrome or heliport;
- (c) remove any notice board erected by the aerodrome or heliport operator, or with the permission of the aerodrome or heliport operator, or any writing or document displayed on such notice board, or deface any such writing or document or any marking on such notice board or document;
- (d) throw, leave or drop anything capable of causing injury to any person or animal or damage to any property;
- (e) dump any waste matter whatsoever elsewhere than at a place approved for the purpose by the aerodrome or heliport operator;
- (f) commit any nuisance or disorderly or indecent act or be in a state of intoxication or behave in a violent or offensive manner to the offence or annoyance of other persons on the aerodrome or heliport or make use of offensive language;
- (g) write, draw or affix any profane, obscene, indecent or abusive word, matter, presentation or character on the aerodrome or heliport, or on property on the aerodrome or heliport;
- (h) dump or spill any substance capable of causing water pollution, whether such substance is a solid, liquid, vapour or gas or combination thereof, elsewhere than at a place approved for that purpose by the aerodrome or heliport operator.

(2) Except with the permission of the aerodrome or heliport operator, no person shall on a licensed aerodrome or heliport –

- (a) damage, interfere or tamper with any part of the aerodrome or heliport or any equipment associated with the operation of the aerodrome or heliport;
- (b) climb any wall, fence, barrier, railing, gate or **post**;
- (c) wash or otherwise clean or polish a vehicle elsewhere than at a place approved for that purpose by the aerodrome or heliport operator;
- (d) cut, dig, damage or remove any soil, grass, tree, shrub or flower;
- (e) go on to or damage any flower-bed or anything growing therein;
- (f) remove, pick or otherwise damage any tree, shrub, plant or flower;
- (g) go on to a lawn or on to ground which has been seeded or planted for the purpose of growing grass to form a lawn;

- (h) advertise;
- (i) display any poster, banner or anything similar; or
- (j) handle any baggage or confront passengers to carry their baggage.”

PROPOSED AMENDMENTS OF SA-CATS DOCUMENTS, which are been approved for publication for comment, are published on the CAA website, www.caa.co.za. Such comments are to reach the CARCOM Secretariat by no later than 17 December 2006.
