
GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 249

23 March 2007

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, hereby publishes 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 X73, Halfway House, 1685. **Fax** number: (011) 545-1452, and e-mail-addresses: mashininii@caa.co.za or wildenboerh@caa.co.za, before or on 23 April 2007.

SCHEDULE 1

PROPOSER

Civil Aviation Authority
Private Bag X73
Halfway House
1685

(The proposals contained in these Schedules emanate from the said Authority)

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

1.0 PROPOSAL FOR THE AMENDMENT OF PART 64 OF THE REGULATIONS

- 1.1 It is proposed to amend Part 64 by the substitution of the expression 'Document SA-CATS-FCL' with the expression 'Document SA-CATS-FCL 64' wherever it occurs in Part 64.

1.2 MOTIVATION:

Several Parts deal with flight crew licensing namely Parts **61, 62, 63** and **64**. For clarity and ease of reference it is desirable that the SA-CATS documents are clearly identified as to their reference to a particular Part.

1.3 CURRENT REGULATION

This proposed amendment relates to the whole of Part **64**.

SCHEDULE 2

2.0 PROPOSAL FOR THE AMENDMENT OF REGULATION **64.01.12** OF PART **64** OF THE REGULATIONS

2.1 It is proposed to amend regulation **64.01.12** by the substitution for sub-regulations **(2)** and **(3)** with the following sub-regulations:

"**(2)** The application for a validation, referred to in sub-regulation **(1)**, shall be accompanied by; --

(a) the documents listed in Document SA-CATS-FCL **64**, and

(b) the appropriate fee, as prescribed in PART 187.

(3) A licence, rating or competency card, issued by an appropriate authority, may be validated by the Commissioner –

(a) if the Commissioner is of the opinion that the standard of such licence, rating or competency card is equivalent to, or higher than, the standard prescribed in this Part for the issuing of a cabin crew licence.

(b) subject to the same restrictions that apply to the to be validated licence, rating or competency card; and

(c) subject to such additional conditions and limitations as the Commissioner may deem necessary in the interest of aviation safety.

(3A) The Commissioner may require the applicant –

(a) to undergo bridging training, prescribe the extent of such training on an individual basis; and

(b) to undergo further assessment of competency,

to ensure compatibility with the standard prescribed in this Part for the issuing of a cabin crew licence.”.

2.2 MOTIVATION

When the said regulation was implemented, corresponding technical standards were not drafted. When the relevant technical standards were drafted, it was noted that it was necessary to align the regulations with the drafted technical standards. The existing regulation does not adequately address validation applications.

2.3 CURRENT REGULATIONS

- “(2) The application for a validation referred to in sub-regulation (1) shall be accompanied by-
- (a) a certified true copy of the licence, rating or competency card to which the validation refers;
 - (b) a valid medical certificate; (if applicable) and
 - (c) the appropriate fee as prescribed in Part 187.
- (3) A licence, rating or competency card issued by an appropriate authority may be validated by the Commissioner –
- (a) subject to the same restrictions which apply to such licence, rating or competency card;
 - (b) in accordance with and subject to the requirements and conditions as prescribed in Document SA-CATS-FCL; and
 - (c) on the appropriate form as prescribed in Document SA-CATS-FCL.”.

SCHEDULE 3

3.0 PROPOSAL FOR THE AMENDMENT OF REGULATION 64.02.2 OF PART 64 OF THE REGULATIONS

3.1 It is proposed to amend regulation 64.02.2 by the substitution for the said regulation of the following regulation:

“Training

64.02.2 An applicant for the issuing of a cabin crew member licence shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL 64. The following training shall be conducted by a South African Civil Aviation Authority accredited instructor as prescribed in Document SA-CATS-FCL 64.”.

3.2 MOTIVATION

The regulation makes no mention of instructors as there are currently no criteria for instructors in technical standards.

A proposal for the insertion of a new criteria for instructors has been made, it is therefore important for the regulations to make reference thereof.

3.3 CURRENT REGULATION

“An applicant for the issuing of a cabin crew member licence shall have successfully completed the appropriate training as prescribed in Document SA-CATS-FCL.”.

SCHEDULE 4

4.1 PROPOSAL TO AMEND CAR PART 121.02.3 FLIGHT CREW MEMBER EMERGENCY DUTIES

It is proposed to amend regulation 121.02.3 by the substitution for sub-regulations (4) and (5) thereof of the following new sub-regulations and the insertion of the following sub-regulations after sub-regulation (5):

“FLIGHT CREW MEMBER EMERGENCY DUTIES

- (4) The operator shall carry out an emergency evacuation demonstration referred to in subregulation (3) when a new type or variant of aeroplane or new configuration of an existing aeroplane is introduced for use.
- (5) No person may use an aircraft type and model in commercial air transport passenger-carrying operations unless it has first conducted, for the Authority, an actual full capacity emergency evacuation demonstration for the configuration in 90 seconds or less.
- (6) A full capacity actual demonstration may not be required, if the AOC holder provides a written petition for deviation with evidence that-
 - (a) A satisfactory full capacity emergency evacuation for the aircraft to be operated was demonstrated during the aircraft type certification or during the certification of another air operator.
 - (b) There is an engineering analysis, which shows that an evacuation is still possible within the 90second standard, if the AOC holder's aircraft configuration differs with regard to number of exits or exit type or number of cabin crew members or location of the cabin crew.
- (7) The operator shall carry out an emergency evacuation demonstration referred to in subregulation (3) when a new type or variant of aeroplane or new configuration of an existing aeroplane is introduced for use.
- (8) No person may use an aircraft type and model in commercial air transport passenger-carrying operations unless it has first conducted, for the Authority, an actual full capacity emergency evacuation demonstration for the configuration in 90 seconds or less.

- (9) A full capacity actual demonstration may not be required, if the AOC holder provides a written petition for deviation with evidence that-
- (a) A satisfactory full capacity emergency evacuation for the aircraft to be operated was demonstrated during the aircraft type certification or during the certification of another air operator.
 - (b) There **is** an engineering analysis, which shows that an evacuation is still possible within the 90second standard, if the AOC holder's aircraft configuration differs with regard to number of exits or exit type or number of cabin crew members or location of the cabin crew. ".

4.2 MOTIVATION

The current regulation is not clear regarding the requirement to conduct an emergency evacuation demonstration. Also, the current regulation does not make provision for partial evacuation demonstrations.

The aviation industry have contested this requirement, stating that procedures could be adequately assessed during a partial evacuation demonstration / on training. Operators are also reluctant to accept liability should injuries occur to passengers or flight crew participating in such drills.

It should also be noted, that a full evacuation demonstration is conducted by the manufacturer at the time of initial certification. However, this should be catered for in the regulations

After consultation with the aviation industry and on the recommendation of the **FAA** Inspectorate, the above-mentioned regulation has been amended to make provision for emergency evacuation drill conducted by the manufacturer and partial evacuation drills.

4.3 CURRENT REGULATIONS

“(4) The operator shall carry out an emergency evacuation demonstration referred to in subregulation (3) when a new type or variant of aeroplane or new configuration of an existing aeroplane is introduced for use.

(5) 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.”.

SCHEDULE 5

5.0 PROPOSAL FOR THE AMENDMENT OF REGULATION 121.03.10 OF PART 121 OF THE REGULATIONS

5.1 It is proposed to amend regulation 121.03.10 by the substitution for the said regulation of the following new regulation:

"(1) The operator of a large commercial air transport aeroplane shall ensure that each cabin crew member has completed the type or differences, and operator indoctrination training, specified in the operations manual referred to in Regulation 121.04.2, before undertaking duties assigned to them.

(2) A cabin crew member shall complete a type training course when –

- (a) employed by the operator as a cabin crew member; or
- (b) assigned to act as a cabin crew member on another aeroplane type.

(3) A cabin crew member shall complete a differences training course when acting as a cabin crew member –

- (a) in a variant of the current aeroplane type; or
- (b) in an aeroplane type with equipment, equipment location, or safety procedures which differ from the current aeroplane type or variant.

(4) The operator shall determine the content of the type or differences training course taking account of the cabin crew member's previous training as recorded in the cabin crew member's training records prescribed in Regulation 121.04.8.

(5) The operator shall ensure that –

- (a) type and operator indoctrination training *is* conducted in a structured manner, in accordance with the requirements as prescribed in Document SA-CATS-OPS 121;
- (b) differences training is conducted in a structured manner; and
- (c) type, differences and operator indoctrination training, includes the use of all emergency and survival equipment and all emergency procedures applicable to the aeroplane type or variant and involves training and practice on either a representative training device or on the actual aeroplane.

(6) A licenced cabin crew member shall complete an operator indoctrination training course when employed by an operator as a cabin crew member."

5.2 MOTIVATION

Operators are, in some cases, employing licenced cabin crew who have the appropriate type rating. However, they do not ensure that training is conducted as is

specified in the operations manual referred to in regulation 121.04.2 (operator indoctrination training). This is a safety risk, as the crew are not familiar with the operator's policies and procedures. The amendment to this regulation will require that all licenced cabin crew successfully complete operator indoctrination training upon being employed by an operator.

5.3 CURRENT REGULATION

“Type and differences training

121.03.10 (1) The operator of a large commercial air transport aeroplane shall ensure that each cabin crew member has completed the type training or differences training, specified in the operations manual referred to in Regulation 121.04.2, before undertaking duties assigned to them.

(2) A cabin crew member shall complete a type training course when –

- (a) employed by the operator as a cabin crew member; or
- (b) assigned to act as a cabin crew member on another aeroplane type.

(3) A cabin crew member shall complete a differences training course when acting as a cabin crew member –

- (a) in a variant of the current aeroplane type; or
- (b) in an aeroplane type with equipment, equipment location, or safety procedures which differ from the current aeroplane type or variant.

(4) The operator shall determine the content of the type or differences training course taking account of the cabin crew member's previous training as recorded in the cabin crew member's training records prescribed in Regulation 121.04.8.

(5) The operator shall ensure that –

- (a) type training is conducted in a structured manner, in accordance with the requirements as prescribed in Document SA-CATS-OPS 121;
- (b) differences training is conducted in a structured manner; and
- (c) type training and differences training, includes the use of all emergency and survival equipment and all emergency procedures applicable to the aeroplane type or variant and involves training and practice on either a representative training device or on the actual aeroplane.”.

SCHEQUE 6

6.0 PROPOSAL FOR THE AMENDMENT OF REGULATION 121.03.14 OF PART 121 OF THE REGULATIONS

6.1 It is proposed to amend regulation 121.03.14 by the substitution for the said regulation of the following new regulation:

“CHECKING

“(1) The operator of a large commercial air transport aeroplane shall ensure that during or following completion of the training prescribed in Regulations 121.03.9, 121.03.10, 121.03.12 and 121.03.13, each cabin crew member

undergoes a check covering the training received in order to verify his or her proficiency in carrying out safety and emergency duties.

- (2) The checks referred to in sub-regulation (1) shall be performed by a cabin crew designated examiner.
- (3) The operator shall ensure that each cabin crew member undergoes checks of the items for initial, aeroplane type, differences *and operator indoctrination*, and recurrent training, as prescribed in Document SA-CATS-OPS-121.”.

6.2 MOTIVATION

With the inclusion of Operator Indoctrination Training in **CAR** Part 121.03.10, it is necessary to include this training in **CAR** Part 121.03.14 which refers to the checks which must be conducted for various types of training. Furthermore, this regulation states that the checks must be conducted by “competent personnel”. Where reference *is* made to competent personnel, these tests shall be conducted by a cabin crew designated examiner. No provision *is* made for checking of operator indoctrination training.

6.3 CURRENT REGULATIONS

- “(1) The operator of a large commercial air transport aeroplane shall ensure that during or following completion of the training prescribed in Regulations 121.03.9, 121.03.10, and 121.03.12, each cabin crew member undergoes a check covering the training received in order to verify his or her proficiency in carrying out safety and emergency duties.
- (2) The checks referred to in subregulation (1) shall be performed by competent personnel,
- (3) The operator shall ensure that each cabin crew member undergoes checks of the items for initial, aeroplane type and differences, and recurrent training, as prescribed in Document SA-CATS-OPS-121.”.

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 23 April 2007.
