
GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 877

21 September 2007

AVIATION ACT 1962, (ACT NO 74 OF 1962)

PROPOSED AMENDMENTS 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. Jabulane Mashinini or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at mashininij@caa.co.za or wildenboerh@caa.co.za, before or on 21 October 2007.

SCHEDULE 1

PROPOSER

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PROPOSER'S INTERESTS

The proposer has been established in terms of the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998), to control and regulate civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.

(ALL THE PROPOSALS CONTAINED IN THE SCHEDULES EMANATE FROM THE SOUTH AFRICAN CIVIL AVIATION AUTHORITY)

1.0 PROPOSAL TO AMEND REGULATION 47.00.5 (APPLICATION FOR REGISTRATION)

1.1 It is proposed to amend regulation 47.00.5 by the substitution for the said regulation of the following regulation:

“ 47.00.5 (1) An application for the registration of an aircraft and the issuing of a certificate of registration shall be made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ARM

- (2) An application referred to in sub-regulation (1) shall be accompanied by –
- (a) in the case of an aircraft which is imported into the Republic for the first time or returns to the Republic and has to be re-registered on the register in terms of Part 21 –
 - (i) a certificate or notification of cancellation from the appropriate authority of the State or territory in which the aircraft was last registered; or
 - (ii) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft be imported;
 - (iii) the original of –
 - (aa) the valid certificate of airworthiness issued by the appropriate authority of the last State or territory in which the aircraft was last registered; or
 - (bb) the export certificate of airworthiness;
 - (iv) confirmation that a type acceptance certificate is issued by the Commissioner;
 - (v) the supporting documents from the South African Revenue Service issued in terms of the Customs and Excise Act of 1964, section 38, 39 and 44 as prescribed in the Document – SA-CATS-ARM.
 - (b) in the case of an aircraft which is imported into the Republic for the first time or returns to the Republic and has to be re-registered on the register in terms of Part 24 –
 - (i) **Production built aircraft -**
 - (aa) a certificate or notification of cancellation from the appropriate authority of the State or territory in which the aircraft was last registered; or
 - (bb) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft be imported;
 - (cc) a copy of the certificate of conformity issued by the manufacturer.
 - (dd) the original of –
 - (1) the valid authority to fly or flight permit or other similar document, as the case may be,

- issued by the appropriate authority of the State or territory in which the aircraft was last registered; or
 - (2) an export authority to fly or flight permit or other similar document, as the case may be;
 - (ee) confirmation of the non type certificated aircraft certificate of acceptance issued by the Commissioner;
 - (ff) the supporting documents from the South African Revenue Service issued in terms of the Customs and Excise Act of 1964, section 38, 39 and 44 as prescribed in the Document – SA-CATS-ARM.
- (ii) **Amateur built aircraft –**
 - (aa) a certificate or notification of cancellation from the appropriate authority of the State or territory in which the aircraft was last registered; or
 - (bb) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft be imported;
 - (cc) the original of –
 - (1) the valid authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory in which the aircraft was last registered; or
 - (2) an export authority to fly or flight permit or other similar document, as the case may be;
 - (dd) the supporting documents from the South African Revenue Service issued in terms of the Customs and Excise Act of 1964, section 38, 39 and 44 as prescribed in the Document – SA-CATS-ARM.
- (c) in the case of aircraft that is locally manufactured and/or assembled and has to be registered in the Republic for the first time or returns to the Republic and has to be re-registered in terms of **Part 21** –
 - (i) a copy of the certificate of conformity issued by the manufacturer; and
 - (ii) a copy of the type certificate issued by the Commissioner.
- (d) in the case of aircraft that is locally manufactured and/or assembled and has to be registered in the Republic for the first time or returns to the Republic and has to be re-registered in terms of **Part 24** –
 - (i) **Production built aircraft –**

- (aa) a copy of the certificate of conformity issued by the manufacturer; and
 - (bb) confirmation of the non type certificated aircraft certificate of acceptance issued by the Commissioner.
 - (ii) **Amateur built aircraft – derived from an approved kit**
 - (aa) a copy of the certificate of conformity issued by the manufacturer; and
 - (bb) confirmation of the non type certificated aircraft certificate of acceptance issued by the Commissioner.
 - (iii) **Amateur built aircraft – derived from approved plans**
 - (aa) notification of authorisation for registration issued by the Commissioner.
- (e) if the aircraft is to be registered in the name of an individual proof of his or her identity;
- (f) if the aircraft is to be registered in the name of a company –
 - (i) a certified true copy of its most recent register of directors lodged with the Registrar of Companies in terms of the Companies Act 1973 (Act number 61 of 1973);
 - (ii) proof of identity of the director authorised to act on behalf of the applicant; and
 - (iii) the authorising resolution concerned in the appropriate form as described in Document SA-CATS-ARM;
- (g) if the aircraft is to be registered in the name of a close corporation –
 - (i) a certified true copy of its founding statement, approved by the Registrar of Close Corporations in terms of the Close Corporation Act, 1984 (Act number 69 of 1984);
 - (ii) proof of identity of the member authorised to act on behalf of the applicant; and
 - (iii) the authorising resolution concerned in the appropriate form as prescribed in Document SA-CATS-ARM;
- (h) if the aircraft is to be registered in the name of a trust –
 - (i) a certified true copy of –
 - (aa) the trust instrument; or
 - (bb) the appropriate letter of appointment;
 - (ii) proof of identity of the trustee authorised to act on behalf of the applicant; and
 - (iii) the authorising resolution concerned in the appropriate form as prescribed in Document SA-CATS-ARM;
- (i) if the aircraft is to be registered in the name of any other applicant –
 - (i) a certified true copy of any other founding documents; and

- (ii) proof of identity of the person authorised to act on behalf of the applicant; and
 - (iii) the authorising resolution concerned in the appropriate form as prescribed in Document SA-CATS-ARM;
 - (j) the appropriate fee as prescribed in Part 187.
- (3) The Commissioner may exempt an applicant from the provisions of sub-regulation (2)(a)(iii), (2)(b)(i)(dd) or (2)(b)(ii)(cc) if the Commissioner is satisfied that such exemption will not jeopardise aviation safety.

1.2 MOTIVATION

The international practice is such that when an aircraft is being imported for the first time, the authority of import performs either a type certificate from the scratch or a type acceptance before an aircraft is placed on the register. It will therefore mean no aircraft can be in the register unless type accepted. In South Africa, the situation was not like that, when the regulation was being put in place, it was not taken into consideration that there were already aircraft in the register, that might not have been type-accepted already. To accommodate this oversight, it is imperative that we amend the regulation from referring to "first of type" due to the impracticality of that regulation. This applies to both aircraft in terms of Part 21 and 24.

Possible promulgation of Part 24 necessitates the registration requirements of Part 24 be put in Part 47, so that the applicants can know what supporting documentation to bring in.

1.3 CURRENT REGULATION

- (a) in the case of an aircraft which is imported into the Republic for the first time or returns to the Republic and has to be re-registered on the register –
 - (i) the original of-
 - (a) the last certificate of airworthiness of airworthiness issued by the appropriate authority of the last State or territory from which the aircraft is imported; or
 - (b) the export certificate of airworthiness;
 - (ii) if the first of a type of aircraft is imported to the Republic and is to be on the register, the type acceptance certificate issued by the Commissioner;
 - (iii) in the case of any amateur-built aircraft or production-built aircraft;
 - (iv) the original special flight permit issued in terms of Part 21;
 - (v) if the first of type of aircraft is to be registered on the register, the type certificate issued by the Commissioner;

2.0 PROPOSAL TO AMEND REGULATION 47.00.11 (APPLICATION FOR CANCELLATION OF REGISTRATION)

2.1 It is proposed to amend regulation 47.00.11 by the substitution for the said regulation of the following regulation:

“Application for cancellation of registration

47.00.11

- (1) If the holder of a certificate of registration desires to transfer the aircraft for permanent use outside the Republic, such holder shall apply to the Commissioner for the cancellation of the registration of such aircraft.
- (2) An application, referred to in sub-regulation (1), shall be -
 - (a) made in the appropriate form as prescribed in Document SA-CATS-ARM; and
 - (b) accompanied by -
 - (i) its most recent original South African Certificate of Registration, issued in terms of this Part;
 - (ii) its most recent original Certificate of Airworthiness issued in terms of Part 21 of these Regulations in the case of a type-certificated aircraft, or alternatively: its most recent original Proving Flight Authority or Authority to Fly (as applicable) issued in terms of Part 24 of these Regulations in the case of a non-type certificated aircraft;
 - (iii) an application for an export certificate of airworthiness, as prescribed in Subpart 11 of Part 21 of these Regulations;
 - (iv) if the holder in whose name the aircraft is registered -
 - (aa) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act (Act 66/1965);
 - (bb) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act (Act 24/1936); or
 - (cc) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act (Act 61/1973), or the Close Corporations Act (Act 69/1984), as the case may be; and
 - (v) the appropriate fee as prescribed in Part 187.”
 - (3) A certification of cancellation of the registration referred to in sub-regulation (1) shall be issued on an appropriate form as prescribed in Document SA – CATS – ARM.
 - (4) If a South African registered aircraft -
 - (a) is destroyed, lost or stolen;
 - (b) becomes permanently useless as an aircraft; or

- (c) is permanently withdrawn from use, the holder of the certificate of registration concerned shall apply to the Commissioner for the cancellation of such certificate of registration, and in addition, shall give provisional notice in writing to the Commissioner within 30 days from the date on which such event occurred, of his, her or its intention to apply for such cancellation.
- (5) An application, referred to in sub-regulation (4), shall be -
 - (a) made in the appropriate form as prescribed in Document SA-CATS-ARM; and
 - (b) accompanied by -
 - (i) its most recent original South African Certificate of Registration, issued in terms of this Part;
 - (ii) its most recent original Certificate of Airworthiness issued in terms of Part 21 of these Regulations in the case of a type-certificated aircraft, or alternatively: its most recent original Proving Flight Authority or Authority to Fly (as applicable) issued in terms of Part 24 of these Regulations in the case of a non-type certificated aircraft;
 - (iii) the airframe data plate of the aircraft;
 - (iv) if the holder in whose name the aircraft is registered -
 - (aa) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorship issued by the Master in terms of the Administration of Estates Act (Act 66/1965);
 - (bb) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act (Act 24/1936); or
 - (cc) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act (Act 61/1973), or the Close Corporations Act (Act 69/1984), as the case may be; and
 - (vi) the appropriate fee as prescribed in Part 187.”

2.2 MOTIVATION

The proposed amendment and the proposed addition are both necessary in order to bring the current regulation into line with ICAO requirements

2.3 CURRENT REGULATION

An application referred to in sub-regulation (1) shall be accompanied by;

- (i) if the holder in whose name the aircraft was registered;
 - (a) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorships issued by the Master in terms of the Administration of Estates Act, 1965;
 - (b) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Insolvency Act, 1936; or
 - (c) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued by the Master in terms of the Companies Act, 1973, or the Close Corporations Act, 1984, as the case may be; and
- (ii) the appropriate fee as prescribed in Part 187;

3.0 PROPOSAL TO AMEND REGULATION 47.00.12 (APPLICATION FOR CANCELLATION OF REGISTRATION)

2.1 It is proposed to amend regulation 47.00.12 by the substitution for sub-regulation (2) of the following sub-regulation:

“(2) The Commissioner shall cancel the registration of an aircraft, amend the register and issue a certificate of cancellation if -

- (a) the Commissioner is satisfied -
 - (i) as to the occurrence of any of the events referred to in regulation 47.00.11(1) and (3); or
 - (ii) that the certificate of registration has expired in terms of regulation 47.00.10(4) without having received an application referred to in regulation 47.00.11(2); or
- (b) the holder of the certificate of registration has -
 - (i) not submitted the maintenance records or paid currency fees for a period of three (3) months after the expiry date of the certificate of airworthiness of the aircraft; or
 - (ii) submitted an application for registration that did not comply with the Regulations : or the registration was erroneously placed on the register.

3.2 MOTIVATION

Provision is being made for the Commissioner to also cancel an issued certificate of registration in certain prescribed circumstances.

3.3 CURRENT REGULATION

(2) The Commissioner shall cancel the registration of an aircraft, amend the register and issue a certificate of cancellation if the Commissioner is satisfied –

(a) as to the occurrence of any of the events referred to in Regulation 47.00.11(1) and (3); or

(b) that the certificate of registration has been invalidated in terms of Regulation 47.00.10(4) and has not received an application as referred to in Regulation 47.00.11(2).

4.0 PROPOSAL TO INSERT THE FOLLOWING REGULATION AFTER REGULATION 47.00.4(CLASS 4 MEDICAL CERTIFICATES)

4.1 It is proposed to insert the following regulation after regulation 47.00.4 into Part 67 of the Regulations::

“Class 4 medical certificates

- 67.00.5 (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, 1998 (Act No. 1 of 1998), 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 sub-regulation (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”.

4.2 MOTIVATION

The provision relating to Class 4 medical certificates was repealed in the Twenty-Third Amendment of the Regulations, that came into effect on 4 August 2006. It would, however, seem that this provision, is indeed required to ensure Part 67 can be effectively applied.

4.3 CURRENT REGULATION

Does not exist
