
GENERAL NOTICE

NOTICE 1632 OF 2007

DEPARTMENT OF TRANSPORT

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 9 December 2007.

SCHEDULE 1

PROPOSER

SACAA
Private Bag X73
HALFWAY HOUSE
1685

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)

Proposer:

Civil Aviation Authority,
P. Bag X13,
Halfway House.
1685

1.0 PROPOSAL TO AMEND REGULATION 1.00.1(DEFINITIONS)

1.1 It is proposed to amend regulation 1.00.1 by the insertion of the following definitions into Part 1 of the Regulations:

Aircraft Operating Manual means a manual acceptable to the State of Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft as prescribed in Part 121, 127 and 135 of these regulations and may incorporate the aircraft flight manual, referred to in regulation 91.03.2

“ETOPS en-route alternate:” means a suitable and appropriate alternate aerodrome at which an aeroplane would be able to land after experiencing an engine shutdown or other abnormal or emergency condition while en-route in an ETOPS operation.

“Approach and landing operation with vertical guidance” means an instrument approach and landing that utilises lateral and vertical guidance but does not meet the requirement established for precision approaches and landing operations.

“Category I(CAT) operation means a precision instrument approach and landing with a decision height not lower than 60 meters (200ft) and either a visibility of not less than 800 meters or a runway visual range of not less than 550 meters;

“Category II (CAT II) operation: means a precision instrument approach and landing with a decision height lower than 60 meters (200ft) but not lower than 30 meters (100 ft) and a runway visual range of not less than 350 meters;

“Category IIIA (CAT IIIA) operation” means a precision instrument approach with a decision height lower than 30 meters (100ft) or no decision height, and a runway visual range of not less than 200 meters;;

“Category IIIB (CAT IIIB) operation” means a precision instrument approach and landing with with a decision height lower than 15 meters (50ft) or no decision height, and a runway visual range of less than 200 meters but not less than 50 meters;

“Category IIIC (CAT IIIC) operation” means a precision instrument approach and landing with no decision height and no visual range limitations;

“instrument approach and landing operations” meaning as classified as CATI, CAT II CAT IIIA, B or C, non-precision or precision approach and landing operations as defined;

“non-precision approach and landing that utilises lateral guidance but does not utilize vertical guidance;

“ precision approach and landing operations” means a instrument approach and landing that utilises precision lateral and vertical guidance with minima as determined by the approach and landing phase helicopters means_ that part of the flight from 300 m (1 000 ft) above the elevation of the final approach and take-off area , if the flight is planned to exceed this height, or from the commencement of the descent in the other cases, to landing or to the balked landing point.

Configuration deviation list (CDL) means a list established b the organization responsible for the type design with the approval of the State of Design which identifies those external parts of an aircraft type that may be missing at the commencement of a flight, and which contains, where necessary, any information on associated operating limitations and performance correction.

Congested area means In relation to a city, town or settlement, any area which is substantially used for residential, commercial or recreational purposes.

Crew member means a person assigned by an operator to carry out duties onboard an aircraft during a flight (as defined) that are essential for the safe operation of the aircraft and the successful completion of the flight, and include tasks specialists who have been assigned in-flight duties related to a specialised

use of the aircraft and have been informed of, and accepted the associated risks thereof.

Cruising level means a flight level maintained during a significant portion of a flight.

En-route phase means that part of the flight from the end of the take-off and initial climb phase to the commencement of the approach and landing phase.

Final approach and take-off area (FATO) means a defined area over which the final phase of the approach manoeuvre to hover or landing is completed and from which the take-off manoeuvre is commenced. Where the FATO is to be used by performance Class 1 helicopters, the defined area includes the rejected take-off area available.

Flight data analysis means the process of analysing recorded flight data in order to improve the safety of flight operations.

Flight duty period means the time as defined in Technical Standards 121.02.10, 127.02.9 and 135.02.5; the total time from the moment a flight crew member commences duty, immediately subsequent to a rest period and prior to making a flight or a series of flights, to the moment the flight crew member is relieved of all duties having completed such flight or series of flights. (Comment: This will differ from the ICAO definition above)

Flight manual means a manual, attached to the certificate of airworthiness, containing the limitations within which the aircraft is to be considered airworthy, and the instructions and information necessary to the flight crew members for the safe operation of the aircraft.

Flight plan means the specified information provided to air traffic services units, in respect of to an intended flight or portion of the flight of an aircraft.

Flight recorder means any type of recorder installed in an aircraft for the purpose of complementing accident/incident investigation

Flight safety documentation system means a set of inter-related documentation established by the operator, compiling and organizing information necessary for safe flight and ground operations, and comprising, as a minimum, the operations manual and the operator's maintenance control manual, referred to in regulations 12.0.9.2, 127.09.2 and 135.09.2;

General aviation operation means an aircraft operation carried out in terms of Part 91 of the kind that are listed as general air services in sub-regulation 3(c) of the Domestic Air Services Regulations of 1991 or as general international air services in sub-regulation 3(c) of the International Air Service Regulations of 1994; (Comment. This will differ from the ICAO definition)

Ground handling means any service, other than air traffic services required by an aircraft on arrival at, and departure from an aerodrome.

Human factors principles means the principles that apply to aeronautical design, certification, training, operations and maintenance of aircraft, their components and support systems and which seek safe interface between the human and other system components by proper consideration to human performance.

Human performance means the capabilities and limitations of a human being that have an impact on the safety and efficiency of aeronautical operations and services.

Maintenance organizations procedures manual means a document endorsed by the head of the maintenance organization which details the maintenance organization's structure and management responsibilities, scope of work, description of facilities, maintenance procedures and quality assurance or inspection systems. (Comment. The above is the ICAO definition from Annex 6.)

"manual of procedure" in relation to an aviation maintenance organisation means the document referred to in Subparts 2,3,4,5,6,7 and 8 of Part 145 of these regulations.

Obstacle clearance altitude (OCA) or obstacle clearance height means the lowest altitude or the lowest height above the elevation of the relevant runway threshold or the aerodrome elevation as applicable, used in establishing compliance with appropriate obstacle clearance criteria.

Operational Control in respect of a commercial air transport operation means the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight as laid down in the operations manual of the operator. (Comment. ICAO have advised, through a Letter of State, that they intend to introduce a Standard that will require Safety Oversight of Business(private) operators similar to that required for Commercial operators. This could make the ICAO definition more appropriate)

Operations manual in respect of a commercial air transport operations means manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties as prescribed in Parts 121, 127 and 135 of these regulations. (Comment. As above)

Operators maintenance control manual means the document which describes the operator's procedures necessary to ensure that all scheduled and unscheduled maintenance is performed on the operator's aircraft on time and in a controlled and satisfactory manner and in Parts 121, 127 and 135 of these regulations is referred to as "maintenance schedule (Comment. I do not believe the last part is correct) .

"performance based navigation" means area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace

Repair means the restoration of an aeronautical product to an airworthy condition to ensure that the aircraft continues to comply with the design aspects of the appropriate airworthiness requirements used for the issuance of the type certificate for the respective type, after it has been damaged or subjected to wear.

Required navigation performance (RNP) means a statement of the navigation performance necessary for operation within a defined airspace.

RNP type means a containment value expressed as a distance in nautical miles from the intended position within which flights would be for at least 95 percent of the total flight time.

1.2 MOTIVATION

These definitions from annex six Vol I/II/III are missing from the present CARs.

1.3 CURRENT REGULATION

The present regulation does not contain these regulations

2.0 PROPOSAL TO AMEND REGULATION 1.00.2(ABBREVIATIONS)

2.1 It is proposed to amend regulation 1.00.2 by the insertion of the following abbreviations into Part 1 of the Regulations:

CVR means cockpit voice recorder.

FDR means flight data recorder.

PBN means Performance Based Navigation

2.2 MOTIVATION

This proposed amendment addresses the shortcomings.

2.3 CURRENT REGULATION

The present regulation does not contain these abbreviations

3.0 PROPOSAL TO AMEND PART 61 OF THE REGULATIONS (PERSONNEL LICENSING)

3.1 It is proposed to amend Part 61 by the insertion of the following subpart after Subpart 38:

SUBPART 39

FLIGHT OPERATIONS OFFICER/FLIGHT DISPATCHER

Requirements for licence

- 61.39.01 (1) An applicant for the issuing of a Flight Operations Officer/Flight Dispatcher licence shall –
- (a) be not less than 21 years of age;
 - (b) hold a valid restricted certificate of proficiency in radiotelephony (aeronautical);
 - (c) have acquired the experience referred to in SACATS-FCL-61;

- (d) have successfully completed the training referred to in SACATS-FCL-61;
- (e) have passed the theoretical knowledge examination referred to in SACATS-FCL-61; and
- (f) have successfully undergone the skill test referred to in SACATS-FCL-61;

Experience

61.39.02 (1) An applicant for the issuing of a Flight Operations Officer/Flight Dispatcher licence shall have gained the following experience:

- (a) a total of two years of service in any one or in any combination of the capacities specified in 1) through 3) inclusive, provided that in any combination of experience the period served in any capacity shall be at least one year:

1) a flight crew member in air transportation; or

2) a meteorologist in an organisation dispatching aircraft in air transportation; or

3) an air traffic controller; or as a technical supervisor of flight operations officers or air transportation flight operations systems;

Or

- (b) at least one year as an assistant in the dispatching of air transport;

Or

- (c) have satisfactorily completed a course of approved training.

4) the applicant shall have served under the supervision of a flight operations officer for at least 90 working days within the six months immediately preceding the application.

Training

61.39.03 A flight operations officer/flight dispatcher shall not be assigned to duty unless that person has:

- (a) successfully completed the appropriate training as prescribed in SACATS-FCL-61.

- (b) made, within the preceding 12 months, at least a one-way qualification flight in the flight crew compartment of an aeroplane over any area for which that individual is authorised to exercise flight supervision.
- (c) demonstrated to the operator a knowledge of:
 - 1) the contents of the approved operations manual
 - 2) the radio equipment in the aeroplanes used, and
 - 3) the navigation equipment in the aeroplanes to be used.
- (d) demonstrated to the operator a knowledge of the following details concerning operations for which the officer is responsible and areas in which that individual is authorised to exercise flight supervision:
 - 1) the seasonal meteorological conditions and the sources of meteorological information
 - 2) the effects of meteorological conditions on radio reception in the aeroplanes used
 - 3) the peculiarities and limitations of each navigation system which is used by the operation; and
 - 4) the aeroplane loading instructions;
- (e) demonstrated to the operator knowledge and skills related to human performance relevant to dispatch duties; and
- (f) demonstrated to the operator the ability to perform the duties specified in the operators approved Dispatch manual.

Theoretical knowledge examination

- 61.39.04 An applicant for the issuing of a flight operations officer/flight dispatcher licence shall have passed the appropriate written examinations as prescribed in Document SA-CATS-FCL 61 and demonstrated a level of knowledge appropriate to the privileges granted to the licence holder

Skill test

- 61.39.05 (1) The applicant shall have demonstrated the ability to:
- a) make an accurate and operationally acceptable weather analysis from a series of daily weather maps and reports; provide an operationally valid briefing on weather conditions prevailing in the general neighbourhood of a specific air route; forecast weather trends pertinent to air

transportation with particular reference to destination and alternates;

b) determine the optimum flight path for a given segment, and create accurate manual and/or computer generated operational flight plans; and

c) provide operating supervision and all other assistance to a flight in actual or simulated adverse weather conditions, as appropriate to the duties of the licence holder

Application for flight operations officer/flight dispatcher licence

61.39.06 (1) An application for flight operations officer/flight dispatcher licence must be made to the Commissioner on the appropriate form as prescribed in Document SA-CATS-FCL 61.

Be accompanied by -

- (i) the original or a certified copy of the documents specified in Regulation 61.39.01 (1)(b)
- (ii) the original or certified documentation proving that the applicant has passed the theoretical knowledge examination referred to in Regulation 61.39.04;
- (iii) the skill test as prescribed in SA-CATS-FCL 61
- (iv) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61
- (v) the appropriate fee as prescribed in Part 187

Issuing of flight operations officer/flight dispatcher licence

61.39.07 (1) The Commissioner shall issue a flight operations officer/flight dispatcher licence if the applicant complies with the requirements referred to in Regulation 61.39.01.

(2) A flight operations officer/flight dispatcher licence shall be issued in the appropriate format, as prescribed in Document SA-CAT-FCL 61

(3) The holder of a flight operations officer/flight dispatcher licence must, upon receipt of the flight operations officer/flight dispatcher licence, immediately affix his or her signature thereon in ink in the space provided for such purpose.

Period of validity

61.39.08 (1) A flight operations officer/flight dispatcher licence issued is valid for a period of 10 years provided that –

- (a) the annual currency fees prescribed in Part 187 are paid on or before the anniversary of the original date of issue;
- (b) by successful completion of an approved prescribed bi-annual recurrent training program. Specifications in respect of appropriate recurrent training program content are prescribed in Document SA-CAT-FCL 61.

Privileges of the holder of the licence and the conditions to be observed in exercising such privileges

61.39.09 (1) The privileges of a holder of a flight operations officer/flight dispatcher licence shall be, in conjunction with an approved method of control and supervision of flight operations, to serve in that capacity with responsibility for each area of operations for which the applicant meets the requirements.

Maintenance of competency

61.39.10 (1) The holder of a flight operations officer/flight dispatcher licence shall maintain demonstrated competency through medium of successful completion of structured bi-annual recurrent theory and practical skills training programs approved by the Commissioner, the content of which is referenced in document SA-CATS-FCL 61

3.2 MOTIVATION

During the last ICAO audit it was established that even though SA had filed a difference, licensing flight dispatchers would contribute to safety by officially regulating flight dispatchers.

3.3 CURRENT REGULATION

Does not exist

4.0 PROPOSAL TO AMEND REGULATION 64.01.9(DSIGNATION OF EXAMINER)

4.1 It is proposed to amend regulation 64.01.9. by the substitution for the said regulation of the following regulation:

64.01.9

- 1. The Commissioner may, subject to the provisions of section 4 (2) and (3) of the Act, designate an examiner to conduct skills test and to issue skills test reports.**
- 2. The privileges referred to in sub-regulation 1 shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in document.**
 - a. such examiner has been designated in terms of sub-regulation 1; and**
 - b. such examiner is empowered to exercise the privileges referred to in sub-regulation 1.**
- 3. The application to be considered for designation as referred to in sub-regulation 1 shall be accompanied by –**
 - a. detail of licence and ratings to which the application applies; and**
 - b. the appropriate fee as prescribed in Part 187.**
- 4. A designated Testing Standards Officer or Civil Aviation Inspector shall, conduct surveillance over the activities of an examiner on an annual basis, as prescribed in DOCUMENT CATS-FCL**

4.2 MOTIVATION

A proposal for making surveillance over the activities of designated examiners possible to ensure a high standard of training

4.3 CURRENT REGULATION

64.01.9 DESIGNATION OF EXAMINER

1. The Commissioner may, subject to the provisions of section 4 (2) and (3) of the Act, designate an examiner to conduct skills test and to issue skills test reports.
2. The privileges referred to in sub-regulation 1 shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in document.
 - a. Such examiner has been designated in terms of sub-regulation 1; and
 - b. Such examiner is empowered to exercise the privileges referred to in sub-regulation 1.
3. The application to be considered for designation as referred to in sub-regulation 1 shall be accompanied by –

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

5.0 PROPOSAL TO INSERT REGULATION 64.01.9A(INSTRUCTORS)

5.1 It is proposed to insert the following regulation after regulation 64.01.9:

Instructors

64.01.09 A (1) The Commissioner may, subject to the provisions of section 4 (2) and (3) of the Act, designate an instructor to conduct safety and emergency training for flight crew.

- (2) The privileges referred to in sub-regulation 1 shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in document

- a. such instructor has been designated in terms of sub-regulation 1;
and
 - b. Such instructor is empowered to exercise the privileges referred to
in sub-regulation 1.
- 3) The application to be considered for designation is referred to in
DOCUMENT CATS- FCL
- (4) A designated Testing Standards Officer or Civil Aviation Inspector
shall, conduct surveillance over the activities of a instructor on
an annual basis, as prescribed in Document CATS-FCL.

Current Regulation: 64.01.09

CURRENT REGULATION

64.01.9 DESIGNATION OF EXAMINER

1. The Commissioner may, subject to the provisions of section 4 (2)
and (3) of the Act, designate an examiner to conduct skills test
and to issue skills test reports.
2. The privileges referred to in sub-regulation 1 shall be exercised
and performed according to the conditions, rules, requirements,
procedures or standards as prescribed in document.
 - a. Such examiner has been designated in terms of sub-regulation 1;
and
 - b. Such examiner is empowered to exercise the privileges referred to
in sub-regulation 1.
4. The application to be considered for designation as referred to in
sub-regulation 1 shall be accompanied by –

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

5.2 MOTIVATION

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

5.3 CURRENT REGULATION

Does not exist

SCHEDULE 6**6.0 PROPOSAL TO AMEND REGULATION 65.01.8(LANGUAGE)**

6.1 It is proposed to amend regulation 65.01.8 by the substitution for the said regulation of the following regulation:

“Air traffic service personnel shall have sufficient ability in reading, speaking and understanding the English language to enable them to adequately carry out their responsibilities as air traffic service personnel, and have attained a minimum of ICAO level 4 in their English language proficiency examination.”

6.2 MOTIVATION

This proposed amendment is in accordance with the English language proficiency requirements as required by Chapter 1.2.9.4 of ICAO Annex 1 Personnel Licensing.

6.3 CURRENT REGULATION

65.01.8 Air traffic service personnel shall have sufficient ability in reading, speaking and understanding the English language to enable them to adequately carry out their responsibilities as air traffic service personnel.

SCHEDULE 7**7.0 PROPOSAL TO INSERT REGULATION 91.01.12(COMPLIANCE WITH FOREIGN LAWS, REGULATIONS AND PROCEDURES)**

7.1 It is proposed to It is proposed to insert the following regulation after regulation 91.01.11:
Compliance with foreign laws, regulations and procedures

CAR 91.01.12 An Operator shall ensure that employees when abroad know that they must comply with the laws, regulations and procedures of those States in which operations are conducted.

7.2 MOTIVATION

The present regulation does not include this provision.

7.3 CURRENT REGULATION

Does not exist

SCHEDULE 8

8.0 PROPOSAL TO INSERT REGULATION 91.01.13(RESPONSIBILITY FOR OPERATIONAL CONTROL)

8.1 It is proposed to insert the following regulation after regulation 91.01.12:

Responsibility for operational control

CAR 91.01.13 In respect of a commercial air transport operation the operator or his or her designated representative shall have responsibility for operational control as defined.

8.2 MOTIVATION.

The present regulation does not include these paragraphs.

8.3 CURRENT REGULATION

Does not exist

SCHEDULE 9

9.0 PROPOSAL TO AMEND REGULATION 91.02.3(FLIGHT CREW MEMBER EMERGENCY DUTIES)

9.1. It is proposed to amend regulation 91.02.3 by the insertion of the following sub-regulation after sub-regulation (2):

CAR 91.02.02(3) Flight crew member emergency duties

(3) In the case of a commercial air transportation the operator shall ensure that annual training in accomplishing the functions, referred to in in sub-regulation (1) shall be contained in the operator's training programme and shall include instruction in the use of all emergency and life- saving equipment required to be carried, and drills in the emergency evacuation of the aeroplane.

9.2 MOTIVATION

The present regulation does not include this provision.

ICAO Standard Annex 6: 9.2

9.3 CURRENT REGULATION

Does not exist

SCHEDULE 10**10.0 PROPOSAL TO AMEND REGULATION 91.02.3 (FLIGHT CREW RESPONSIBILITIES)**

1. It is proposed to amend regulation 91.02.3 by the insertion of the following sub-regulation after sub-regulation (4):

CAR 91.02.3 (5) Flight crew member responsibilities.

A flight crew member assessed as fit to exercise the privileges of a licence subject to the use of suitable correcting lenses, shall have a spare set of the correcting lenses readily available when exercising those privileges.

10.2 MOTIVATION

The present regulation does not include this paragraph.

ICAO Standard Annex 6: 9.5

10.3 CURRENT REGULATION

Does not exist

SCHEDULE 11

11.0 PROPOSAL TO AMEND REGULATION 91.02.4 (REGENCY)

11.1 It is proposed to amend regulation 91.02.4 by the insertion of the following sub-regulation after sub-regulation (3):

Recent experience; co-pilot

An operator shall not assign a co-pilot to operate at the flight controls during take-off and landing unless, on the same type of aeroplane within the preceding 90 days, that co-pilot has operated the flight controls, as pilot-in-command or as co-pilot, during three take-offs and landings or has otherwise demonstrated competence to act as co-pilot on a flight simulator approved for the purpose.

11.2 MOTIVATION

The present regulation does not include this requirement

11.3 CURRENT REGULATION

Does not exist

SCHEDULE 12

12.0 PROPOSAL TO AMEND REGULATION 91.03.1(RESPONSIBILITY FOR OPERATIONAL CONTROL)

12.1 It is proposed to amend the existing regulation by the insertion of the following paragraph after paragraph (xi) and to renumber the existing regulation as sub-regulation (1):

(xii) In the case of operations carried out in terms of Part 121, Part 127 or Part 135, a certified copy of the Operating Certificate and associated Operations Specification.

12.2 MOTIVATION

The present regulations do not include this paragraph.
ICAO Standard Annex 6:

12.3 CURRENT REGULATION

Does not exist

SCHEDULE 13

13.0 PROPOSAL TO AMEND REGULATION 91.03.1(RESPONSIBILITY FOR OPERATIONAL CONTROL)

13.1 It is proposed to amend the existing regulation by the insertion of the following paragraph after paragraph (xv) and to renumber the existing regulation as sub-regulation (1):

CAR 91.03.1 (a) (xvi) The Air Operator Certificate or equivalent document which shall contain at least the following:

- a) operator's identification (name, location);
- b) date of issue and period of validity;
- c) description of the types of operations authorized;
- d) the type(s) of aircraft authorized for use; and
- e) authorized areas of operation or routes..

13.2 MOTIVATION

The present regulation does not include these requirements.

13.3 CURRENT REGULATION

Does not exist

SCHEDULE 14

14.0 PROPOSAL TO AMEND REGULATION 91.03.1(RESPONSIBILITY FOR OPERATIONAL CONTROL)

14.1 It is proposed to insert the following sub-regulation after the existing regulation and to renumber the existing regulation as sub-regulation (1):

CAR 91.03.1(2)) The Air Operator Certificate or equivalent document shall contain at least contain the following details:

- a) operator's identification (name, location);
- b) date of issue and period of validity;
- c) description of the types of operations authorized;
- d) the type(s) of aircraft authorized for use; and
- e) authorized areas of operation or routes.

14.2 MOTIVATION

The present regulation does not include these provisions.

14.3 CURRENT REGULATION

Does not exist

SCHEDULE 15**15.0 PROPOSAL TO AMEND REGULATION 91.04.4 OF THE REGULATIONS**

15.1 It is proposed to amend sub-regulation (4) of regulation 91.04.4 by the addition of the following paragraph after paragraph (d):

e) any flight within or into designated areas, or along designated routes, when so required by the appropriate ATS authority to facilitate co-ordination with appropriate military units or with air traffic services units in adjacent States in order to avoid the possible need for interception for the purpose of identification;

15.2 MOTIVATION

The present regulation does not include this paragraph.
Annex 2 3.2.2

15.3 CURRENT REGULATION

Does not exist

SCHEDULE 16**16.1 PROPOSAL TO AMEND REGULATION 91.06.7(RIGHT OF WAY)**

It is proposed to amend regulation 91.06.7 by the addition of the following paragraph after paragraph (10).

CAR 91.06.7 (11)

Nothing in these regulations shall relieve the pilot-in-command of an aircraft from the responsibility of taking such action, including collision avoidance manoeuvres based on resolution advisories provided by ACAS equipment, as will best avert a collision.

16.2 MOTIVATION

The present regulation does not include this provision.

16.3 CURRENT REGULATION

Does not exist

SCHEDULE 17

17.1 PROPOSAL TO AMEND REGULATION 91.06.13(SIGNALS CONTROL)

17.1 It is proposed to amend the existing regulation by the insertion of the following sub-regulation after sub-regulation (1). and renumber the existing regulation as sub-regulation (1):

- a) No person shall guide an aircraft unless trained, qualified and approved by the
Commissioner to carry out the functions of a signalman.
- b) Any person acting as a signalman shall be responsible for providing standard marshalling signals to aircraft in a clear and precise manner, using the signal prescribed in Document SA-CATS-OPS 91

17.2 MOTIVATION

The present regulation does not include this paragraph.
Annex 2 3.4.4

17.3 CURRENT REGULATION

Does not exist

SCHEDULE 18

18.1 PROPOSAL TO INSERT THE FOLLOWING REGULATION AFTER REGULATION 92.00.22A INTO THE REGULATIONS

18.1 It is proposed to insert the following regulation after regulation 92.00.22:

The Operator of an aircraft in which Dangerous Goods are to be conveyed, shall, develop procedures to ensure that the emergency airport services of the departure and the destination airports are informed of the nature and position in the aircraft of the dangerous goods for which dangerous goods transport documents and a Notice to Captain (NOTOC) are required.

18.2 MOTIVATION

The present regulations do not include this paragraph.
ICAO Standard Annex 6:

18.3 CURRENT REGULATION

Does not exist

SCHEDULE 19**19.1 PROPOSAL TO AMEND REGULATIONS 121.03.1/127.03.1 AND 135.03.1**

19.1 It is proposed to amend regulations 121.03.1/127.03.1 and 135.03.1 by the insertion of the following paragraph after paragraph (a) and to renumber the existing regulations as sub-regulation (1):

SUBPART 3 Training and Checking**121.03.1 (2)**

- (B) The training shall only be provided by the holder of an approved ATO and shall be conducted according to the approved training program established by the operator and in line with operator's flight safety documentation system.

19.2 MOTIVATION

The present regulation does not include this paragraph.

ICAO Standard Annex 6:

19.3 CURRENT REGULATION

Does not contain this provision

SCHEDULE 20**20.0 PROPOSAL TO AMEND REGULATION 121.03.15 OF THE REGULATIONS**

20.1 It is proposed to amend regulation 121.03.15 by the insertion of the following sub-regulations after sub-regulation (2):

(3) The operator of a large commercial transport aeroplane shall establish and maintain a ground training programme for dispatchers and or operations controllers in his or her employ.

(4) The operator shall ensure that –

- (a) each dispatcher/operations controller receives training in accordance with with this sub-part and the appropriate syllabus as prescribed in Document SA-CATS-OPS 121
- (b) the training shall only be provided by the holder of an aviation training organisation approval issued in terms of Part 141:
- (c) Each dispatcher/operations controller passes a written examination with regard to all the subjects of the training syllabus referred to in paragraph (a)

(5) The provisions of this part shall apply in respect of full-time and part-time employed dispatchers and or operations controllers

20.2 MOTIVATION

The present regulation does not include this paragraph.

ICAO Standard Annex 6:

20.3 CURRENT REGULATION

Does not contain this provision

SCHEDULE 21

21.0 PROPOSAL TO INSERT REGULATION 121.05.16 INTO THE REGULATIONS (FORWARD LOOKING WIND SHEAR WARNING SYSTEM)

21.1 It is proposed to insert the following regulation after regulation 121.05.15 into the Regulations:

- (1) All turbo-jet or turboprop aeroplanes of a maximum certificated take-off mass in excess of 5 700 kg shall be equipped with a forward-looking wind shear warning system.
- (2) A forward-looking wind shear warning system should be capable of providing the pilot with a timely aural and visual warning of wind shear ahead of the aircraft, and the information required to permit the pilot to safely commence and continue a missed approach or go-around or to execute an escape manoeuvre if necessary. The system should also provide an indication to the pilot when the limits specified for the certification of automatic landing equipment are being approached, when such equipment is in use.

21.2 MOTIVATION

The present regulation does not include this paragraph.

ICAO Standard Annex 6: 21.1 & 2.

21.3 CURRENT REGULATION

Does not contain this provision

SCHEDULE 22

22.0 PROPOSAL TO AMEND REGULATIONS 121.06.1, 127.06.1, AND 135.06.1 OF THE REGULATIONS

22.1 It is proposed to amend regulations 121.06.1, 127.06.1 and 135.06.1 by the insertion of the following paragraph after paragraph (b) after regulation 121.03.16 into the Regulations:

SUBPART 6: OPERATING CERTIFICATE

OPERATING CERTIFICATE

121.06.1 The operator of a large commercial air transport aeroplane shall not operate the aeroplane unless such operator is the holder of and in compliance with 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 by the Commissioner for Civil Aviation in terms of Regulation 121.06.3.
- (c) operations specification as an attachment to the operating certificate which addresses at least the following operational and maintenance areas:
 - (i) Part A General provisions
 - (ii) Part B En-route authorisations and limitations
 - (iii) Part C Aerodrome authorisations and limitations
 - (iv) Part D Maintenance
 - (v) Part E Mass and balance
 - (vi) Part F Interchange of equipment operations
 - (vii) Part G Aircraft leasing operations
 - (viii)

22.2 MOTIVATION

The amendment to this regulation will require that all operators submit Operations Specifications for approval by the Civil Aviation Authority.

22.3 CURRENT REGULATION

Does not contain this provision

SCHEDULE 23

PROPOSAL TO AMEND REGULATIONS 121.06.2, 127.06.2 AND 135.06.2 OF THE REGULATIONS

23.1 It is proposed to amend regulations 121.06.2, 127.06.2 and 135.06.2 by the substitution for the said regulation of the following regulation:

APPLICATION FOR OPERATING CERTIFICATE AND OPERATIONS SPECIFICATION

121.06.2 An application for an operating certificate and operations specification shall be made to the Commissioner in a form and manner as prescribed by the Commissioner and shall be accompanied by the appropriate fee as prescribed in Part 187.

23.2 MOTIVATION

The amendment to this regulation links the operations specification to the application for an operating certificate.

23.3 CURRENT REGULATION

Does not make reference to the operation specifications contain this provision

SCHEDULE 24

24.0 PROPOSAL TO INSERT REGULATIONS 121.06.9, 127.06.9 AND 135.06.9 INTO THE REGULATIONS

24.1 It is proposed to insert the following regulations after regulations 121.06.8, 127.06.8 and 135.06.8 into the Regulations:

Amendment of an operating certificate

121.06.9 The Commissioner may amend any operating certificate if —

(1) The Authority determines that safety in commercial air transport and the public interest require the amendment; or

(2) The holder of an operating certificate applies for an amendment, and the Authority determines that safety in commercial air transport and the public interest allows the amendment.

(3) If the Authority stipulates in writing that an emergency exists requiring immediate amendment in the public interest with respect to safety in commercial air transportation, such an amendment is effective without stay on the date the holder of an operating certificate receives notice.

(4) A holder of an operating certificate may appeal the amendment, but shall operate in accordance with it, unless it is subsequently withdrawn.

(5) Amendments proposed by the Commissioner, other than emergency amendments, become effective 30 days after notice to the holder of an operating certificate, unless the holder of an operating certificate appeals the proposal in writing prior to the effective date. The filing of an appeal stays the effective date until the appeal process is completed.

(6) Amendments proposed by the holder of an operating certificate shall be made at least 30 days prior to the intended date of any operation under that amendment.

(7) No person may perform a commercial air transport operation for which an operating certificate amendment is required, unless it has received notice of the approval from the Authority.

24.2 MOTIVATION

It is necessary to make provision for an appeal procedure

24.3 CURRENT REGULATION

Does not make provision for an appeal procedure

SCHEDULE 25

24.0 PROPOSAL TO INSERT REGULATIONS 121.06.10, 127.06.10 AND 135.06.10 INTO THE REGULATIONS

25.1 It is proposed to insert the following regulations after regulations 121.06.9, 127.06.9 and 135.06.9 into the Regulations:

Demonstration Flights

121.06.10. NO PERSON MAY OPERATE AN AIRCRAFT TYPE IN COMMERCIAL AIR TRANSPORT UNLESS IT FIRST CONDUCTS SATISFACTORY DEMONSTRATION FLIGHTS FOR THE AUTHORITY IN THAT AIRCRAFT TYPE.

- (a) No person may operate an aircraft in a designated special area, or using a specialised navigation system, unless it conducts a satisfactory demonstration flight for the Authority.
- (b) Demonstration flights required by paragraph (a) shall be conducted in accordance with the regulations applicable to the type of operation and aircraft type used.
- (c) The Authority may authorise deviations from this section if the Authority finds that special circumstances make full compliance with this section unnecessary.

25.2 MOTIVATION

This requirement has to be included in the Regulations.

25.3 CURRENT REGULATION

Does not contain such a provision

SCHEDULE 26

PROPOSAL TO INSERT REGULATION 127.05.10 INTO THE REGULATIONS (REQUIREMENT OF AN FDR OR CAR)

26.1 It is proposed to insert the following regulation after regulation 127.05.9 of the Regulations:

All helicopters of a maximum certificated take-off mass over 2 700 kg, required to be equipped with an FDR and/or a CVR, may alternatively be equipped with one combination recorder (FDR/CVR).

26.2 MOTIVATION

The present regulation does not include this paragraph.

ICAO Annex 6 Vol III. 4.3.1.6

26.3 CURRENT REGULATION

Does not contain such a provision

SCHEDULE 27

27.0 PROPOSAL TO AMEND REGULATION 127.07.8 OF THE REGULATIONS

27.1 It is proposed to amend the following regulation by the insertion of a new sub-regulation (5)) and the renumbering of the existing sub-regulation (5) as sub-regulation (6):

When flight planning for over-water operations, off-shore alternates should not be considered used when it is possible to carry enough fuel to plan for an on-shore alternate landing site. Planning for an off-shore alternate landing site should be in exceptional circumstances and should be for the purpose of not include payload enhancement in adverse weather conditions.

27.2 MOTIVATION

The present regulation does not include this provision.

ICAO Annex 6 Vol III. 2.3.4.3

27.3 CURRENT REGULATION

Does not contain such a provision

SCHEDULE 28

28.0 PROPOSAL TO AMEND REGULATION 141.01.1 OF THE REGULATIONS

28.1 It is proposed to amend regulation 141.01.1 by the addition of paragraph (c) and the addition of sub-regulation 2(a):

(c) Standard Aviation Training conducted on behalf of a third party

141.02.15 (2) (a) ATOs conducting training on behalf of an AOC holder shall ensure that all training documents utilised reflect and are specific to the current operating procedures, quality assurance and safety programs of the AOC holder.

28.2 MOTIVATION

The present regulations does not include these provisions

ICAO Standard

28.3 CURRENT REGULATION

Does not contain such a provision

SCHEDULE 29

29.0 PROPOSAL TO AMEND REGULATION 172.03.12 OF THE REGULATIONS

29.1 It is proposed to amend regulation 172.03.12 by the addition of paragraphs (l) and (m):

(l) where PBN has been implemented, monitor the system to ensure maintenance of system safety, air navigation performance and make periodic safety assessments in accordance with SA-CATS-ATS.

(m) establish and implement formal procedures for co-ordination between ATS and Operators, Military Authorities, Meteorological Services and Aeronautical Information Services, where required.

29.2 MOTIVATION

The proposed amendment contained in paragraph (l) is in accordance with the requirements of Chapter 4.3.10 of ICAO Doc 9613 Manual on Performance Based Navigation.

The proposed amendment contained in paragraph (m) is in accordance with the requirements of Chapters 5 & 6 of ICAO Doc 9377 Manual on Coordination between Air Traffic Services, Aeronautical Information Services and Aeronautical Meteorological Services, as well as the requirements of Chapter 2 of Annex 11 Air Traffic Services.

29.3 CURRENT REGULATION

Does not contain such a provision

172.03.12 The holder of an approval shall –

- (a) provide the services listed in its manual of procedure, in accordance with the procedures as prescribed in Document SA-CATS-ATS;
- (b) hold at least one complete and current copy of its manual of procedure referred to in Regulation 172.03.1; at each air traffic service unit specified in the manual of procedure;
- (c) comply with all procedures detailed in the manual of procedure;
- (d) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties;
- (e) continue to comply with the appropriate requirements prescribed in this Part;
- (f) keep the records of all internal inspections conducted in terms of Regulation 172.03.15 for a period of five years from the date of each inspection;
- (g) furnish the Commissioner with the en route facility financial data and en route facility traffic statistics as prescribed in Document SA-CATS-ATS;
- (h) comply with the air traffic control instructions as prescribed in Document SA-CATS-ATS;
- (i) replace or upgrade any obsolete installation;
- (j) apply the procedures as prescribed in Document SA-CATS-ATS, when notified of an accident or incident in terms of Regulation 12.02.1, 12.02.2 or 12.02.3, as the case may be; and
- (k) investigate any air traffic service incident of which such holder is notified in terms of Regulation 12.02.2 (3) and report to the investigator-in-charge in the appropriate form as prescribed in Document SA-CATS-ATS.

PROPOSED AMENDMENT OF SA-CATS-DOUMENTS, which were have 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 9 December 2007. The Contact details of the Secretariat appears on the first page of this document.
