

No. R. 1234

20 December 2007

AVIATION ACT, 1962 (ACT NO 74 OF 1962)**THIRTY-FIRST AMENDMENT TO THE CIVIL AVIATION REGULATIONS, 1997**

The Minister of Transport has under section 22(1) of the Aviation Act, 1962 (Act No 74 of 1962) made the regulations in the Schedule hereto.

SCHEDULE**Definition**

1. In these regulations unless the context otherwise indicates "the Regulations" means the Civil Aviation Regulations, 1997, published by Government Notice No R.1219 of 26 September 1997 and R.1255 of 17 October 1997, as amended by Government Notice No R. 1735 of 24 December 1997, Government Notice No R. 1041 of 14 August 1998, Government Notice No R. 1148 of 18 September 1998, Government Notice No R. 1664 of 14 December 1998, and Government Notice No R. 1701 of 31 December 1998, Government Notice No 1702 of 31 December 1998, Government Notice No R.639 of 21 May 1999, Government Notice No R. 170 of 17 February 2000, Government Notice No R. 171 of 18 February 2000, Government Notice No R. 558 of 22 June 2001 Government Notice No R. 559 of 30 August 2002, Government Notice No R. 1367 of 15 November 2002, Government Notice No R. 1368 of 15 November 2002, Government Notice No 1369 of 15 November 2002, Government Notice No R. 1370 of 15 November 2002, Government Notice No R. 1371 of 15 November 2002, Government Notice No R. 1372 of 15 November 2002, Government Notice No R. 434 of 28 March 2003, Government Gazette No 435 of 28 March 2003 Government Gazette No R.1375 of 1 October 2003 and Government Gazette No R.1340 of 31 March 2004, Government Notice No R.807 dated 4 August 2006, Government Notice No R. 1371 dated 28 December 2006, Government Notice No R. 364 dated 26 April 2006, Government Notice No R. 571 dated 13 July 2007, Government Notice No R. 572 dated 13 July 2007, Government Notice No R. 573 dated 13 July 2007, and Government Notice No R. 574 dated 13 July 2007.

Amendment of Part 21 of the Regulations

2. Regulation 21.01.6 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of a certificate, approval or authorisation who feels aggrieved by the suspension of the certificate, approval or authorisation may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the airworthiness inspector concerned and must furnish proof of such submission for the information of the Minister.

(7) The airworthiness inspector concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the airworthiness inspector 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the certificate, approval or authorisation concerned if -

(a) he or she confirms the suspension in terms of sub-regulation (9); or

(b) a certificate, approval or authorisation is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4)."

Amendment of Part 34 of the Regulations

3. Regulation 34.01.3 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of a fuel venting certificate or engine emission certificate who feels aggrieved by the suspension of the certificate may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the airworthiness inspector concerned and must furnish proof of such submission for the information of the Minister.

(7) The airworthiness inspector concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the airworthiness inspector 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the fuel venting certificate or engine emission certificate concerned if -

(a) he or she confirms the suspension in terms of sub-regulation (9); or

(b) the 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)."

Amendment of Part 36 of the Regulations

4. Regulation 36.00.9 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of a noise certificate who feels aggrieved by the suspension of the noise certificate may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the airworthiness inspector concerned and must furnish proof of such submission for the information of the Minister.

(7) The airworthiness inspector concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the airworthiness inspector 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the noise certificate concerned if -

- (a) he or she confirms the suspension in terms of sub-regulation (9); or
- (b) the 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)."

Amendment of Part 61 of the Regulations

5. Regulation 61.01.15 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of a licence, rating or validation who feels aggrieved by the suspension of the licence, rating or validation may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the flight inspector concerned and must furnish proof of such submission for the information of the Minister.

(7) The flight inspector concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the flight inspector 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the licence, rating or validation concerned if -

- (a) he or she confirms the suspension in terms of sub-regulation (9); or
- (b) the licence, rating or validation is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4)."

Amendment of Part 63 of the Regulations

6. Regulation 63.01.15 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

“(4) The holder of a licence, rating or validation who feels aggrieved by the suspension of the licence, rating or validation may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the flight inspector concerned and must furnish proof of such submission for the information of the Minister.

(7) The flight inspector concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the flight inspector 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the licence, rating or validation concerned if -

(a) he or she confirms the suspension in terms of sub-regulation (9); or

(b) the licence, rating or validation is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4).”

Amendment of Part 64 of the Regulations

7. Regulation 64.01.10 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

“(4) The holder of a licence who feels aggrieved by the suspension of the licence may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the flight inspector concerned and must furnish proof of such submission for the information of the Minister.

(7) The flight inspector concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the flight inspector 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the licence concerned if -

(a) he or she confirms the suspension in terms of sub-regulation (9); or

(b) the licence is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4)."

Amendment of Part 65 of the Regulations

8. Regulation 65.01.10 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of a licence, rating, validation or certificate who feels aggrieved by the suspension of the licence, rating, validation or certificate may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the flight inspector concerned and must furnish proof of such submission for the information of the Minister.

(7) The flight inspector concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the flight inspector 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the licence, rating, validation or certificate concerned if -

(a) he or she confirms the suspension in terms of sub-regulation (9); or

(b) the licence, rating, validation or 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)."

Amendment of Part 66 of the Regulations

9. Regulation 66.01.12 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of a licence or rating who feels aggrieved by the suspension of the licence or rating may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and must furnish proof of such submission for the information of the Minister.

(7) The authorised officer, inspector or authorised person concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).
- (10) The Minister must cancel the licence or rating concerned if -
- (a) he or she confirms the suspension in terms of sub-regulation (9); or
 - (b) the licence or rating is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4)."

Amendment of Part 67 of the Regulations

10. Regulation 67.00.11 of the Regulations is herewith amended by -

- (a) the substitution for paragraph (d) of sub-regulation (1) of the following paragraph:

"(d) any endorsement made a designated aviation medical examiner in terms of regulation 67.00.6(4) on his or her medical certificate, may appeal against such decision or endorsement to the Minister, within 30 days after he or she becomes aware of such decision or endorsement."

(b) the substitution for sub-regulations (3), (4), (5), (6), (7), (8) and (9) of the following sub-regulations:

"(3) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the designated medical examiner or the designated body or institution, as the case may be, and must furnish proof of such submission for the information of the Minister.

(4) The designated aviation medical examiner or the designated body or institution, as the case may be, must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (3), deliver his, her or its written reply to such appeal, to the Minister.

(5) The Minister may designate a panel of medical practitioners to assist him or her in adjudicating the appeal.

(6) The panel referred to in sub-regulation (5) must consist of at least two medical practitioners who are registered in terms of section 17 of the Health Professions Act, 1974, one of whom must have obtained a post-graduate qualification in aviation medicine, and the other must be a specialist in the field of medicine concerned.

(7) The Minister may -

- (a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the designated medical examiner concerned or the designated body or institution, as the case may be, to appear before him or her, either in person or through a representative, at a time and place determined by him or her, to give evidence.

(8) The Minister may confirm, vary or set aside the decision or endorsement referred to in sub-regulation (1).

(9) The designated panel of medical practitioners may also serve to advise the Minister on any matter related to medical conditions affecting licensed personnel. Any other service to be performed by the panel must be agreed to in writing by the panel and the Minister.”.

Amendment of Part 121 of the Regulations

11. Regulation 121.06.6 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

“(4) The holder of an operating certificate who feels aggrieved by the suspension of the operating certificate may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and must furnish proof of such submission for the information of the Minister.

(7) The authorised officer, inspector or authorised person concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the operating certificate concerned if -

- (a) he or she confirms the suspension in terms of sub-regulation (9); or
- (b) the 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)."

Amendment of Part 127 of the Regulations

12. Regulation 127.06.6 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of an operating certificate who feels aggrieved by the suspension of the operating certificate may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and must furnish proof of such submission for the information of the Minister.

(7) The authorised officer, inspector or authorised person concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the operating certificate concerned if -

- (a) he or she confirms the suspension in terms of sub-regulation (9); or
- (b) the 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)."

Amendment of Part 135 of the Regulations

13. Regulation 135.06.6 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of an operating certificate who feels aggrieved by the suspension of the operating certificate may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and must furnish proof of such submission for the information of the Minister.

(7) The authorised officer, inspector or authorised person concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the operating certificate concerned if -

(a) he or she confirms the suspension in terms of sub-regulation (9); or
(b) the 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)."

Amendment of Part 139 of the Regulations

14. Regulation 139.01.8 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of a licence who feels aggrieved by the suspension of the licence or approval may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and must furnish proof of such submission for the information of the Minister.

(7) The authorised officer, inspector or authorised person concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the licence concerned if -

(a) he or she confirms the suspension in terms of sub-regulation (9); or

(b) the licence is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4)."

Amendment of Part 141 of the Regulations

15. Regulation 141.01.6 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and must furnish proof of such submission for the information of the Minister.

(7) The authorised officer, inspector or authorised person concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the approval concerned if -

(a) he or she confirms the suspension in terms of sub-regulation (9); or
(b) the approval is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4)."

Amendment of Part 145 of the Regulations

16. Regulation 145.01.6 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and must furnish proof of such submission for the information of the Minister.

(7) The authorised officer, inspector or authorised person concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the approval concerned if -

- (a) he or she confirms the suspension in terms of sub-regulation (9); or
- (b) the approval is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4)."

Amendment of Part 147 of the Regulations

17. Regulation 147.01.5 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and must furnish proof of such submission for the information of the Minister.

(7) The authorised officer, inspector or authorised person concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the approval concerned if -

- (a) he or she confirms the suspension in terms of sub-regulation (9); or
- (b) the approval is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4)."

Amendment of Part 148 of the Regulations

18. Regulation 148.01.6 of the Regulations is herewith amended by the substitution for sub-regulations (6), (8), (9), (10), (11) and (12) of the following sub-regulations:

“(6) The holder of an approval who feels aggrieved by any suspension in terms of sub-regulation (1) may appeal against such suspension to the Minister within thirty (30) days after such holder has been notified in terms of sub-regulation (2) of the suspension.

(8) The appellant must submit a copy of the appeal, and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned, and must furnish proof of such submission to the Minister.

(9) The authorised officer, inspector or authorised person concerned must, within seven days of receipt of the copy of the appeal referred to in sub-regulation (8), deliver his or her written reply to such appeal, together with all of the information submitted to the Commissioner in terms of sub-regulation (4) to the Minister.

(10) The Minister may -

(a) at any time -

(i) extend the period of suspension for a further period of thirty (30) days, should the interests of fairness or aviation safety so require; and

(ii) either confirm, vary or set aside the suspension referred to in sub-regulation (1), and impose any conditions necessary for the varying or setting aside of such suspension; and

(b) adjudicate the appeal on the basis of the documents submitted to him or her; or

(c) order the appellant and the authorised officer, inspector or authorised person concerned to appear before him or her to give evidence, either in person or through a representative, at a time and place determined by him or her.

(11) Before the Minister withdraws any privileges of, or cancel the approval, in terms of sub-regulation (10), he or she must permit the holder, if he or she so wishes, to meet the relevant requirements for the issue, renewal or re-issue of the said maintenance organization approval in order to restore the privileges thereof.

(12) With due regard for the provisions of sub-regulation (11), the Minister must withdraw the privileges of, or cancel, the maintenance organization approval concerned if-

(a) he or she confirms the suspension in terms of sub-regulation (10)(a)(ii); or

(b) the holder does not appeal against such suspension in terms of sub-regulation (6).".

Amendment of Part 149 of the Regulations

19. Regulation 149.01.6 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the authorised officer, inspector or authorised person concerned and must furnish proof of such submission for the information of the Minister.

(7) The authorised officer, inspector or authorised person concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the approval concerned if -

(a) he or she confirms the suspension in terms of sub-regulation (9); or

(b) the approval is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4)."

Amendment of Part 172 of the Regulations

20. Regulation 172.01.6 of the Regulations is herewith amended by the substitution for sub-regulations (4), (6), (7), (8), (9) and (10) of the following sub-regulations:

"(4) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Minister, within 30 days after such holder becomes aware of such suspension.

(6) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the air traffic service inspector concerned and must furnish proof of such submission for the information of the Minister.

(7) The air traffic service inspector concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (6), deliver to the Minister his or her written reply to such appeal together with all of the information submitted to the Commissioner in terms of sub-regulations (2) and (3).

(8) The Minister may -

(a) adjudicate the appeal on the basis of the documents submitted to him or her; or

(b) order the appellant and the air traffic service inspector 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 Minister may confirm, vary or set aside the suspension referred to in sub-regulation (1).

(10) The Minister must cancel the approval concerned if -

- (a) he or she confirms the suspension in terms of sub-regulation (9); or
- (b) the approval is suspended in terms of sub-regulation (1) and the holder thereof does not appeal against such suspension in terms of sub-regulation (4)."

Short title and commencement

21. This Amendment is called the Thirty-First Amendment of the Civil Aviation Regulations, 1997, and comes into operation on 01 January 2008.