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**GOVERNMENT NOTICE**

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**DEPARTMENT OF TRANSPORT**

No. R. 977

16 September 2008

**AVIATION ACT 1962****PROPOSED AMENDMENT TO THE CIVIL AVIATION REGULATIONS, 1997**

Under regulation 11.03.2(1)(a) of the Civil Aviation Regulations, the Chairperson of the Civil Aviation Regulations Committee (CARCOM) hereby publishes for comment the proposed amendments to the Civil Aviation Regulations, 1997, as set out in the schedules. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Mr. Jabulani Mashinini or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at [mashininij@caa.co.za](mailto:mashininij@caa.co.za) or [wildenboerh@caa.co.za](mailto:wildenboerh@caa.co.za), on or before 15 October 2008.

**SCHEDULE 1****PROPOSER**

South African Civil Aviation Authority  
Ikhaya Lokundiza 1  
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Midrand

**Explanation of interest of the Proposer**

The Proposer administers the Aviation Act, 1962 (Act No. 74 of 1962) and the regulations and technical standards issued in terms thereof.

**1. PROPOSED INSERTION OF REGULATION 141.01.1A OF THE REGULATIONS**

1.1 It is hereby proposed to insert the following regulation in the regulations:

## **"Definitions**

**141.01.1A** In this Part, any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates –

**"accountable manager"** means the manager who has corporate authority for ensuring that all training commitments can be financed and carried out to the standard required by the Commissioner, and any additional requirements defined by the aviation training organisation. The accountable manager is normally the Head of Training, and may delegate to another person within the organisation the day by day management but not the overall approval management responsibilities;

**"approved training"** means training conducted under special curricula and supervision approved by the Commissioner that, in the case of flight crew members, is conducted within an aviation training organization;

**"approved training organization"** means an organization approved by the Commissioner in accordance with the requirements of the regulations to perform aviation training and operating under the supervision of the Commissioner;

**"finding"** means a conclusion by the operator's audit personnel that demonstrates non-conformity with a specific standard;

**"policy"** means a document or a statement containing the organization's position or stance regarding a specific issue;

**"procedure"** means a way of documenting a process;

**"process"** means a set of interrelated or interacted activities which transform inputs into outputs;

**"quality"** means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs;

**"quality assurance"** means all the planned and systematic actions necessary to provide adequate confidence that all training activities satisfy given standards and requirements, including the ones specified by the approved training organisation in relevant manuals;

**"quality audit"** means a systematic and independent examination to determine whether quality activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives;

“**quality inspection**” means that part of quality management involving quality control;

“**quality manager**” means the manager responsible for the monitoring function and for requesting remedial action and is responsible directly to the Head of Training;

“**quality manual**” means the document containing the relevant information pertaining to the approved training organization’s quality assurance system;

“**quality of training**” means the outcome of the training that meets stated or implied needs within the framework of set standards.

## 1.2 Current provisions

Does not exist.

## 1.3 Motivation

The amendment is necessary to give effect to expressions used in the text and which are required by ICAO. The definitions are taken from ICAO document.

## 2. PROPOSAL FOR THE AMENDMENT OF REGULATION 141.01.1 OF THE REGULATIONS

2.1 It is hereby proposed to amend Regulation 141.01.1 by the substitution in sub-regulation (1) for paragraph (a) of the following paragraph:

“(a) aviation training; and”.

## 2.2 Current provision

### Applicability

141.01.1 (1) This part shall apply to the approval and operation of organisations conducting –

- (a) standard aviation training; and
- (b) temporary aviation training.

### 2.3 Motivation

The amendment is intended to delete the word 'standard' as it is not defined and the CAA has oversight over all aviation training from balloons, micro lights, airlines to thundering jets. The organisations are anything but standard and the word could be used as a legal loophole in litigation.

## 3. PROPOSAL FOR THE AMENDMENT OF THE HEADING TO SUBPART 2 OF PART 141

- 3.1 It is hereby proposed to substitute the heading to Subpart 2 of Part 141 of the Regulations with the following heading:

**"SUBPART 2: APPROVAL OF AVIATION TRAINING ORGANISATION"**

### 3.2 Current provision

**APPROVAL OF ORGANISATION (STANDARD AVIATION TRAINING)**

### 3.3 Motivation

Amendment is necessary to remove reference to the word 'standard'.

## 4. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 141.02.1 OF THE REGULATIONS

- 4.1 It is hereby proposed to substitute Regulation 141.02.1 with the following sub-regulation:

### **"Requirements for approval**

**141.02.1** (1) The issuance of an approval for an aviation training organisation and the continued validity of the approval shall depend upon the aviation training organisation being in compliance with the requirements of this Subpart.

(2) No organisation shall conduct aviation training except under the authority of, and in accordance with the provisions of these regulations."

## 4.2 Current provision

### Requirements for approval

**141.02.1** No organisation shall conduct standard aviation training except under the authority of, and in accordance with the provisions of, an aviation training organisation approval issued under this Subpart.

## 4.3 Motivation

The amendment is necessary in order to incorporate Annex 1, Appendix 2, paragraph 1 in the regulations.

## 5. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 141.02.2 OF THE REGULATIONS

5.1 It is hereby proposed to substitute Regulation 141.02.2 with the following sub-regulation:

### “Training and procedures manual

**141.02.2** (1) The training organization shall provide a training and procedures manual for the use and guidance of personnel concerned and such manual may be issued in separate parts and shall contain at least the following information:

- (a) a general description of the scope of training authorized under the aviation training organization's terms of approval;
- (b) the content of the training programmes offered including the courseware and equipment to be used;
- (c) a description of the organization's quality assurance system in accordance with regulation 141.02.3;
- (d) a description of the organization's facilities;
- (e) the name, duties and qualification of the person designated as responsible for compliance with the requirements of the approval in regulation 141.02.4 (1)(a);
- (f) a description of the duties and qualification of the personnel designated as responsible for planning, performing and supervising the training in regulation 141.02.04(1)(c);

- (g) a description of the procedures used to establish and maintain the competence of instructional personnel as required by regulation 141.02.04 (2) and (3);
  - (h) a description of the method used for the completion and retention of the training records required by regulation 141.02.15 (7);
  - (i) a description, when applicable, of additional training needed to comply with an operator's procedures and requirements; and
  - (j) a description of the selection, role and duties of the authorized personnel, as well as the applicable requirements established by the Commissioner, if the Commissioner has authorized an approved training organisation to conduct the testing required for the issuance of a licence or rating.
- (2) The aviation training organization shall ensure that the training and procedures manual is amended as necessary to keep the information contained therein up to date.
- (3) Copies of all amendments to the training and procedures manual shall be furnished promptly to all organizations or persons to whom the manual has been issued.
- (4) The aviation training organisation shall revise at least 25 % of the training and procedures manual annually and fully every 3 years.
- (5) The aviation training organisation must comply with the guidelines for the content of the training and procedures manual are prescribed in Document SA-CATS-ATO.
- (6) The training and procedures manual shall be divided into the following parts:
- (a) General
  - (b) Aircraft operating information
  - (c) Routes
  - (d) Staff training
  - (e) Training plan
  - (f) Training syllabus
  - (g) Simulation training syllabus
  - (h) Theoretical knowledge syllabus
  - (i) Tests and checks conducted for the issue of a licence or a rating
  - (j) Records

- (k) Safety management system
- (l) Quality assurance system
- (m) Appendices

(7) The contents of the training and procedures manual shall mutatis mutandis include the elements prescribed in sub-regulation (6) as well as in Document SA-CATS-ATO as far as they are appropriate to the type of aviation training to be provided.

(8) The Commissioner may, on approval of the training and procedures manual, add or remove elements to meet the unique requirements of an aviation training organisation.

## **5.2 Current provision**

### **Manual of procedure**

**141.02.2** An applicant for the issuing of an aviation training organisation approval to conduct standard aviation training, shall provide the Commissioner with its manual of procedure which shall –

- (a) comply with the requirements prescribed in this Subpart; and
- (b) contain the information as prescribed in Document SA-CATS-ATO.

## **5.3 Motivation**

The heading of the provision has changed to training and procedures manual as it is more explanatory than manual of procedure (MOP) and in compliance with ICAO for easy reference. At present various names are used for the individual training manuals eg. manual of procedures, operating procedures and standard operating procedures. The present manuals, mostly generic versions, contain mainly policy and little or no procedures notwithstanding being called a MOP.

## **6. PROPOSAL FOR THE AMENDMENT OF REGULATION 141.02.3 OF THE REGULATIONS**

**6.1** It is hereby proposed to amend Regulation 141.02.3 by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) The aviation training organization shall establish a quality assurance system, acceptable to the Commissioner granting the approval, which ensures that training and instructional practices comply with all relevant requirements.”.

## 6.2 Current provision

(1) The applicant shall establish a quality control system for the control and supervision of the standard aviation training covered by the application.

## 6.3 Motivation

The amendment is necessary to incorporate Annex 1, Appendix 2, paragraph 4 of the ICAO document.

## 7. PROPOSAL FOR THE AMENDMENT OF REGULATION 141.02.4 OF THE REGULATIONS

7.1 It is hereby proposed to amend Regulation 141.02.4 by –

(a) the substitution in sub-regulation (1) for the words preceding paragraph (a) of the following words:

“(1) The aviation training organisation shall nominate, engage, employ or contract –“;

(b) the substitution for sub-regulation (2) of the following sub-regulation:

“(2) The aviation training organisation shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, conducting or supervising the aviation training approved.”.

(c) the substitution for sub-regulation (3) of the following sub-regulation:

“(3) The aviation training organisation shall ensure that those personnel responsible for training or assessing students, have a combination of competence and experience adequate for the level of competence required by the Commissioner for such training or assessment.

(d) the addition after sub-regulation (3) of the following sub-regulation:

“(4) (a) The aviation training organization shall ensure that all instructional personnel receive initial and continuation training appropriate to their assigned tasks and responsibilities.



(b) The training programme established by the aviation training organization shall include training in knowledge and skills related to human performance.”.

## 7.2 Current provision

### Personnel requirements

141.02.4 (1) The applicant shall engage, employ or contract –

- (a) a senior person identified as the accountable manager and compliance officer of the organisation concerned, to whom contractual authority has been granted to ensure that all activities undertaken by the organisation are carried out in accordance with the applicable requirements prescribed in this Subpart, and who shall in addition be vested with the following powers and duties in respect of the compliance with such requirements:
  - (i) Unrestricted access to work performed or activities undertaken by all other persons as employees of, and other persons rendering service under contract with, the organisation;
  - (ii) full rights of consultation with any such person in respect of such compliance by him or her;
  - (iii) powers to order cessation of any activity where such compliance is not effected;
  - (iv) a duty to establish liaison mechanisms with the Commissioner with a view to ascertain correct manners of compliance with the said requirements, and interpretations of such requirements by the Commissioner, and to facilitate liaison between the Commissioner and the organisation concerned; and
  - (v) powers to report directly to the management of the organisation on his or her investigations and consultations generally, and in cases contemplated in subparagraph (iii), and with regard to the results of the liaison contemplated in subparagraph (iv);
- (b) a competent person who is responsible for quality control, and who has direct access to the accountable manager and compliance officer referred to in paragraph (a) on matters affecting airworthiness and aviation safety; and

(c) adequate personnel to plan, conduct and supervise the standard aviation training covered by the application.

(2) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel involved in planning, conducting or supervising the standard aviation training covered by the application.

(3) The applicant shall ensure that those personnel responsible for training or assessing students, have a combination of competence and experience adequate for the level of competence required for such training or assessment.

### **7.3 Motivation**

The amendment is necessary so as to change the word 'applicant' to 'aviation training organisation'.

## **8. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 141.02.5 OF THE REGULATIONS**

8.1 It is hereby proposed to substitute Regulation 141.02.5 with the following regulation:

### **"Accommodation, facilities and equipment**

**141.02.5** (1) The facilities and working environment shall be appropriate for the task to be performed and be acceptable to the Commissioner.

(2) The aviation training organization shall have, or have access to, the necessary information, equipment, training devices and material to conduct the courses for which it is approved.

(3) Synthetic training devices shall be qualified according to requirements established by the Commissioner and their use shall be approved by the Commissioner to ensure that they are appropriate to the task."

## 8.2 Current provision

### Accommodation, facilities and equipment

**141.02.5** The applicant shall ensure that the accommodation, facilities and equipment are adequate to enable the personnel to conduct the standard aviation training covered by the application.

## 8.3 Motivation

The amendment is necessary to replace the provision with Annex 1, Appendix 2 paragraph 5,1 to 5.3.

## 9. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 141.02.6 OF THE REGULATIONS

9.1 It is hereby proposed to substitute Regulation 141.02.6 with the following regulation:

### “Accreditation

**141.02.6** An aviation training organisation shall obtain accreditation from the body or institution that may be designated by the Commissioner in terms of regulation 141.01.2, for conducting the aviation training covered by the application.

## 9.2 Current provision

### Accreditation

**141.02.6** The applicant shall obtain accreditation from the body or institution designated by the Commissioner in terms of regulation 141.01.2, for conducting the standard aviation training covered by the application.

## 9.3 Motivation

The amendment is necessary to change the word ‘applicant’ to ‘aviation training organisation’.

## 10. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 141.02.7 OF THE REGULATIONS

10.1 It is hereby proposed to substitute Regulation 141.02.7 with the following regulation:

### **“Application for approval or amendment thereof**

**141.02.7** An aviation training organisation requesting the issuance of an aviation training organisation approval to conduct aviation training, or an amendment thereof, shall –

- (a) make an application to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ATO;
- (b) follow the process of accreditation prescribed in Document SA-CATS-ATO; and
- (c) ensure that the application is accompanied by –
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) the training and procedures manual referred to in regulation 141.02.2; and
  - (iii) proof of the accreditation referred to in regulation 141.02.6, as may be applicable.

## 10.2 Current provision

### **Application for approval or amendment thereof**

**141.02.7** An application for the issuing of an aviation training organisation approval to conduct standard aviation training, or an amendment thereof, shall be –

- (a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ATO; and
- (b) accompanied by –
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) the manual of procedure referred to in regulation 141.02.2; and
  - (iii) proof of the accreditation referred to in regulation 141.02.6.

### 10.3 Motivation

The amendment is necessary to substitute the word 'applicant' with 'aviation training organisation'. A paragraph is added to indicate that there is now a process involved in the application procedure.

## 11. PROPOSAL FOR THE AMENDMENT OF REGULATION 141.02.8 OF THE REGULATIONS

11.1 It is hereby proposed to amend Regulation 141.02.8 by –

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

“(1) The Commissioner shall issue an aviation training organisation approval to conduct aviation training, if the training organisation complies with the requirements prescribed in regulations 141.02.2 and 141.02.6 inclusive.”

- (b) the addition after sub-regulation (2) of the following sub-regulation:

“(3) The approval document shall contain at least the following:

- (a) the organization's name and location;  
(b) the date of issue and period of validity, where appropriate; and  
(c) the terms of approval.”

### 11.2 Current provision

#### Issuing of approval

**141.02.8** (1) The Commissioner shall issue an aviation training organisation approval to conduct standard aviation training, if the applicant complies with the requirements prescribed in regulations 141.02.2 and 141.02.6 inclusive.

(2) The Commissioner shall issue the approval on the appropriate form as prescribed in Document SA-CATS-ATO.

### 11.3 Motivation

The amendment is necessary to delete the word 'standard'. Another provision is also added to clarify the contents of the approval document.

**12. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 141.02.9 OF THE REGULATIONS**

12.1 It is hereby proposed to substitute Regulation 141.02.9 with the following regulation:

**“Scope of approval**

**141.02.9** An aviation training organisation approval to conduct aviation training shall specify the aviation training which the holder of the approval is entitled to conduct.”.

**12.2 Current provision**

**Scope of approval**

**141.02.9** An aviation training organisation approval to conduct standard aviation training shall specify the standard aviation training which the holder of the approval is entitled to conduct.

**12.3 Motivation**

The amendment is necessary so as to delete the word ‘standard’.

**13. PROPOSAL FOR THE AMENDMENT OF REGULATION 141.02.10 OF THE REGULATIONS**

13.1 It is hereby proposed to amend Regulation 141.02.10 by –

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

“(1) An aviation training organisation approval to conduct aviation training, shall be valid for the period determined by the Commissioner, which period shall not exceed two years, calculated from the date of issuing or renewal thereof.”;

(b) the insertion after sub-regulation (2) of the following sub-regulation:

“(2A) If the holder of an approval applies for the renewal of the approval at least 30 days prior to the expiry of the approval, the approval shall, notwithstanding sub-regulation (2), remain in force until the Commissioner issues the renewal thereof.”.

## 13.2 Current provision

### Period of validity

**141.02.10** (1) An aviation training organisation approval to conduct standard aviation training, shall be valid for the period determined by the Commissioner, which period shall not exceed five years, calculated from the date of issuing or renewal thereof.

## 13.3 Motivation

The amendment is necessary to delete the word 'standard'. Also the period of validity has been changed from five years to two years, as an aviation training organisation which has not renewed its AOC will, even after six months also require a change in quality control system addressed in regulation 141.02. 11 and 12. Two year validity, however, allows for ATO to continue operating after expiry date should the SACAA not be able to carry out the annual audit for renewal on time. ICAO also recommends the period of validity to be two years.

The proposed insertion intends to allow the ATO' operating certificate to remain valid until such time the CAA can undertake the appropriate inspection.

## 14. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 141.02.11 OF THE REGULATIONS

14.1 It is hereby proposed to substitute Regulation 141.02.11 with the following regulation:

### "Transferability

**141.02.11** (1) Subject to the provisions of sub regulation (2), an aviation training organisation approval to conduct aviation training, shall not be transferable.

(2) A change in ownership of the holder of an approval to conduct aviation training shall be deemed to be a change of significance referred to in regulation 141.02.12."

## 14.2 Current provision

### Transferability

141.02.11 (1) Subject to the provisions of sub regulation (2), an aviation training organisation approval to conduct standard aviation training, shall not be transferable.

(2) A change in ownership of the holder of an approval to conduct standard aviation training shall be deemed to be a change of significance referred to in regulation 141.02.12.

## 14.3 Motivation

The amendment is necessary so as to delete the word 'standard'.

## 15. PROPOSAL FOR THE AMENDMENT OF REGULATION 141.02.12 OF THE REGULATIONS

15.1 It is hereby proposed to amend Regulation 141.02.12 by –

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

“(1) If the holder of an aviation training organisation approval to conduct aviation training, desires to make any change in the quality control system referred to in regulation 141.02.3, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, such holder shall apply to the Commissioner for the approval of such change.”;

- (b) the substitution for sub-regulation (3) of the following sub-regulation:

“(3) An application for the approval of a change in the quality control system shall be granted by the Commissioner if the applicant satisfies the Commissioner, upon submission of appropriate proposed changes to its training and procedures manual that it will continue to comply with the provisions of regulations 141.02.2 to 141.02.6 inclusive, after the implementation of such approved change.”.



## 15.2 Current provision

### Changes in quality control system

141.02.12 (1) If the holder of an aviation training organisation approval to conduct standard aviation training, desires to make any change in the quality control system referred to in regulation 141.02.3, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, such holder shall apply to the Commissioner for the approval of such change.

(2) The provisions of regulation 141.02.7 shall apply mutatis mutandis to an application for the approval of a change in the quality control system.

(3) An application for the approval of a change in the quality control system shall be granted by the Commissioner if the applicant satisfies the Commissioner, upon submission of appropriate proposed changes to its manual of procedure that it will continue to comply with the provisions of regulations 141.02.2 to 141.02.6 inclusive, after the implementation of such approved change.

## 15.3 Motivation

The amendment is necessary to delete the word 'standard'.

## 16. PROPOSAL FOR THE AMENDMENT OF REGULATION 141.02.13 OF THE REGULATIONS

16.1 It is hereby proposed to amend Regulation 141.02.13 by –

- (a) the substitution in sub-regulation (1) for the words preceding paragraph (a) of the following words:

“(1) An application for the renewal of an aviation training organisation approval to conduct aviation training, shall be –“;

- (b) the substitution in paragraph (b) of sub-regulation (1) for sub-paragraph (ii) of the following sub-paragraph:

“(ii) the training and procedures manual referred to in regulation 141.02.2; and”.

## 16.2 Current provision

### Renewal of approval

**141.02.13** (1) An application for the renewal of an aviation training organisation approval to conduct standard aviation training, shall be –

- (a) made to the Commissioner in the appropriate form as prescribed in Document SA-CATS-ATO; and
- (b) be accompanied by –
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) the manual of procedure referred to in regulation 141.02.2; and
  - (iii) proof of the accreditation referred to in regulation 141.02.6.

(2) The holder of the approval shall at least 60 days immediately preceding the date on which such approval expires, apply for the renewal of such approval.

## 16.3 Motivation

The amendment is necessary to delete the word 'standard'.

## 17. PROPOSAL FOR THE AMENDMENT OF REGULATION 141.02.14 OF THE REGULATIONS

17.1 It is hereby proposed to amend Regulation 141.02.14 by –

- (a) the substitution for the words preceding paragraph (a) of the following words:

“**141.02.14** The holder of an aviation training organisation approval to conduct aviation training, shall –“;
- (b) the substitution for paragraphs (a), (b) and (c) of the following paragraphs:

“(a) hold at least one complete and current copy of its training and procedures manual referred to in regulation 141.02.2, at each training facility specified in the training and procedures manual;

- (b) comply with all procedures detailed in the training and procedures manual;
- (c) make each applicable part of the training and procedures manual available to the personnel who require those parts to carry out their duties; and”.

## 17.2 Current provision

### Duties of holder of approval

**141.02.14** The holder of an aviation training organisation approval to conduct standard aviation training, shall –

- (a) hold at least one complete and current copy of its manual of procedure referred to in regulation 141.02.2, at each training facility specified in the manual of procedure;
- (b) comply with all procedures detailed in the manual of procedure;
- (c) make each applicable part of the manual of procedure available to the personnel who require those parts to carry out their duties; and
- (d) continue to comply with the appropriate requirements prescribed in this Part.

## 17.3 Motivation

The amendment is necessary to delete the word ‘standard’.

## 18. PROPOSAL FOR THE AMENDMENT OF REGULATION 141.02.15 OF THE REGULATIONS

**18.1** It is hereby proposed to amend Regulation 141.02.15 by –

- (a) the substitution for sub-regulation (1) of the following sub-regulation:
  - “(1) An aviation training organization shall –
  - (a) retain detailed student records to show that all requirements of the training course have been met as approved by the Commissioner;

- (b) maintain a system for recording the qualifications and training of instructional and examining staff, where appropriate;
- (c) establish procedures to control the documents referred to in this sub-regulation.”;
- (b) the substitution in sub-regulation (2) for paragraph (b) of the following paragraph:
  - “(b) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified aviation training undertaken by the holder of the approval;”;
- (c) the substitution in sub-regulation (3) for paragraph (a) of the following paragraph:
  - “(a) for the specified aviation training conducted by such holder;”;
- (d) the substitution in sub-regulation (4) for paragraph (b) of the following paragraph:
  - “(b) a record is kept of each person who conducts the specified aviation training, including particulars of the competence assessments and experience of each such person;”.

## 18.2 Current provision

### Documents and records

**141.02.15** (1) The holder of an aviation training organisation approval to conduct standard aviation training, shall –

- (a) keep copies of all relevant documents which may be necessary –
  - (i) for the specified standard aviation training conducted by such holder; and
  - (ii) to determine compliance with the appropriate requirements prescribed in this Subpart; and
- (b) establish procedures to control the documents referred to in paragraph (a).

- (2) The procedures referred to in sub regulation 1(b) shall ensure that –
- (a) all documents are reviewed and authorised by the appropriate personnel before the issuing thereof;
  - (b) current issues of all relevant documents are available to those personnel involved in planning, conducting or supervising the specified standard aviation training undertaken by the holder of the approval;
  - (c) all obsolete documents are promptly removed from all points of issue or use; and
  - (d) changes to documents are reviewed and authorised by the appropriate personnel.
- (3) The holder of the approval shall establish procedures to identify, collect, index, store and maintain all records which may be necessary –
- (a) for the specified standard aviation training conducted by such holder;
  - (b) to determine compliance with the appropriate requirements prescribed in this Subpart.
- (4) The procedures referred to in sub regulation (3) shall ensure that –
- (a) a record is kept of each quality control review of the holder of the approval;
  - (b) a record is kept of each person who conducts the specified standard aviation training, including particulars of the competence assessments and experience of each such person;
  - (c) a record is kept of each student being trained or assessed by the holder of the approval, including particulars of enrolment, attendance, modules, instructor comments and any flight or similar practical sessions and assessments of each such student;
  - (d) all records are legible; and
  - (e) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

### 18.3 Motivation

Sub-regulation (1) is replaced by the Annex 1, Appendix 2, paragraph 7.

## 19 PROPOSAL FOR THE ADDITION OF REGULATION 141.02.16 IN THE REGULATIONS

19.1 It is hereby proposed to add the following regulation after Regulation 141.02.15:

### “Training programmes

**141.02.16** (1) The Commissioner may approve a training programme for a private pilot licence, commercial pilot licence or instrument rating that allows an alternative means of compliance with the experience requirements established by Part 61, provided that the approved training organization demonstrates to the satisfaction of the Commissioner that the training provides a level of competency at least equivalent to that provided by the minimum experience requirements for personnel not receiving such approved training.

(2) Should the Commissioner approve a training programme for a multi-crew pilot licence, the approved training organization shall demonstrate to the satisfaction of the Commissioner that the training provides a level of competency in multi-crew operations at least equal to that met by holders of a commercial pilot licence, instrument rating and type rating for an aeroplane certificated for operation with a minimum crew of at least two pilots.

(3) Should the Commissioner approve the presentation of an aviation training programme for which criteria or a syllabus has not been promulgated by the Commissioner, only the programme with the associated curriculum, modules, attendance requirements and reference material will be deemed to have been approved; any notes or course material that may be compiled and distributed by the aviation training organisation to students or any other person or organisation, are at the discretion of and the liability of the distributing aviation training organisation.

(4) Should the Commissioner establish a criteria and a syllabus with associated requirements for the presentation of any programme referred to in sub-regulation (3) above, the approval may *mutatis mutandis* be withdrawn or suspended at the discretion of the Commissioner until requirements that may be promulgated are met.

**19.2 Current provision**

Does not exist.

**19.3 Motivation**

The provision is incorporated from Annex 1, Appendix 2, paragraph 3.

**20 PROPOSAL FOR THE ADDITION OF REGULATION 141.02.17 IN THE REGULATIONS**

**20.1** It is hereby proposed to add the following regulation after Regulation 141.02.16:

**“Oversight**

**141.02.17** The Commissioner shall maintain an effective oversight programme of the approved training organization to ensure continuing compliance with the approval requirements.”.

**20.2 Current provision**

Does not exist.

**20.3 Motivation**

The provision is incorporated from Annex 1, Appendix 2, paragraph 8.

**21 PROPOSAL FOR THE ADDITION OF REGULATION 141.02.18 IN THE REGULATIONS**

**21.1** It is hereby proposed to add the following regulation after Regulation 141.02.17:

**“Evaluation and checking**

**141.02.18** Should the Commissioner authorize an approved training organization to conduct the testing required for the issuance of a licence or rating, the testing shall be conducted by personnel authorized by the Commissioner or designated by the training organization in accordance with criteria approved by the Commissioner.”.

**21.2 Current provision**

Does not exist.

**21.3 Motivation**

The provision is incorporated from Annex 1, Appendix 2, paragraph 9.

**22. PROPOSAL FOR THE AMENDMENT OF REGULATION 141.03.1 OF THE REGULATIONS**

**22.1** It is hereby proposed to amend Regulation 141.03.01 by the substitution in sub-regulation (2) for the words preceding paragraph (a) of the following words:

“(2) An aviation training organisation requesting the issuance of an aviation training organisation approval to conduct temporary aviation training, shall –”.

**22.2 Current provision**

(2) An applicant for the issuing of an aviation training organisation approval to conduct temporary aviation training shall –.

**22.3 Motivation**

The amendment is necessary to substitute the word ‘applicant’ with ‘aviation training organisation’.

**23. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 141.03.7 OF THE REGULATIONS**

**23.1** It is hereby proposed to substitute Regulation 141.03.07 with the following regulation:

**“Duties of holder of approval**

**141.03.7** (1) The holder of an aviation training organisation approval to conduct temporary aviation training, shall –

(a) continue to comply with the appropriate requirements prescribed in this Part;



- (b) ensure that documents and records are kept with the appropriate requirements of regulation 141.02.15 and technical standard 141.02.2.”.

### **23.2 Current provision**

#### **Duties of holder of approval**

**141.03.7** (1) The holder of an aviation training organisation approval to conduct temporary aviation training, shall –

- (a) continue to comply with the appropriate requirements prescribed in this Part;
- (b) ensure that –
  - (i) a record is kept of each person who conducts the specified temporary aviation training, including particulars of the competence and experience of each such person;
  - (ii) a record is kept of enrolment, which record shall include particulars of enrolment, attendance, modules and any flight operations covered by the specified temporary aviation training, any flight times, instructor comments and the results of any such training.
- (c) all records are legible; and
- (d) all records are kept for a period of at least five years calculated from the date of the last entry made in such records.

### **23.3 Motivation**

Amendment is necessary so as to meet the requirements of a permanent aviation training organisation as records must be included in any existing training file of a student.

## **24. REPEAL OF REGULATION 141.03.8 AND 143.03.9 OF PART 141 OF THE REGULATIONS**

**24.1** It is hereby proposed to repeal Regulations 141.03.8 and 141.03.9 of the Regulations.

### **24.2 Current provision**

#### **Commencement**

**141.03.8** This Part shall come into operation on 1 October 2008.

**141.03.9** An Organisation that wishes to conduct aviation training shall within six months, after this Part came into operation, comply with all the requirements of this Part.

### **24.3 Motivation**

The provision provided for the commencement of Part 141 and a transitional arrangement thereto and has since served its purpose.

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