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**GOVERNMENT NOTICE**

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**DEPARTMENT OF TRANSPORT****No. 1202****7 November 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. Jabulane Mashinini or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at [mashinini@caa.co.za](mailto:mashinini@caa.co.za) or [wildenboerh@caa.co.za](mailto:wildenboerh@caa.co.za), before or on 08 December 2008.

**Schedule 1****PROPOSAL FOR THE AMENDMENT OF THE APPEAL PROCEDURES OF THE CIVIL AVIATION REGULATIONS, 1997****A. PROPOSER**

**SACAA  
Private Bag X73  
Halfway House  
1685**

**B. PROPOSER'S INTEREST**

The proposer has been established in terms of the South African Civil Aviation 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.

**C. MOTIVATION**

The attached amendments are intended to amend the appeal procedures in the Civil Aviation Regulations, 1997. The rationale for the amendment is to ensure that an appeal to the Minister is permissible only after the whole process leading to the cancellation of an approval, certificate etc, has been completed. The

amendment is intended to empower the Commissioner to assess the validity and reasonableness of the suspension. The Minister will handle the appeal only if the Commissioner has decided to cancel the approval, certificate, licence etc.

### **Substitution of Regulation 21.01.6 of the Regulations**

1. The following regulation is herewith substituted for Regulation 21.01.6 of the Regulations:

#### **“Suspension, cancellation and appeal**

**21.01.6** (1) An authorised officer, inspector or authorised person may suspend a certificate, approval or authorisation issued under this Part, if –

- (a) immediate suspension is necessary in the interests of aviation safety;
  - (b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate, approval or authorisation from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
  - (c) it is evident that the holder of the certificate, approval or authorisation does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.
- (2) The notice of suspension must be given in writing, stating the reasons for the suspension.
  - (3) An authorised officer, inspector or authorized person who has suspended a certificate, approval or authorisation must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended certificate, approval or authorisation should be withdrawn or restored.
  - (4) A person whose certificate, approval or authorisation has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
  - (5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the certificate, approval or authorisation if –
- (a) he or she confirms the suspension in terms of sub-regulation (8); or
  - (b) the holder of the certificate, approval or authorisation does not appeal against the suspension referred to in sub-regulation (1).
- (10) The holder of the certificate, approval or authorisation, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.
- (11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.
- (12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).
- (13) The Minister may –
- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
  - (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.
- (14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).
- (15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant -

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.”.

### **Substitution of Regulation 24.01.9 of the Regulations**

3. The following regulation is herewith substituted for Regulation 24.01.9 of the Regulations:

#### **“Suspension, cancellation and appeal**

**24.01.9** (1) An authorised officer, inspector or authorised person may suspend a certificate, approval or authorisation issued under this Part, if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate, approval or authorisation from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the certificate, approval or authorisation does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended a certificate, approval or authorisation must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person

concerned, stating the reasons why, in his or her opinion, the suspended certificate, approval or authorisation should be withdrawn or restored.

(4) A person whose certificate, approval or authorisation has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

(6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the certificate, approval or authorisation if –

- (a) he or she confirms the suspension in terms of sub-regulation (8); or
- (b) the holder of the certificate, approval or authorisation does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the certificate, approval or authorisation, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a

representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

#### **Substitution of Regulation 34.01.3 of the Regulations**

4. The following regulation is herewith substituted for Regulation 34.01.3 of the Regulations:

#### **“Suspension, cancellation and appeal**

**34.01.3** (1) An authorised officer, inspector or authorised person may suspend a certificate issued under this Part, if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the certificate does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

- (2) The notice of suspension must be given in writing, stating the reasons for the suspension.
- (3) An authorised officer, inspector or authorized person who has suspended a certificate must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended certificate should be withdrawn or restored.
- (4) A person whose certificate, approval or authorisation has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
- (5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the certificate if –
- (a) he or she confirms the suspension in terms of sub-regulation (8); or
  - (b) the holder of the certificate does not appeal against the suspension referred to in sub-regulation (1).
- (10) The holder of the certificate who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.
- (11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.
- (12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).
- (13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
  - (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.
- (14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).
- (15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).
- (16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).
- (17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –
- (a) a reasonable opportunity to make representation;
  - (b) an opportunity to appear in person; and
  - (c) an opportunity to present and dispute evidence and arguments.
- (18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

#### **Substitution of Regulation 36.00.9 of the Regulations**

5. The following regulation is herewith substituted for Regulation 36.00.9 of the Regulations:

#### **“Suspension, cancellation and appeal**

- 36.00.9** (1) An authorised officer, inspector or authorised person may suspend a certificate issued under this Part, if –
- (a) immediate suspension is necessary in the interests of aviation safety;
  - (b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer,



inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or

- (c) it is evident that the holder of the certificate does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.
- (2) The notice of suspension must be given in writing, stating the reasons for the suspension.
  - (3) An authorised officer, inspector or authorized person who has suspended a certificate must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended certificate should be withdrawn or restored.
  - (4) A person whose certificate has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
  - (5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
  - (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
  - (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
  - (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
  - (9) The Commissioner may cancel the certificate if –
    - (a) he or she confirms the suspension in terms of sub-regulation (8); or
    - (b) the holder of the certificate does not appeal against the suspension referred to in sub-regulation (1).
  - (10) The holder of the certificate who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.
  - (11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

### **Substitution of Regulation 61.01.11 of the Regulations**

6. The following regulation is herewith substituted for Regulation 61.01.11 of the Regulations:

#### **“Suspension, cancellation and appeal**

**61.01.11** (1) An authorised officer, inspector or authorised person may suspend a licence, rating, validation or privilege issued or granted under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
  - (b) an authorised officer, inspector or authorised person is prevented by the holder of the licence, ratings or validation from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
  - (c) it is evident that the holder of the licence, rating or validation does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.
- (2) The notice of suspension must be given in writing, stating the reasons for the suspension.
- (3) An authorised officer, inspector or authorized person who has suspended a licence, rating or validation must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended certificate, approval or authorisation should be withdrawn or restored.
- (4) A person whose licence, rating or validation has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
- (5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the licence, rating or validation if –
- (a) he or she confirms the suspension in terms of sub-regulation (8); or

- (b) the holder of the licence, rating or validation does not appeal against the suspension referred to in sub-regulation (1).
- (10) The holder of the licence, rating or validation, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.
- (11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.
- (12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).
- (13) The Minister may –
- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
  - (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.
- (14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).
- (15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).
- (16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).
- (17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –
- (a) a reasonable opportunity to make representation;
  - (b) an opportunity to appear in person; and
  - (c) an opportunity to present and dispute evidence and arguments.
- (18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

**Substitution of Regulation 62.01.14 of the Regulations**

7. The following regulation is herewith substituted for Regulation 62.01.14 of the Regulations:

**“Suspension, cancellation and appeal**

**62.01.14** (1) An authorised officer, inspector or authorised person may suspend a licence or rating issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the licence or ratings from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the licence or rating does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended a licence or rating must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended licence or rating should be withdrawn or restored.

(4) A person whose licence or rating has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant’s opinion, the suspension should be varied or set aside.

(6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the licence or rating if –
- (a) he or she confirms the suspension in terms of sub-regulation (8); or
  - (b) the holder of the licence or rating does not appeal against the suspension referred to in sub-regulation (1).
- (10) The holder of the licence or rating who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.
- (11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.
- (12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).
- (13) The Minister may –
- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
  - (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.
- (14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).
- (15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).
- (16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).
- (17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

### **Substitution of Regulation 63.01.15 of the Regulations**

8. The following regulation is herewith substituted for Regulation 63.01.15 of the Regulations:

#### **“Suspension, cancellation and appeal**

**63.01.15** (1) An authorised officer, inspector or authorised person may suspend a licence, rating or validation issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the licence, rating or validation from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the licence, rating or validation does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended a licence, rating or validation must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended licence, rating or validation should be withdrawn or restored.

(4) A person whose licence, rating or validation has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

(6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the licence, rating or validation if –

- (a) he or she confirms the suspension in terms of sub-regulation (8); or
- (b) the holder of the licence, rating or validation does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the licence, rating or validation, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).



(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

#### **Substitution of Regulation 64.01.10 of the Regulations**

9. The following regulation is herewith substituted for Regulation 64.01.10 of the Regulations:

#### **“Suspension, cancellation and appeal**

**64.01.10** (1) An authorised officer, inspector or authorised person may suspend a licence, rating or validation issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the licence, ratings or validation from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the licence, rating or validation does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended a licence, rating or validation must, within 7 days, submit a report in writing to the

Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended licence, rating or validation should be withdrawn or restored.

(4) A person whose licence, rating or validation has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

(6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the licence, rating or validation if –

- (a) he or she confirms the suspension in terms of sub-regulation (8); or
- (b) the holder of the licence, rating or validation does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the licence, rating or validation, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the

authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

### **Substitution of Regulation 65.01.10 of the Regulations**

10. The following regulation is herewith substituted for Regulation 65.01.10 of the Regulations:

#### **“Suspension, cancellation and appeal**

**65.01.10** (1) An authorised officer, inspector or authorised person may suspend a licence, rating, conversion or certificate issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the licence, rating, conversion or certificate from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the licence, rating, conversion or certificate does not comply with the relevant requirements prescribed in this Part,

after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

- (2) The notice of suspension must be given in writing, stating the reasons for the suspension.
- (3) An authorised officer, inspector or authorized person who has suspended a licence, rating, conversion or certificate must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended licence, rating, conversion or certificate should be withdrawn or restored.
- (4) A person whose licence, rating, conversion or certificate has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
- (5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the licence, rating, conversion or certificate if –
  - (a) he or she confirms the suspension in terms of sub-regulation (8); or
  - (b) the holder of the licence, rating, conversion or certificate does not appeal against the suspension referred to in sub-regulation (1).
- (10) The holder of the licence, rating, conversion or certificate who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.
- (11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

### **Substitution of Regulation 66.01.12 of the Regulations**

11. The following regulation is herewith substituted for Regulation 66.01.12 of the Regulations:

#### **“Suspension, cancellation and appeal**

**66.01.12** (1) An authorised officer, inspector or authorised person may suspend a licence, rating or validation issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
  - (b) an authorised officer, inspector or authorised person is prevented by the holder of the licence, rating or validation from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
  - (c) it is evident that the holder of the licence, rating or validation does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.
- (2) The notice of suspension must be given in writing, stating the reasons for the suspension.
- (3) An authorised officer, inspector or authorized person who has suspended a licence, rating or validation must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended licence, rating or validation should be withdrawn or restored.
- (4) A person whose licence, rating or validation has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
- (5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the licence, rating or validation if –
- (a) he or she confirms the suspension in terms of sub-regulation (8); or
  - (b) the holder of the licence, rating or validation does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the licence, rating or validation, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.”

**Amendment of Regulation 67.00.11 of the Regulations**

12. Regulation 67.00.11 of the Regulations is herewith amended by –

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

“(1) An applicant for, or the holder of, a medical certificate who feels aggrieved by –

- (a) a decision by the designated body or institution in terms of Regulation 67.00.8(4)(a) to cancel his or her medical certificate;
- (b) a decision by a designated aviation medical examiner, declaring him or her unfit or temporarily unfit;
- (c) any endorsement made by the designated body or institution in terms of sub-regulation 67.00.8(4)(b) on his or her medical certificate; or
- (d) any endorsement made by a designated aviation medical examiner in terms of sub-regulation 67.00.6(4) on his or her medical certificate, may appeal against such decision or endorsement to the Commissioner, within 30 days after he or she becomes aware of such decision or endorsement.

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

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

(4) The designated aviation medical examiner concerned 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 Commissioner.

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

(c) the substitution for sub-regulations (7), (8) and (9) of the following sub-regulations:



"(7) The Commissioner may confirm, vary or set aside the decision or endorsement of the designated aviation medical examiner or designated body or institution, as the case may be.

(8) The applicant for, or the holder of, a medical certificate, who feels aggrieved by the decision of the Commissioner referred to in sub-regulation (7), may appeal against such decision to the Minister, within 30 days from the date the applicant or holder is notified about the decision.

(9) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister."

(d) the addition of the following sub-regulations after sub-regulation (9):

"(10) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(11) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the designated aviation medical examiner or the designated body or institution concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(12) The Minister or the authorized adjudicator may confirm, vary or set aside the decision of the Commissioner referred to in sub-regulation (9).

(13) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (1) and (4).

(14) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (8) and (10).

(15) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and

(c) an opportunity to present and dispute evidence and arguments.

(16) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

### **Substitution of Regulation 96.04.6 of the Regulations**

13. The following regulation is herewith substituted for Regulation 96.04.6 of the Regulations:

#### **“Suspension, cancellation and appeal**

**96.04.6** (1) An authorised officer, inspector or authorised person may suspend a certificate issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the certificate does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended a certificate must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended certificate should be withdrawn or restored.

(4) A person whose certificate has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant’s opinion, the suspension should be varied or set aside.

- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the certificate if –
- (a) he or she confirms the suspension in terms of sub-regulation (8); or
  - (b) the holder of the certificate does not appeal against the suspension referred to in sub-regulation (1).
- (10) The holder of the certificate, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.
- (11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.
- (12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).
- (13) The Minister may –
- (c) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
  - (d) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.
- (16) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).
- (17) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).
- (18) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(19) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

### **Substitution of Regulation 108.05.11 of the Regulations**

14. The following regulation is herewith substituted for Regulation 108.05.11 of the Regulations:

#### **“Suspension, cancellation and appeal**

**108.05.11** (1) An authorised officer, inspector or authorised person may suspend an approval or certificate issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the approval or certificate from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the approval or certificate does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended an approval or certificate must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended approval or certificate should be withdrawn or restored.

(4) A person whose approval or certificate has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

(6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the approval or certificate if –

- (a) he or she confirms the suspension in terms of sub-regulation (8); or
- (b) the holder of the approval or certificate does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the approval or certificate, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

#### **Substitution of Regulation 121.06.6 of the Regulations**

15. The following regulation is herewith substituted for Regulation 121.06.6 of the Regulations:

#### **“Suspension, cancellation and appeal**

**121.06.6** (1) An authorised officer, inspector or authorised person may suspend a certificate issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the certificate does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended a certificate must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended certificate should be withdrawn or restored.

(4) A person whose certificate has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

(6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the certificate if –

- (a) he or she confirms the suspension in terms of sub-regulation (8); or
- (b) the holder of the certificate does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the certificate, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

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

- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.
- (14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).
- (15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).
- (16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).
- (17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –
- (a) a reasonable opportunity to make representation;
  - (b) an opportunity to appear in person; and
  - (c) an opportunity to present and dispute evidence and arguments.
- (18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

### **Substitution of Regulation 127.06.6 of the Regulations**

16. The following regulation is herewith substituted for Regulation 127.06.6 of the Regulations:

#### **“Suspension, cancellation and appeal**

- 127.06.6** (1) An authorised officer, inspector or authorised person may suspend a certificate issued under this Part if –
- (a) immediate suspension is necessary in the interests of aviation safety;
  - (b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or



- (c) it is evident that the holder of the certificate does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.
- (2) The notice of suspension must be given in writing, stating the reasons for the suspension.
- (3) An authorised officer, inspector or authorized person who has suspended a certificate must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended certificate should be withdrawn or restored.
- (4) A person whose certificate has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
- (5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the certificate if –
- (a) he or she confirms the suspension in terms of sub-regulation (8); or
  - (b) the holder of the certificate does not appeal against the suspension referred to in sub-regulation (1).
- (10) The holder of the certificate, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.
- (11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

#### **Substitution of Regulation 135.06.6 of the Regulations**

17. The following regulation is herewith substituted for Regulation 135.06.6 of the Regulations:

#### **“Suspension, cancellation and appeal**

**135.06.6** (1) An authorised officer, inspector or authorised person may suspend a certificate issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
  - (b) an authorised officer, inspector or authorised person is prevented by the holder of the certificate from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
  - (c) it is evident that the holder of the certificate does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.
- (2) The notice of suspension must be given in writing, stating the reasons for the suspension.
- (3) An authorised officer, inspector or authorized person who has suspended a certificate must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended certificate should be withdrawn or restored.
- (4) A person whose certificate has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
- (5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the certificate if –
- (a) he or she confirms the suspension in terms of sub-regulation (8); or
  - (b) the holder of the certificate does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the certificate, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

**Substitution of Regulation 139.01.8 of the Regulations**

18. The following regulation is herewith substituted for Regulation 139.01.8 of the Regulations:

**“Suspension, cancellation and appeal**

**139.01.8** (1) An authorised officer, inspector or authorised person may suspend a licence issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the licence from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the licence does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended a licence must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended certificate should be withdrawn or restored.

(4) A person whose licence has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant’s opinion, the suspension should be varied or set aside.

(6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the licence if –

- (a) he or she confirms the suspension in terms of sub-regulation (8); or
- (b) the holder of the licence does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the licence, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;

- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

### **Substitution of Regulation 141.01.6 of the Regulations**

19. The following regulation is herewith substituted for Regulation 141.01.6 of the Regulations:

#### **“Suspension, cancellation and appeal**

**141.01.6** (1) An authorised officer, inspector or authorised person may suspend an approval issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the approval from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the approval does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended an approval must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended approval should be withdrawn or restored.

(4) A person whose approval has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant’s opinion, the suspension should be varied or set aside.

- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the approval if –
- (a) he or she confirms the suspension in terms of sub-regulation (8); or
  - (b) the holder of the approval does not appeal against the suspension referred to in sub-regulation (1).
- (10) The holder of the approval, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.
- (11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.
- (12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).
- (13) The Minister may –
- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
  - (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.
- (14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).
- (15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).



(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

### **Substitution of Regulation 145.01.6 of the Regulations**

20. The following regulation is herewith substituted for Regulation 145.01.6 of the Regulations:

#### **“Suspension, cancellation and appeal**

**145.01.6** (1) An authorised officer, inspector or authorised person may suspend an approval or rating issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the approval from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the approval does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended an approval must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended approval should be withdrawn or restored.

(4) A person whose approval has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

(6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the approval if --

- (a) he or she confirms the suspension in terms of sub-regulation (8); or
- (b) the holder of the approval does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the approval, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may --

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

#### **Substitution of Regulation 147.01.5 of the Regulations**

21. The following regulation is herewith substituted for Regulation 147.01.5 of the Regulations:

#### **“Suspension, cancellation and appeal**

**147.01.5** (1) An authorised officer, inspector or authorised person may suspend an approval issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the approval from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the approval does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended an approval must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended approval should be withdrawn or restored.

(4) A person whose approval has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

(6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the approval if –

- (a) he or she confirms the suspension in terms of sub-regulation (8); or
- (b) the holder of the approval does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the approval, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant -

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

#### **Substitution of Regulation 148.01.6 of the Regulations**

22. The following regulation is herewith substituted for Regulation 148.01.6 of the Regulations:

#### **“Suspension, cancellation and appeal**

**148.01.6** (1) An authorised officer, inspector or authorised person may suspend an approval or rating issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the approval from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector

or authorised person is permitted to perform in terms of the Act and these Regulations; or

- (c) it is evident that the holder of the approval does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.
- (2) The notice of suspension must be given in writing, stating the reasons for the suspension.
- (3) An authorised officer, inspector or authorized person who has suspended an approval must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended approval should be withdrawn or restored.
- (4) A person whose approval has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
- (5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the approval if --
- (a) he or she confirms the suspension in terms of sub-regulation (8); or
  - (b) the holder of the approval does not appeal against the suspension referred to in sub-regulation (1).
- (10) The holder of the approval, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.
- (11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

### **Substitution of Regulation 149.01.6 of the Regulations**

23. The following regulation is herewith substituted for Regulation 149.01.6 of the Regulations:

#### **“Suspension, cancellation and appeal**

**149.01.6** (1) An authorised officer, inspector or authorised person may suspend an approval issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
  - (b) an authorised officer, inspector or authorised person is prevented by the holder of the approval from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
  - (c) it is evident that the holder of the approval does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.
- (2) The notice of suspension must be given in writing, stating the reasons for the suspension.
- (3) An authorised officer, inspector or authorized person who has suspended an approval must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended approval should be withdrawn or restored.
- (4) A person whose approval has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
- (5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.
- (8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.
- (9) The Commissioner may cancel the approval if –
- (a) he or she confirms the suspension in terms of sub-regulation (8); or
  - (b) the holder of the approval does not appeal against the suspension referred to in sub-regulation (1).
- (10) The holder of the approval, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.



(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may --

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant --

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

#### **Substitution of Regulation 171.01.6 of the Regulations**

24. The following regulation is herewith substituted for Regulation 171.01.6 of the Regulations:

**“Suspension, cancellation and appeal**

**171.01.6** (1) An authorised officer, inspector or authorised person may suspend an approval issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
- (b) an authorised officer, inspector or authorised person is prevented by the holder of the approval from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
- (c) it is evident that the holder of the approval does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.

(2) The notice of suspension must be given in writing, stating the reasons for the suspension.

(3) An authorised officer, inspector or authorized person who has suspended an approval must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended approval should be withdrawn or restored.

(4) A person whose approval has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.

(5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.

(6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.

(7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the approval if –

- (a) he or she confirms the suspension in terms of sub-regulation (8); or

- (b) the holder of the approval does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the approval, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;
- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

**Substitution of Regulation 172.01.6 of the Regulations**

25. The following regulation is herewith substituted for Regulation 172.01.6 of the Regulations:

**"Suspension, cancellation and appeal**

**172.01.6** (1) An authorised officer, inspector or authorised person may suspend an approval issued under this Part if –

- (a) immediate suspension is necessary in the interests of aviation safety;
  - (b) an authorised officer, inspector or authorised person is prevented by the holder of the approval from carrying out any safety inspection and audit or from performing any of the functions that the authorised officer, inspector or authorised person is permitted to perform in terms of the Act and these Regulations; or
  - (c) it is evident that the holder of the approval does not comply with the relevant requirements prescribed in this Part, after such holder has been given at least 14 days within which to comply therewith and has been notified of the proposed suspension and the purpose thereof.
- (2) The notice of suspension must be given in writing, stating the reasons for the suspension.
- (3) An authorised officer, inspector or authorized person who has suspended an approval must, within 7 days, submit a report in writing to the Commissioner with a proof that a copy thereof has been submitted to the person concerned, stating the reasons why, in his or her opinion, the suspended approval should be withdrawn or restored.
- (4) A person whose approval has been suspended in terms of sub-regulation (1) may appeal, to the Commissioner, against such suspension within 14 days from the date of such suspension.
- (5) The appeal referred to in sub-regulation (4), must be in writing, and stating the reasons why, in the appellant's opinion, the suspension should be varied or set aside.
- (6) The appellant must furnish proof to the Commissioner that a copy of the appeal and any documents supporting such appeal have been served on the authorised officer, inspector or authorised person concerned.
- (7) The Commissioner must consider the appeal referred to in sub-regulation (4) within 14 days of receipt thereof.

(8) The Commissioner may at any time extend, confirm, vary or set aside the suspension.

(9) The Commissioner may cancel the approval if –

- (a) he or she confirms the suspension in terms of sub-regulation (8); or
- (b) the holder of the approval does not appeal against the suspension referred to in sub-regulation (1).

(10) The holder of the approval, who feels aggrieved by the cancellation referred to in sub-regulation (9), may appeal against such cancellation to the Minister, within 30 days from the date the holder is notified about the cancellation.

(11) The appellant must submit a copy of the appeal and any documents or records supporting such appeal, to the Commissioner, and must furnish proof of such submission to the Minister.

(12) The Commissioner must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (10), deliver his or her written reply to such appeal together with the report that has been submitted to him or her, in terms of sub-regulation (3).

(13) The Minister may –

- (a) adjudicate or authorize the adjudication of the appeal on the basis of the documents submitted to him or her;
- (b) order the appellant and the Commissioner, the authorized officer, inspector or authorized person concerned to appear before him or her or before the authorized adjudicator to give evidence, either in person or through a representative, at a time and place determined by the Minister or the authorized adjudicator.

(14) The Minister or the authorized adjudicator may confirm, vary or set aside the cancellation referred to in sub-regulation (9).

(15) The Commissioner may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (3) and (4).

(16) The Minister may, on good cause shown, condone any non-compliance with the time period referred to in sub-regulations (10) and (12).

(17) In adjudicating the appeals in terms of this regulation, the Commissioner and the Minister or the authorised adjudicator referred to in sub-regulation (13) may afford the appellant –

- (a) a reasonable opportunity to make representation;

- (b) an opportunity to appear in person; and
- (c) an opportunity to present and dispute evidence and arguments.

(18) The Commissioner and the Minister must within 14 days of their decision, furnish written reasons to the parties cited in the appeal, for any decision taken pursuant to the appeal.

## Schedule 2

### PROPOSAL FOR THE AMENDMENT OF PART 1.00.1 OF THE CIVIL AVIATION REGULATIONS, 1997

#### A. PROPOSER

SACAA  
Private Bag X73  
Halfway House  
1685

#### B. PROPOSER'S INTEREST

The proposer has been established in terms of the South African Civil Aviation 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.

#### 1. PROPOSAL TO AMEND REGULATION 1.00.1 OF THE REGULATIONS

1.1 It is hereby proposed to amend Regulation 1.00.1 by –

- (a) the substitution for the definition of “area navigation” of the following definition:

“**area navigation (RNAV)**” means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground or space based navigation aids or within the limits of the capability of self contained aids, or a combination of these.”.

- (b) the insertion of the following definitions:

“**navigation specification**” means a set of aircraft and flight crew requirements needed to support performance-based navigation operations within a defined airspace;

**“RNP specification”** means a navigation specification based on area navigation that includes the requirements for performance monitoring and alerting, designated by the prefix RNP, e.g. RNP 4, RNP APCH;

**“RNAV specification”** means a navigation specification based on area navigation that does not include the requirement for performance monitoring and alerting, designated by the prefix RNAV, e.g. RNAV 5, RNAV 1.

**“Performance-based navigation (PBN)”** means area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace;

**“Radio navigation service”** means a service providing guidance information or position data for the efficient and safe operation of aircraft supported by one or more radio navigational aids.”.

## 1.2 Current Regulation

**“area navigation”** refers to a method of navigation that permits aircraft operations on any desired course within the coverage of station-referenced navigation signals or within the limits of a self-contained system capability;

The other definitions do not exist.

## 1.3 Motivation

This proposed amendment is in accordance with the requirements of amendment 41 to Annex 2 and amendment 46 to Annex 11.

### Schedule 3

#### PROPOSER

Soaring Society of South Africa  
P O Box 6165  
DUNSWART  
1508

#### EXPLANATION OF INTEREST OF THE PROPOSER

The Proposer administers the licensing of glider pilot licences in South Africa under a designation from the Commissioner for Civil Aviation.

**PROPOSED AMENDMENT OF AND INSERTION OF NEW SUBPARTS INTO, PART 61 OF THE REGULATIONS**

**It is hereby proposed to amend or insert the following Subparts of Part 61:**

Subpart 10, Subpart 12, Subpart 23, Subpart 24, Subpart 30, Subpart 37 and Subpart 38 as per the attached schedule:

3.1 It is proposed to insert the following list of regulations in Subpart 10 into Part 61.

**SUBPART 10: GLIDER PILOT LICENCE**

- 61.10.1 Requirements for a Glider Pilot Licence
- 61.10.2 Application for and issue of a Glider Pilot Licence
- 61.10.3 Theoretical knowledge examination for a Glider Pilot Licence
- 61.10.4 Skills test for a Glider Pilot Licence
- 61.10.5 Privileges and limitations of a Glider Pilot Licence
- 61.10.6 Period of validity of a Glider Pilot Licence
- 61.10.7 Maintenance of competency for a Glider Pilot Licence
- 61.10.8 Ratings for special purposes for a Glider Pilot Licence
- 61.10.9 Recency requirements for a Glider Pilot Licence

3.2 It is proposed to delete the heading of Subpart 61.10

**SUBPART 12**

*[Left open]*

3.3 It is proposed to insert the following list of regulations in Subpart 61.23.

**SUBPART 23: GLIDER FLIGHT INSTRUCTOR RATINGS**

- 61.23.1 Assistant Glider Instructor Rating
- 61.23.2 Glider Instructor Rating

3.4 It is proposed to insert the following list of regulations in Subpart 61.24.

**SUBPART 24: GLIDER MAINTENANCE AND TEST FLIGHT RATINGS**

- 61.24.1 Post glider maintenance rating



- 61.24.2 Post glider maintenance repair rating
- 61.24.3 Glider proving test flight rating

3.5 It is proposed to insert the following list of regulations in Subpart 61.37.

#### **SUBPART 37: TOURING GLIDER RATING**

- 61.37.1 Requirements for a touring glider rating
- 61.37.2 Application for a touring glider rating
- 61.37.3 Theoretical knowledge for a touring glider rating
- 61.37.4 Skills test for a touring glider rating
- 61.37.5 Privileges and limitations of a touring glider rating
- 61.37.6 Period of validity of a touring glider rating
- 61.37.7 Recency requirements for a touring glider rating

3.6 It is proposed to insert the following Subpart 61.10 in Part 61:

#### **SUBPART 10: GLIDER PILOT LICENCE FOR CONVENTIONAL AND POWER ASSISTED GLIDERS**

##### **Requirements for Glider Pilot Licence**

61.10.1 (1) An applicant for the issuing of a Glider Pilot Licence must –

- (a) be 16 years or older;
- (b) hold at least a valid Class 4 medical certificate, issued in terms of Part 67;
- (c) hold at least a valid restricted certificate of proficiency in radiotelephony (aeronautical);
- (d) show evidence of holding a valid Student Pilot Licence;
- (e) have successfully completed the training as prescribed in Document SA-CATS-FCL 61 at an approved gliding training organisation;
- (f) have passed the theoretical knowledge examination as prescribed in regulation 61.10.3;
- (g) meet the experience requirements prescribed in sub-regulation (2); and
- (h) have undergone the skills test referred to in regulation 61.10.4.

(2) An applicant for the issuing of a Glider Pilot Licence must have completed not less than 40 flights as pilot of a glider of which:

- (a) at least 20 flights are solo flights; and
- (b) at least 10 flights are accumulated per launch method; and
- (c) at least 6 hours of solo flight, of which one flight must be of at least two hours duration.

(3) An applicant for the first issuing of a Glider Pilot Licence endorsed at once with a Touring Glider Rating must, in addition to the requirements listed in sub-regulation (1):

- (a) have successfully completed the training as prescribed in Document SA-CATS-FCL 61 at an approved gliding training organisation on a touring glider;
- (b) have passed the theoretical knowledge examination as prescribed in Document SA-CATS-FCL 61;
- (c) meet the experience requirements in sub-regulation (4) and
- (d) have undergone the skills test referred to in regulation 61.04.4.

(4) An applicant for the first issuing of a Glider Pilot Licence endorsed at once with a Touring Glider Rating must have completed not less than 40 flights as pilot of a touring glider of which:

- (a) at least 20 flights are solo flights; and
- (b) at least 6 hours of solo flight of which one flight must be of at least two hours duration with the engine shut down, and terminating with a power-off landing.

#### **Application for and issue of a Glider Pilot Licence.**

**61.10.2** (1) An application for a Glider Pilot Licence must be:

- (a) made to the Commissioner or to the body, designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL 61 within 30 days of the completion of the practical skills test prescribed by regulation 61.10.4;
- (b) accompanied by:
  - (i) a valid Class 4 medical certificate, issued in terms of Part 67;
  - (ii) documentary evidence of compliance with paragraph (d) of sub-regulation 61.10.1 (1);
  - (iii) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (f) of sub-regulation 61.10.1(1) and, if applicable, in paragraph (b) of sub-regulation 61.10.1(3);
  - (iv) the applicant's flying logbook summarised in the format as prescribed in Document SA-CATS-FCL 61;
  - (v) the skills test report as prescribed in Document SA-CATS-FCL 61;
  - (vi) two recent passport-size photographs of the applicant; and
  - (vii) the appropriate fee as prescribed in Part 187.

(2) The Commissioner or the body, designated for the purpose in terms of Part 149, as the case may be, must issue a Glider Pilot Licence, if he, she or it is satisfied that the applicant complies with the requirements prescribed in regulation 61.10.1.

(3) A Glider Pilot Licence must be issued in the appropriate format, as prescribed in Document SA-CATS-FCL 61.

(4) The holder of a Glider Pilot Licence must, upon receipt of the Glider Pilot Licence, immediately affix his or her signature thereon in indelible ink in the space provided for such purpose.

(5) In case the Glider Pilot Licence being issued with a Touring Glider Rating endorsed, such endorsement shall be in accordance with the provisions of Subpart 61.37.

#### **Theoretical knowledge examination for a Glider Pilot Licence**

**61.10.3** The applicant must pass all the theoretical examinations for a Glider Pilot Licence referred to in paragraph (f) of sub-regulation 61.10.1(1) and, in the case of an application for the issuing of a Glider Pilot Licence endorsed with a Tour Glider Rating, paragraph (b) of sub-regulation 61.10.1(3) within a period of 12 months, and have passed the last theoretical knowledge examination within six months preceding the skills test for a Glider Pilot Licence.

#### **Skills test for a Glider Pilot Licence**

**61.10.4** (1) The applicant must undergo the skills test for a Glider Pilot Licence referred to in paragraph (h) of sub-regulation 61.10.1(1) or in the case of an application for the issuing of a Glider Pilot Licence endorsed with a Touring Glider Rating, paragraph (d) of sub-regulation 61.10.1(3) within 30 days of the last period of dual instruction.

(2) The applicant must pass a skills test demonstrating to the Chief Flying Instructor of an approved glider training organisation, appointed in terms of Document SA-CATSFCL 61 by the CFI of the approved, the ability to execute as pilot-in-command of a glider or a tour glider, as applicable, the procedures and manoeuvres prescribed in Document SA-CATS-FCL 61 with a degree of competence appropriate to the privileges granted to the holder of a Glider Pilot Licence.

(3) The holder of a Glider Pilot Licence shall have flown in the six months preceding the relevant skills test a minimum of 3 hours as pilot-in-command of a glider or touring glider, as applicable.

(4) The skills test shall be conducted in a suitable glider or touring glider, as applicable.

#### **Privileges and limitations of a Glider Pilot Licence**

**61.10.5** (1) The holder of a Glider Pilot Licence may not exercise the privileges of that licence unless he or she -

(a) is in possession of a valid Class 4 medical certificate, issued to him or her in terms of Part 67;

- (b) has submitted a copy of the medical certificate to the licensing authority, as required in sub-regulation 61.01.6(6) in the event that the aviation medical examiner is unable to submit electronic data to the Commissioner; and
- (c) complies with the maintenance of competency requirements prescribed in regulation 61.10.7.

(2) The holder of a valid Glider Pilot Licence may, by day under VMC, and with due regard for the provisions of sub-regulation (4), act as pilot-in-command or co-pilot of any glider or touring glider for which he or she holds the appropriate valid class rating or type rating by name.

(3) If the holder of a Glider Pilot Licence has the appropriate valid rating, he or she may furthermore exercise the privileges of the licence for any of the special purposes referred to in regulation 61.10.9.

(4) The holder of a Glider Pilot Licence may act -

- (a) to act as pilot-in-command of a glider for which he holds the appropriate class rating or type rating by name and to carry passengers, provided he or she is the holder of a passenger rating;
- (b) as pilot-in command of a glider in the course of his or her own or employer's business, provided that -
  - (i) the flight is only incidental to that business or employment; and
  - (ii) the glider does not carry passengers or freight for reward or hire;but -
- (c) may not be remunerated for acting in any pilot capacity in a glider, or act as pilot-in-command of a glider that is carrying passengers or freight for reward or hire, unless he or she is the holder of a passenger rating or any of the ratings issued in terms of Subpart 61.23.

#### **Period of validity of a Glider Pilot Licence**

**61.10.6** A Glider Pilot Licence shall be valid for an indefinite period: Provided that the privileges of the licence shall not be exercised by the holder thereof unless -

- (a) he or she holds a valid Class 4 medical certificate issued in terms of Part 67;
- (b) he or she complies with the provisions of Regulation 61.10.7; and
- (c) he or she holds an appropriate valid class or type rating by name.

#### **Maintenance of Competency for a Glider Pilot Licence**

**61.10.7** (1) The holder of a Glider Pilot Licence shall undergo a revalidation flight test check within a period of 24 months calculated from -

- (a) the date of issue of the Glider Pilot Licence; or
- (b) the beginning of the month following the date of -
  - (i) expiry of the last revalidation flight test check; or
  - (ii) revalidation if revalidated prior to the period referred to in sub-paragraph (i).

(2) The holder of a Glider Pilot Licence who has not maintained competency by passing a revalidation flight test check or an initial licence skills test within the 24 months following the issue or revalidation of such licence shall comply with the following requirements:

- (a) in the case of a holder of a Glider Pilot Licence where the maintenance of competency has lapsed by less than 24 months, the licence holder shall be required to –
  - (i) undergo a minimum of one period of dual flight instruction and fly at least one solo flight as pilot-in-command; and
  - (ii) pass a revalidation flight test check;
- (b) in the case of a holder of a Glider Pilot Licence where the maintenance of competency has lapsed by more than 24 months, the licence holder shall be required to comply with the initial issue requirements of Subpart 61.03.

(3) In the event of the maintenance of competency requirements of a Glider Pilot Licence not being complied with, the holder of a Glider Pilot Licence may automatically continue to exercise the privileges of a Student Pilot Licence (Glider), subject to the requirements of the Chief Flying Instructor of an approved Glider training organisation.

#### **Ratings for special purposes for a Glider Pilot Licence**

**61.10.8** (1) The ratings for special purposes associated with a Glider Pilot Licence are -

- (a) aerotow launch rating;
- (b) winch launch rating;
- (c) touring glider rating;
- (d) passenger rating;
- (e) assistant instructor rating;
- (f) full-category instructor rating; and
- (g) post-maintenance, post-repair and proving test flight rating.

#### (2) *Aerotow Launch Rating*

- (a) The Glider Pilot Licence may be issued with an aerotow launch rating endorsement if -
  - (i) the pilot has completed both the theoretical knowledge examinations and skills test, referred to in regulations 61.10.3 and 61.10.4, specific to the aerotow launch method; and
  - (ii) A minimum of 40 flights, including 20 solo flights and 10 aerotow launches, have been completed..
- (b) The holder of an aerotow launch rating may act as pilot of a glider being launched by the aerotow method.

#### (3) *Winch Launch Rating*

- (a) The Glider Pilot Licence may be issued with a winch launch rating endorsement if
- (i) the pilot has completed both the theoretical knowledge examinations and skills test, referred to in regulations 61.10.3 & 61.10.4, specific to the winch launch method; and
  - (ii) a minimum of 40 flights, including 20 solo flights and 10 winch launches, have been completed.
- (b) The holder of a winch launch rating may act as pilot of a glider being launched by the winch launch method.

(4) *Touring Glider Rating*

- (a) The Glider Pilot Licence may be issued with a touring glider rating endorsement if the pilot has complied with all the requirements of sub-regulation 61.10.1(3) or of Subpart 61.37.
- (b) The holder of a Glider Pilot Licence endorsed with a touring glider rating may act as pilot of a touring glider for which he or she holds the appropriate valid class rating or type rating by name.

(5) *Passenger rating*

(a) The Glider Pilot Licence may be issued with a passenger rating endorsement if the pilot -

- (i) holds a current and valid Glider Pilot Licence;
- (ii) has completed 100 solo flights;
- (iii) has completed a skills test with the Chief Flying Instructor of the relevant approved glider training organisation for the launch methods required; and
- (iv) obtains approval from the foregoing Chief Flying Instructor.

(b) The holder of a passenger rating may carry passengers.

**Recency requirements for a Glider Pilot Licence**

**61.10.9** (1) The holder of a Glider Pilot Licence shall comply with the recency requirements of regulation 91.02.4 in Part 91 of these Regulations.

3.7 It is proposed to insert the following Subpart 61.23 in Part 61:

**SUBPART 61.23 GLIDER FLIGHT INSTRUCTOR RATINGS**

**Assistant Glider Instructor Rating**

**61.23.2** (1) The glider pilot licence may be issued with an assistant glider instructor rating if the pilot -

- (a) holds a current and valid glider pilot licence;
- (b) has completed 300 solo flights on gliders or 100 gliding hours total;
- (c) has completed a skills test with the Chief Flying Instructor of the relevant approved glider training organisation for the launch methods required; and
- (d) obtains approval from the foregoing Chief Flying Instructor.

(2) The holder of a valid assistant glider instructor rating may provide all ground and flight instruction for the issue of a Glider Pilot Licence, but may not send students on their initial solo, and may not approve the endorsement of ratings for special purposes on Glider Pilot Licence.

### **Glider Instructor Rating**

**61.23.3** (1) The glider pilot licence may be issued with a glider instructor rating if the pilot -

- (a) holds a current and valid glider pilot licence;
- (b) is in possession of a valid assistant glider instructor rating;
- (c) has completed 600 solo flights on gliders or 200 gliding hours total;
- (d) has completed 200 flights or 100 hours total as an assistant glider instructor;
- (e) has completed a skills test with the Chief Flying Instructor of the relevant approved glider training organisation for the launch methods required; and
- (f) obtains approval from the foregoing Chief Flying Instructor.

(2) The holder of a valid Glider Instructor Rating may perform all the privileges of an assistant glider instructor, send students on their initial solo flight, and may approve the endorsement of ratings for special purposes on Glider Pilot Licences.

3.8 It is proposed to insert the following Subpart 61.24 in Part 61:

### **SUBPART 61.24 GLIDER MAINTENANCE AND TEST FLIGHT RATINGS**

#### **Glider maintenance rating**

**61.24.1** (1) The holder of a glider pilot licence with the appropriate class rating or type rating by name may carry out the maintenance as prescribed in technical standard 43.02.2 in Document SA-CATS-GMR if -

- (a) such holder is the owner or operator of the glider; and
- (b) the glider is not used for flight training or commercial operations.

(2) In the case of gliders used for flight training or commercial operations all maintenance shall be carried out by an Approved Person, appointed by the organisation, designated for the purpose in terms of Part 149,

### **Glider proving test flight rating**

#### **61.24.2 [To be developed]**

.9 It is proposed to amend regulation 61.30.1 of Subpart 61.37 by its substitution with the following new regulation 61.30.1 (amendments underlined):

### **Requirements for tug pilot rating**

- 61.30.1** (1) An applicant for a tug pilot rating must –
- (a) hold at least a valid Private Pilot Licence (Aeroplane) or a Glider Pilot Licence with a Touring Glider Rating;
  - (b) hold the appropriate endorsement for the aircraft within a class rating or type rating for the aeroplane or touring glider;
  - (c) have acquired suitable experience that include at least completion of 10 tug operations under the supervision of an appropriately rated Grade I or Grade II flight instructor in the case of aeroplanes, or a assistant glider instructor or a glider instructor in the case of a touring glider, or by the holder of a tug pilot rating designated for such purpose in writing by the Commissioner; and
  - (d) have demonstrated to an appropriately rated Grade I or Grade II flight instructor in the case of aeroplanes, or a assistant glider instructor or a glider instructor in the case of a touring glider, or to the holder of a tug pilot rating designated for such purpose in writing by the Commissioner, the ability to act as pilot-in-command of a tug aeroplane or tug touring glider whilst having an aircraft in tow.

(2) The instructor who oversees the skills test, referred to in paragraph (d) of sub-regulation (1) must endorse the pilot's logbook and submit notification of the endorsement to the licensing authority as per Document SA-CATS-FCL 61.

3.10 It is proposed to insert the following Subpart 61.37 in Part 61:

### **SUBPART 61.37 TOURING GLIDER RATING**

#### **Requirements for a touring glider rating**

**61.37.1** (1) An applicant for the issuing of a Touring Glider Rating must -

- (a) hold either a valid pilot licence (aeroplane), a valid glider pilot licence, or a student pilot licence for gliders, issued in terms of Part 61 of the Regulations;
- (b) hold at least a valid restricted certificate of proficiency in radiotelephony (aeronautical);
- (c) have successfully completed the training as prescribed in Document SA-CATS-FCL 61 at an approved gliding training organisation;



- (d) have passed the theoretical knowledge examination as prescribed in Document SA-CATS-FCL 61; and
- (e) have undergone the skills test referred to in sub-regulation 61.37.4(1).

(2) An applicant for the issuing of a Touring Glider Rating must have completed not less than 40 flights as pilot of a touring glider of which –

- (a) at least 20 flights are solo flights; and
- (b) at least 6 hours of solo flight, of which one flight must be of at least two hours duration with engine off, and terminating with a power-off landing.

### **Application for a touring glider rating**

**61.37.2** (1) An applicant for the issuing of a Touring Glider rating must be –

- (a) made to the Commissioner or to the body, designated for the purpose in terms of Part 149, as the case may be, on the appropriate form as prescribed in Document SA-CATS-FCL 61 within 30 days of the completion of the practical skills test prescribed by regulation 61.10.4;
- (b) accompanied by –
  - (i) the reference number in respect of the student or pilot licence, referred to in paragraph (a) of sub-regulation 61.37.1(1), held;
  - (ii) a certified true copy or the original of at least a Class 4 medical certificate issued in terms of Part 67 of the Regulations;
  - (iii) the original documentation proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (f) of sub-regulation 61.10.1(3);
  - (iv) the applicant's flying logbook summarised in the format as prescribed in Document SA-CATS-FCL 61;
  - (v) the skills test report as prescribed in Document SA-CATS-FCL 61; and
  - (vi) the appropriate fee as prescribed in Part 187.

(2) The Commissioner or the body, designated for the purpose in terms of Part 149, as the case may be, and with due respect for the provisions of sub-regulation (3), must issue a Touring Glider Rating, if he, she or it is satisfied that the applicant complies with the requirements prescribed in regulation 61.37.1.

(3) In the case of an applicant being exempted from the examination of his or her theoretical knowledge of soaring and from the soaring skills test, referred to in regulation 61.37.3 and sub-regulation 61.37.4(2) respectively, the Touring Glider Rating shall be endorsed: NOT VALID FOR SOARING.

(4) A Touring Glider Rating must be issued in the appropriate format, as prescribed in Document SA-CATS-FCL 61.

### **Theoretical knowledge for a touring glider rating**

**61.37.3** An applicant for the issuing of a Touring Glider Rating shall have passed successfully the theoretical knowledge examination prescribed in Document SA-CATS-FCL 61 within a period of 12 months, and have passed the last theoretical knowledge examination within six months preceding the skills test for a Touring Glider Rating: Provided that in the case of the applicant not being the holder of a Student Pilot Licence for gliders or a Glider Pilot Licence, issued in terms of Part 61 of the Regulations, the applicant's theoretical knowledge of soaring need not to be examined.

### **Skills test for a touring glider rating**

**61.37.4 (1)** An applicant for the issuing of a Touring Glider Rating must undergo the skills test for a Touring Glider Rating, referred to in paragraph (e) of sub-regulation 61.37.1(1), within 30 days of the last period of dual instruction.

(2) The applicant must pass the skills test demonstrating to the Chief Flying Instructor of the relevant approved glider training organisation or a glider flying instructor appointed for the purpose by the foregoing Chief Flying Instructor the ability to exercise as pilot-in-command of a touring glider the procedures and manoeuvres prescribed in Document SA-CATS-FCL 61 with a degree of competency appropriate to the privileges granted to the holder of a Touring Glider Rating: Provided that in the case of the applicant not being the holder of a Student Pilot Licence for gliders or a Glider Pilot Licence, issued in terms of Part 61 of the Regulations, the soaring aspects of the skills test need not to be tested.

(3) The skills test, referred to in sub-regulation (2), must be conducted in a touring glider.

### **Privileges and limitations of a touring glider rating**

**61.37.5** The holder of a Touring Glider Rating may exercise the privileges of his or her pilot licence under VMC by day in a touring glider for which he or she holds the appropriate class rating or type rating by name: Provided that, if the licence has been endorsed NOT VALID FOR SOARING, these privileges may not be exercised with the engine shut down other than for a dead-stick landing.

### **Period of validity of a touring glider rating**

**61.37.6** A Touring Glider Rating is valid as long as the pilot licence of the holder of the rating is valid and the appropriate requirements for the rating are maintained.

### **Recency requirements for a touring glider rating**

**61.37.7** The holder of a Touring Glider Rating shall not exercise the privileges of the rating when carrying passengers unless he or she has carried out during the 90 days immediately preceding the passenger-carrying flight as pilot flying either –

- (a) at least three flights in a touring glider; or
- (b) ~~one flight in a touring glider plus~~
- (i) at least two flights in single-engine aeroplane with a maximum certificated mass of 5 700 kg or less; or
- (ii) at least two flights in a glider; or
- (iii) at least one flight in single-engine aeroplane with a maximum certificated mass of 5 700 kg or less and one flight in a glider.

3.11 It is proposed to amend regulation 61.38.1 of Subpart 61.38 by its substitution with the following new regulation 61.38.1 (amendments underlined):

#### **Requirements for an Aerobatics Rating (Graduate)**

**61.38.1** (1) An applicant for an Aerobatics Rating (Graduate) must –

- (a) hold at least a valid Private Pilot Licence (Aeroplane) or a valid Glider Pilot Licence;
- (b) be a member of an organisation, approved or designated by the Commissioner as an aerobatics sport controlling body, as listed in Document SA-CATS-FCL 61;
- (c) have completed the aerobatics training course prescribed in Document SA-CATS-FCL 61;
- (d) hold the appropriate type rating for the aeroplane or glider; and
- (e) passed the skills test demonstrating to an aerobatics examiner, as appointed by an approved or designated aerobatics sport controlling body and ratified by the Commissioner, that he or she can fly a linked sequence of spin, loop, stall turn and roll in a safe and controlled manner, as applicable to the category of aircraft.

(2) The skills test referred to in sub-regulation (1) must have been passed within 30 days immediately preceding the date of application.

#### **CURRENT REGULATIONS**

Do not exist, except in the case of the proposed amendments to Subparts 61.30 and 61.38, the current regulations are those without the inserts.

#### **MOTIVATION**

Although the regulation and licensing of glider pilot licences and their ratings is carried out by the Proposer in terms of a designation from the Commissioner in terms of its

Manual of Procedures, as approved by the Commissioner, it is required that proper regulations are inserted in the Civil Aviation Regulations of 1973 (CAR).

#### Schedule 4

### PROPOSAL FOR THE AMENDMENT OF PART 61 OF THE CIVIL AVIATION REGULATIONS, 1997

#### Proposer:

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

#### 1. Explanation of Interest of the Proposer:

The Proposer administers the Aviation Act 1962 (Act No. 74/1962) and the Regulations and Technical Standards issued in terms thereof.

#### 2. CURRENT REGULATION

Does not exist.

#### 3. PROPOSED REGULATION

It is proposed to amend Part 61 of the Civil Aviation Regulations, 1997, by the insertion of the following Subpart:

#### **SUBPART 40: MULTI PILOT LICENCE (AEROPLANE)**

#### **Requirements for a Multi Pilot Licence (Aeroplane)**

**61.40.1(1)** An applicant for an Multi Pilot Licence (MPL) (Aeroplane) must-

- (a) be not less than 18 years of age;
- (b) hold a valid Class 1 medical certificate, issued in terms of Part 67;
- (c) a valid Student Pilot Licence;
- (d) a valid instrument rating;

- (e) have completed a multi-crew cooperation course;
  - (f) have successfully completed an MPL integrated training course as prescribed in Document SA-CATS-FCL 61 at an approved Part 141 aviation training organisation;
  - (g) have passed the airline transport pilot licence (ATPL) theoretical knowledge examination as prescribed in Document SA-CATS-FCL 61.
  - (h) have undergone the skill test referred to in regulation 61.40.4;
- (2) An applicant for a Multi Pilot Licence (Aeroplane) must have completed not less than 240 hours of flight time of which -
- (a) 70 hours must be as pilot-in-command, of which up to 60 hours may be pilot-in-command-under-supervision; and
  - (b) 20 hours must be cross-country flight time, of which 10 hours may be as pilot-in-command-under-supervision, and shall include a cross-country flight totalling not less than 300 nm in the course of which full-stop landings shall be made.
- (3) The 240 hours flying experience referred to in sub-regulation (2) shall include a minimum of 60 hours flight time in a multi-crew turbine aircraft or in an approved flight simulation training device (FSTD) and may comprise time in any of the following categories –
- (a) as pilot-in-command,
  - (b) pilot-in-command under supervision (PICUS),
  - (c) pilot under instruction (dual),
  - (d) as an appropriately rated co-pilot;
  - (e) as student pilot-in-command; and
  - (f) as student pilot-in-command-under-supervision.

#### **Application for and Issue of a Multi Pilot Licence (Aeroplane)**

**61.40.2** (1) An application for a Multi Pilot Licence (Aeroplane) must be made to the Commissioner on the appropriate form as prescribed in Document SA-CATS-FCL 61 within 30 days of the practical skill test.

(2) The application referred to in sub-regulations (1) must be accompanied by -

- (a) a valid Class 1 medical certificate, issued in terms of Part 67;
- (b) documentary evidence of compliance with paragraphs (e), (f) and (g) of sub-regulation 61.40.1 (1);
- (c) the original documentation or certified copies of the documents proving that the applicant has passed the theoretical knowledge examination referred to in paragraph (f) of sub-regulation 61.40.1(1) and regulation 61.01.16;
- (d) the applicant's flying logbook summarised in the format as prescribed in Document SA-CATS-FCL 61;
- (e) the skill test report as prescribed in Document SA-CATS-FCL 61;
- (f) two recent passport-size photographs of the applicant, unless such applicant is the holder of another pilot licence issued in terms of Part 61; and
- (g) the appropriate fee as prescribed in Part 187.

(3) The Commissioner must issue a Multi Pilot Licence (Aeroplane), if he or she is satisfied that the applicant complies with the requirements referred to in regulation 61.40.1.

(4) A Multi Pilot Licence (Aeroplane) must be issued in the appropriate format, as prescribed in Document SA-CATS-FCL 61.

(5) The holder of a Multi Pilot Licence (Aeroplane) must, upon receipt of the Multi Pilot Licence (Aeroplane), immediately affix his or her signature thereon in ink in the space provided for such purpose.

#### **Theoretical knowledge examination for a Multi Pilot Licence (Aeroplane)**

**61.40.3** (1) Candidates who obtain credit or a pass for the Multi Pilot Licence (Aeroplane) (ATPL/A) subjects have 36 months to obtain an Instrument Rating (IR). The ATPL/A subjects will remain valid for a period of 60 months from the date of expiry of the last Instrument Flying Revalidation Check.

(2) If an instrument rating is not issued within the 36 month period from the date of passing the last CPL/IR or ATPL examination as the case may be, then the Air Law and Procedures examination credit will lapse. Candidates will be required to re-take the Air Law and Procedures theoretical knowledge examination.

(3) Where a candidate has previously passed all ATPL/A theoretical knowledge examinations but was not issued with a CPL/IR within the 36 month period, the amount

of credit to be given for the ATPL theoretical knowledge instruction will be at the discretion of the Head of Training of the approved Part 141 aviation training organisation.

#### **Skill test for a Multi Pilot Licence (Aeroplane)**

**61.40.4** (1) An applicant for a Multi Pilot Licence (Aeroplane) must have demonstrated to a Designated Flight Examiner I (DFE I) the ability to perform as co-pilot in an aeroplane under IFR, the procedures and manoeuvres as prescribed in Document SA CATS-FCL 61 with a degree of competency appropriate to the privileges granted to the holder of a Multi Pilot Licence (Aeroplane). The initial skill test may be performed in a flight simulation training device (FSTD) approved for the purpose and in the following aircraft:

- (a) any aeroplane with a maximum certificated mass of more than 5 700 kg, type-certified for a minimum crew of two pilots; or
- (b) any multi-engine turboprop/turbojet aeroplane with fully functional dual instrumentation.

(2) The skill test may serve as a skill test for the issue of the licence and an initial type rating or for the aeroplane used in the test.

#### **Privileges and limitations of a Multi Pilot Licence (Aeroplane)**

**61.40.5** (1) The holder of a Multi Pilot Licence (Aeroplane) may not exercise the privileges of that licence unless he or she -

- (a) is in possession of a valid Class 1 medical certificate, issued to him or her in terms of Part 67;
- (b) has submitted a copy of the medical certificate to the licensing authority, as required in sub-regulation 61.01.6(6) in the event that the aviation medical examiner is unable to submit electronic data to the Commissioner;
- (c) complies with the Maintenance of Competency requirements.

(2) The holder of a Multi Pilot Licence (Aeroplane) may, in any aeroplane for which he or she holds the appropriate type or class rating and subject to regulation 61.40.7, -

- (a) exercise all the privileges of a Private Pilot Licence (Aeroplane);
- (b) act as co-pilot in any aeroplane required to be operated to be operated with a co-pilot; and
- (c) exercise the privileges of the instrument rating in a multi-crew operation.

(3) The holder of a Multi Pilot Licence (Aeroplane) may not exercise any of the privileges of his or her licence unless such holder has undergone, at any time during the preceding 12 months, a skill test for the issue of a type rating or a Multi Pilot Licence (Aeroplane) revalidation check.

(4) Any limitation of privileges must be endorsed on the licence.

#### **Period of validity of a Multi Pilot Licence (Aeroplane)**

**61.40.6** A Multi Pilot Licence (Aeroplane) issued is valid for a period of 10 years provided that:

- (a) currency fees are paid in terms of regulation 61.01.17;
- (b) maintenance of competency in terms of regulation 61.40.7 is complied with;
- (c) annually, with the fee referred to in paragraph (a), the completed application form, as prescribed in sub-regulation 61.40.2(2), is submitted including certified copies of the last 3 pages of the logbook containing entries indicating a record of flight times, an annual summary indicating flight time per category, class, type and total time, as well as certified copies of any endorsements entered into the logbook in the preceding 12 months.

#### **Maintenance of Competency for a Multi Pilot Licence (Aeroplane)**

**61.40.7** (1) The holder of a Multi Pilot Licence (Aeroplane) shall undergo a revalidation check within a period of 12 months calculated from -

- (a) the date of reissue; or
- (b) the beginning of the month following the date of -
  - (i) expiry of the rating if such rating is revalidated within 90 days immediately prior to expiry; or
  - (ii) revalidation of such rating if revalidated prior to the period referred to in sub-paragraph (i).

(2) The holder of a Multi Pilot Licence (Aeroplane) who has not maintained competency by passing a revalidation check or an initial licence skill test in the same category of aircraft within the 12 months following the issue or revalidation of such licence shall comply with the following requirements:

- (a) in the case of a holder of a Multi Pilot Licence where the maintenance of competency has lapsed by less than 24 months, the licence holder shall be required to:



- (i) undergo a minimum of one period of dual flight instruction and fly at least 3 hours as pilot-in-command; and
  - (ii) pass a revalidation check in the same category of aircraft.
- (b) in the case of a holder of a Multi Pilot Licence where the maintenance of competency has lapsed by more than 24 months, but less than 36 months, the licence holder shall be required to:
- (i) rewrite the air law and procedures examination;
  - (ii) undergo a minimum of one period of dual flight instruction and fly at least 3 hours as pilot-in-command; and
  - (iii) pass a an initial licence skill test in the same category of aircraft
- (c) in the case of a holder of a Multi Pilot Licence where the maintenance of competency has lapsed by more than 36 months but less than 60 months, the licence holder shall be required to:
- (i) rewrite the air law and procedures examination;
  - (ii) rewrite the meteorology examination ;
  - (iii) rewrite the navigation examination ;
  - (iv) rewrite the aircraft performance and planning examination;
  - (v) undergo a minimum of one period of dual flight instruction and fly at least 3 hours as pilot-in-command; and
  - (vi) pass an initial licence skill test in the same category of aircraft.
- (d) in the case of a holder of a Multi Pilot Licence where the maintenance of competency has lapsed by more than 60 months, comply with the initial issue requirements of Subpart 61.40.

(3) In the event of the Maintenance of Competency requirements of a Multi Pilot Licence (Aeroplane) not being complied with, the holder of an Multi Pilot Licence (Aeroplane) may automatically continue to exercise the privileges of a Private Pilot Licence (Aeroplane), subject to the requirements of the respective licence having been met.

#### **Ratings for special purposes for an Multi Pilot Licence (Aeroplane)**

**61.40.8** (1) There are no ratings for special purposes associated with an Multi Pilot Licence (Aeroplane).

#### **Recency requirements for a Multi Pilot Licence (Aeroplane)**

**61.40.9** (1) The holder of a Multi Pilot Licence (Aeroplane) shall comply with the recency requirements of regulation 91.02.4 in Part 91 of these Regulations.

#### 4. MOTIVATION

The insertion of this subpart is necessary, since Annex 1 of the Chicago convention introduces a new aeroplane pilot licence, the Multi-crew Pilot Licence (MPL), which enables the licence holder to perform the duties of a co-pilot on aeroplanes operated with more than one pilot. This licence is an addition to, but does not replace the existing ways of qualifying as a co-pilot on aeroplanes operated with more than one pilot.

#### Schedule 5

#### PROPOSAL TO AMEND PART 91 OF THE CIVIL AVIATION REGULATIONS, 1997

##### PROPOSER

The Commercial Aviation Association of Southern Africa (CAASA)  
CAASA House  
Gate 9 – Lanseria International Airport  
P O Box 658  
1748 Lanseria  
Email: [caasa@iafrica.com](mailto:caasa@iafrica.com)

##### Explanation of interest of the Proposer

The Proposer is a professional Association, whose membership includes persons engaged in commercial aviation, persons who have a commercial interest in aviation, and enterprises allied to commercial aviation. The main objectives of the Association are to serve, promote, watch over, advance and mutually protect the interests of persons engaged in aviation and to act as a connecting link between such persons and the South African Government and other public bodies within or outside the Republic of South Africa.

#### PROPOSAL TO AMEND PART 91 BY THE INSERTION OF A NEW REGULATION 91.01.12.

It is hereby proposed to amend Part 91 by the insertion of the following new regulation:

##### 1.1 Proposed new regulation

##### Operation of unmanned aerial vehicles, other than model aircraft

**91.01.12** No person shall operate, within the Republic, whether for reward or not, an unmanned aerial vehicle, other than a model aircraft, except in accordance with the provisions of Document SA-CATS-OPS 91.

## 1.2 Motivation

Although both nationally and internationally processes are underway to formulate internationally acceptable and standardised rules and regulations for the introduction of civilian unmanned aerial systems in civilian airspace, such processes take many years to finalise, as this equipment is already being operated in South African Airspace, South Africa urgently needs to implement some interim measures to regulate this type of operation. On the 28<sup>th</sup> of July, 2006, a voluntary National Unmanned Aerial Systems Policy Co-ordination Committee (NUASP Co-com) was formed to *inter alia* formulate a national unmanned aerial vehicle policy. One of its members, Anton Maneschijn, who is currently completing his doctorate in UAS Operations in South African Airspace and Airworthiness Requirements for UAS in Southern Africa, has drafted an interim policy document dealing with both the operational and airworthiness aspects of UAS, which is particularly suited to the integration of so-called micro and mini UAVs into both segregated and non-segregated airspace.

The Proposer does not know why the SACAA representative on the NUASP Co-com has not put this interim policy document before the Civil Aviations Regulations Committee (CARCom), notwithstanding that CARCom has repeatedly asked for interim regulations, considering the soccer world championship to be held in 2010 in South Africa.

It is the firm believe that the document provides a workable interim solution. Furthermore, by issuing it as a Technical Standard, it will be an easy process to update the document as and when more information becomes available.

## 1.3 Current regulation

No regulation, dealing with the operation of UAVs in South African airspace, exists.

### Schedule 6

#### PROPOSAL FOR THE AMENDMENT OF PART 121 OF THE CIVIL AVIATION REGULATIONS, 1997

#### A. PROPOSER

SACAA  
Private Bag X73  
HALFWAY HOUSE  
1685

**B. PROPOSER'S INTEREST**

The proposer has been established in terms of the South African Civil Aviation 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.

**PROPOSAL TO SUBSTITUTE REGULATION 121.05.5 OF THE REGULATIONS**

1.1 It is hereby proposed to substitute Regulation 121.05.5 with the following Regulation:

**“Ground proximity warning system**

**121.05.5** (1) As from 1 January 2011, all turbine-engined aeroplanes of a maximum certificated take-off mass in excess of 5 700 kg or authorized to carry more than nine passengers shall be equipped with a ground proximity warning system.

(2) As from 1 January 2011, all turbine-engined aeroplanes of a maximum certificated take-off mass in excess of 15 000 kg or authorized to carry more than 30 passengers shall be equipped with a ground proximity warning system which has a forward looking terrain avoidance function.

(3) All turbine-engined aeroplanes of a maximum certificated take-off mass in excess of 5 700 kg or authorized to carry more than nine passengers, for which the individual certificate of airworthiness is first issued on or after 1 January 2010, shall be equipped with a ground proximity warning system which has a forward looking terrain avoidance function.

(4) As from 1 January 2011, all turbine-engined aeroplanes of a maximum certificated take-off mass in excess of 5 700 kg or authorized to carry more than nine passengers, shall be equipped with a ground proximity warning system which has a forward looking terrain avoidance function.

(5) As from 1 January 2012 all piston-engined aeroplanes of a maximum certificated take-off mass in excess of 5 700 kg or authorized to carry more than nine passengers shall be equipped with a ground proximity warning system which provides the warnings contemplated in paragraphs (a) and (c) of sub-regulation (7), warning of unsafe terrain clearance and a forward looking terrain avoidance function.

(6) A ground proximity warning system shall provide automatically a timely and distinctive warning to the flight crew when the aeroplane is in potentially hazardous proximity to the earth's surface.

(7) A ground proximity warning system shall provide, unless otherwise specified herein, warnings of the following circumstances:

- (a) excessive descent rate;
- (b) excessive terrain closure rate;
- (c) excessive altitude loss after take-off or go-around;
- (d) unsafe terrain clearance while not in landing configuration;
- (e) gear not locked down;
- (f) flaps not in a landing position; and
- (g) excessive descent below the instrument glide path.”.

## 1.2 Current provisions

### “Ground proximity warning system

**121.05.5** (1) The operator of a large turbine-powered commercial air transport aeroplane with a maximum certificated mass exceeding 15 000 kilograms or authorised to carry more than 30 passengers, of which the certificate of airworthiness was first issued on or after 1 July 1979, shall not operate the aeroplane unless such aeroplane is equipped with a ground proximity warning system.

(2) The ground proximity warning system shall automatically provide, by means of aural signals, which may be supplemented by visual signals, timely and distinctive warnings to the flight deck crew members of sink rate, ground proximity, altitude loss after take-off or go-around, incorrect landing configuration and downward glide slope deviation.”.

## 1.3 Motivation

The amendment is necessary to align the Regulations with best international standards, directly from Annex 6, Part 1, Chapter 6, number 6.15 formally known as ‘International standards and recommended practices’.

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