
GOVERNMENT NOTICE

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 or 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**

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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;