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## GENERAL NOTICE

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### NOTICE 20 OF 2010

#### 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, sub-regulation (3)1997, as set out in the schedules hereto. Any comments or representations on the proposed amendments should be lodged in writing with the Chairperson of the Regulations Committee, for attention Ms. Monica Sonjani or Mr. Herman Wildenboer, Private Bag 73 Halfway House, 1685, fax: (011) 545-1201, or e-mail at [sonjanim@caa.co.za](mailto:sonjanim@caa.co.za) or [wildenboerh@caa.co.za](mailto:wildenboerh@caa.co.za), before or on 11 February 2010.

#### SCHEDULE 1

#### PROPOSAL FOR THE AMENDMENT OF PART 12 OF THE CIVIL AVIATION REGULATIONS, 1997

##### PROPOSER:

South African Civil Aviation Authority  
Private Bag X73  
Halfway House  
1685

##### 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.

##### GENERAL EXPLANATORY NOTE

Words in strike through indicate deletions from the existing regulations

Words underlined with a solid line indicate insertions in the existing regulations

#### 1. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 12.01.6 OF THE REGULATIONS

1.1 The following regulation is hereby substituted for regulation 12.01.6:

**“Designation and Acceptance of an Accredited Representative**

**12.01.6** (1) The Commissioner may –

- (a) designate an accredited representative, for the purposes of investigating an accident or incident involving a South African registered aircraft in a territory of a contracting or non-contracting State; or
  - (b) accept the accreditation or appointment of an accredited representative of the State of Registry, State of the Operator, State of Design or State of Manufacture for the purposes of participating in investigating an accident or incident involving a South African or a foreign registered aircraft in the territory of the Republic.
- (2) The conditions and requirements for and the rules, procedures and standards connected with a designation or acceptance referred to, shall be as prescribed in Document SA-CATS-ACCID and INCID.
- (3) An accredited representative designated or accepted in terms of sub-regulation (1) may participate in the investigation of the accident or incident under the control of the investigator-in-charge.
- (4) An accredited representative designated or accepted in terms of sub-regulation (1) may, under the control of the investigator-in-charge –
- (a) visit the scene of the accident;
  - (b) examine the wreckage;
  - (c) obtain witness information and suggest areas of questioning;
  - (d) have access to all relevant evidence;
  - (e) receive copies of all relevant documents, books, notes, photographs, recordings and transcripts;
  - (f) participate in readouts of recorded media;
  - (g) participate in component examinations, technical briefings, tests and simulations and other investigative activities;
  - (h) participate in deliberations on the analysis, findings, cause or causes and safety recommendations; and
  - (i) make submissions in respect of the various elements of the investigation.
- (5) An accredited representative designated or accepted in terms of sub-regulation (1) shall not circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident, without the express consent of the State which conducted the investigation, unless such reports or documents have already been published or released by the State conducting the investigation.”.

## 1.2 Motivation

The current regulation is not in line with the requirements of ICAO Annex 13 as it calls for the Commissioner to designate the Accredited Representative from other States. The CCA should only accept their designations from their states should they meet the requirements as stipulated in the CATS documents.

The objective of these provisions is to promote relations with foreign States in an event where South African registered aircrafts are involved in an occurrence in a foreign country. Participation of South Africa/SACAA in the investigation of those occurrences will speed up the process of investigation and victim identification.

This proposed regulation is an ICAO requirement and is not at present correctly stated in the regulations, and not clarifying it in CAR Part 12 will result in future findings by ICAO-AIG and/or FAA.

## 2. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 12.01.7 OF THE REGULATIONS

2.1 The following regulation is hereby substituted for regulation 12.01.7:

### “Designation of adviser”

**12.01.7 (1) (a)** ~~The Commissioner may, in consultation with the accredited representative designate an adviser for the purpose of assisting the an accredited representative in the investigation of an accident or incident.~~

(b) The Commissioner may accept an adviser from the State of Registry, State of the Operator, State of Design or State of Manufacture for the purpose of assisting an accredited representative in the investigation of an accident or incident.

(2) An adviser designated in terms of sub-regulation (1) shall not circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident, without the express consent of the State which conducted the investigation, unless such reports or documents have already been published or released by the State conducting the investigation.

~~(2) An adviser designated in terms of sub-regulation (1) may, under the control of the investigator in charge and the supervision of the accredited representative—~~

- ~~(a) visit the scene of the accident or incident;~~
- ~~(b) examine the wreckage;~~
- ~~(c) obtain information from witnesses and suggest areas for questioning;~~
- ~~(d) have access to all relevant evidence;~~
- ~~(e) receive copies of all relevant documents, books, notes, photographs, recordings and transcripts;~~
- ~~(f) participate in readouts of recorded media;~~
- ~~(g) participate in component examinations, technical briefings, tests and simulations and other investigative activities;~~
- ~~(h) participate in deliberations on the analysis, findings, cause or causes and safety recommendations; and~~
- ~~(i) make submissions in respect of the various elements of the investigation.~~

~~(3) Should the Republic of South Africa be the State of Occurrence, the Commissioner may, in consultation with the investigator in charge, accept the designation or appointment of an adviser for the purpose of assisting the accredited representative in the investigation of an accident or incident.~~

(3)(4) The conditions and requirements for and the rules, procedures and standards connected with a designation referred to , shall be as prescribed in Document SA-CATS-ACCID and INCID.”.

## 2.2 Motivation

This proposed regulation is an ICAO requirement and is not at present included in the regulations, and not having it incorporated on CAR Part 12 will result on future findings by ICAO-AIG and/or FAA.

The objective of these specifications is to promote efficiency, effectiveness and quality of the investigation and reporting on factual information in an investigation.

## 3. PROPOSAL FOR THE INSERTION OF REGULATION 12.01.8 INTO THE REGULATIONS

3.1 The following regulation is hereby inserted after regulation 12.01.7:

### “Designation of experts”

12.01.8 (1) The Commissioner may appoint an expert, where a citizen of the Republic of South Africa is fatally injured or has suffered serious injuries in an aircraft accident or incident involving a foreign registered aircraft in the territory of another State.

(2) The Commissioner shall inform the State of Occurrence of the intention to appoint experts to participate in the investigation of the occurrence.

(3) The Commissioner may accept the appointment of an expert from any State, whose citizens were fatally injured or suffered serious injuries in a South African or a foreign registered aircraft accident or incident in the territory of the Republic.

(4) The expert referred to in sub-regulation (3) may, under the control of the investigator-in-charge :

- (a) visit the scene of the accident;
- (b) have access to the relevant factual information;
- (c) participate in the identification of the victims;
- (d) assist in questioning surviving passengers who are citizens of the expert's State; and
- (e) receive a copy of the final report.

(5) An expert appointed in terms of sub-regulation (1) or accepted in terms of sub-regulation (3) shall not circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident, without the express consent of the State which conducted the investigation, unless such reports or documents have already been published or released by the State conducting the investigation.

(6) The conditions, requirements, rules, procedures and standards connected with a designation or acceptance of an expert referred to in subregulations (1) and (3), shall be as prescribed in Document SA-CATS-ACCID and INCID.”.

### 3.2 Motivation

This proposed regulation is an ICAO requirement and is not at present included in the regulations, and not having it incorporated on CAR Part 12 will result in future findings by ICAO-AIG and/or FAA. The objective of these provisions is to promote relations with foreign States in an event where South African citizens are involved in an occurrence in a foreign country, or where the citizens of a foreign country are involved in an accident in SA. Participation of South Africa/SACAA on the investigation of those occurrences will speed up the process of investigation and victim identification.

## 4. PROPOSAL FOR THE INSERTION OF REGULATION 12.01.9 INTO THE REGULATIONS

4.1 The following regulation is hereby inserted after regulation 12.01.8:

### “Powers of the Investigator in Charge or an Investigator

12.01.9 (1) In addition to any other power granted to or duty imposed on an Investigator in Charge (IIC) or an Investigator under any part of the regulations, such IIC or Investigator may –

- (a) enter any premises for the purpose of investigation of any aircraft, aircraft factory, aerodrome, civil aviation related facility, aircraft component, aircraft equipment, license, certificate, permit, approval, authorization, register, book or document which he or she believes to be on such premises;
- (b) confiscate any thing, article, book, register, document, aircraft, aircraft component, aircraft equipment, license, certificate, permit, approval or authorizations, which he or she reasonably believes will assist in the investigation process;
- (c) recommend to the Commissioner for the grounding of any aircraft which he or she reasonably believes to be unsafe, not duly registered or not airworthy;
- (d) recommend to the Commissioner for the closure of any aviation related facility which he or she reasonably believes does not comply with the Act or the regulations;
- (e) request the pilot of an aircraft to furnish his or her name and address and any other particulars concerning his or her identity;
- (f) require any person on an aerodrome or in an aircraft, aircraft factory or civil aviation related facility to furnish his or her name and address and any other particulars concerning his or her identity and to furnish such information as is at his or her disposal concerning the identity of the pilot or owner of any aircraft, or the owner of any aerodrome, aircraft factory or civil aviation related facility;

- (g) request the owner or operator of an aircraft to furnish such information as may be necessary concerning the identity of the pilot of the aircraft at any time or during any particular period;
- (h) inspect or investigate an aircraft, or any part, component or equipment of such aircraft, for the purpose of ascertaining whether the provisions of the regulations or a technical standard are being complied with;
- (i) ascertain the mass of any aircraft with or without load;
- (j) call upon any person required by the regulations to be the holder of a license, certificate, permit, approval or authorization or, in the case of a flight crew member or an aircraft maintenance engineer, his or her log-book, for inspection or investigation within a reasonable time to be stipulated by such IIC or Investigator; and
- (k) call upon the owner, operator or pilot-in-command of any aircraft to produce or cause to be produced for inspection or investigation any license, certificate, manual, log-book or other document relating to the aircraft or crew.

(2) Should it appear to any IIC or Investigator that any aircraft is intended or likely to be flown under circumstances where the flight would involve a contravention of the regulations, or will cause danger to persons in the aircraft or to persons or property on the ground, he or she may take such action to delay the flight or such other action as he or she may deem necessary for the purpose of causing the circumstances relating to the flight to be investigated or the aircraft to be inspected.

(3) If a flight has been delayed in terms of sub-regulation (2), the aircraft shall not be operated until the Commissioner is satisfied that the regulations are being complied with and approves the operation of the aircraft, or until such alterations or repairs have been effected which the Commissioner deems necessary to render such aircraft fit for flight.”.

#### **4. Motivation**

This proposed regulation is an ICAO requirement and is not at present included in the regulations, and not having it incorporated in CAR Part 12 will result in future findings by ICAO-AIG in 2007. We propose this in an attempt not to get a repeat finding which may result in a major finding. The objective of these specifications is to define the powers of investigators in terms as the investigators are currently given powers of an Authorized officer and this has resulted in a finding by ICAO AIG Audit in 2007.

#### **5. PROPOSAL FOR THE RENUMBERING OF REGULATION 12.01.8**

- 5.1 Regulation 12.01.8 of the Regulations is herewith renumbered as regulation 12.01.10:

### **“Establishment of confidential aviation hazard reporting system**

**12.01.10** (1) The designated body or institution referred to in regulation 12.01.2, shall establish a confidential aviation hazard reporting system to promote aviation safety or reduce the risk of accidents or incidents.

(2) The requirements for and the procedures of a confidential aviation hazard reporting system and the manner in which such system shall be operated, shall be as prescribed in Document SA-CATS-ACCID and INCID.

(3) Any person who exercises or has exercised any function in terms of the confidential aviation hazard reporting system, shall not disclose any information which he or she obtained in the performance of such function which could identify the originator of the notice referred to in regulation 12.02.5.”.

## **5.2 Motivation**

Aligning this regulation will make the Regulations more user-friendly.

## **6. PROPOSAL FOR THE AMENDMENT OF REGULATION 12.05.1 OF THE REGULATIONS**

6.1 Regulation 12.05.1 of the regulations is hereby amended by the insertion of the following sub-regulation after sub-regulation (2) :

“(3)(a) The Commissioner shall send a copy of the draft Final Report to the State that instituted the investigation and to all States that participated in the investigation, inviting their significant and substantiated comments on the report as soon as possible.

(b) The Commissioner shall send the draft Final Report of the investigation for comments to:

- (i) the State of Registry;
- (ii) the State of the Operator;
- (iii) the State of Design; and
- (iv) the State of Manufacture.

(c) The States referred to in paragraphs (a) and (b) shall be given a period of 60 days from the date of receipt of the draft Final Report, within which to make comments therein.

(d) The Commissioner shall give due consideration to any comments received within the period stated in paragraph (c) above and shall either amend the draft Final Report to include the substance of the comments received or, if desired by the State that provided comments, append the comments to the Final Report.

(e) If the Commissioner receives no comments within the period stated in paragraph (c) above, he or she shall prepare the Final Report.”.

## 6.2 Motivation

The objective of this regulation is to invite States substantiated comments on a report within 60 days from the date of a transmittal letters.

This proposed regulation is an ICAO requirement and is not at present included in the regulations, and not having it incorporated on CAR Part 12 will result in future findings by ICAO-AIG and FAA.

## 7. PROPOSAL FOR THE INSERTION OF SUBPART 6 INTO PART 12 OF THE REGULATIONS

7.1 The following Subpart is hereby inserted after Subpart 5 of Part 12:

### **SUBPART 6: ACCIDENTS PREVENTION MEASURES**

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#### **Voluntary incident reporting system**

12.06.01 1) The Commissioner shall establish a voluntary incident reporting system which shall be non-punitive and afford protection to the source of information.

(2) The Commissioner shall establish other safety data collection and processing systems to collect safety information that may not be captured by the incident reporting system mentioned in sub-regulation(2) above.

#### **Database system**

12.06.2 (1) The Commissioner shall establish an accident and incident database system to facilitate the effective analysis of information obtained, including the information obtained from the incident reporting system.

(2) The database system referred to in sub-regulation (1) shall be in a standardized format to facilitate data exchange.

#### **Analysis of data**

12.06.03 (1) The Commissioner shall, following the identification of preventative actions required to address actual or potential safety deficiencies, and as part of the safety program, implement these actions and establish a process to monitor implementation and effectiveness of the processes.

(2) The Commissioner shall analyse safety information based on risk assessment.

(3) The Commissioner shall, in the analysis of the information contained in the database, identify safety matters considered to be of interest to other States and forward such safety information to that State as soon as possible.

(4) The Commissioner shall, if a safety recommendation is addressed to an organization in another State and in addition to safety recommendations arising from accidents and incident investigations, or other sources, including safety studies, forward such recommendation to that State's investigations authority.

### **Exchange of safety information**

12.06.4 The Commissioner shall establish a safety information sharing network among all users of the aviation system and shall facilitate the free exchange of information on actual and potential safety deficiencies."

## **7.2 Motivation**

This proposed regulation is an ICAO requirement and is not at present included in the regulations, and not having it incorporated on CAR Part 12 will result in future findings by ICAO-AIG and FAA. The objective of these specifications is to promote accident prevention by analysis of accident and incident data and by prompt exchange of information.

## **SCHEDULE 2**

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

#### **A. PROPOSER**

**J H Slabber  
P O Box 132  
Wierda Park  
0149  
Cell. No. 082 322 0023  
E Mail: astro@lantic.net**

#### **B. PROPOSER'S INTEREST**

The proposer is a South African pilot engaged in general aviation in South Africa. The proposer holds a current Airline Transport Pilots Licence.

#### **C. GENERAL EXPLANATORY NOTE:**

Words in strike through indicate deletions from the existing regulations.  
Words underlined with a solid line indicate insertions in existing regulations.

## 8. PROPOSAL TO AMEND REGULATION 61.01.12 OF THE REGULATIONS

8.1 Regulation 61.01.12 is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation:

“(2) A holder of a pilot licence who has attained the age of 65 years may not act as pilot in command of an aircraft engaged in international commercial air transport operations.”.

## 8.2 MOTIVATION

Regulation 61.01.12 (2) has been rephrased to make the curtailment of pilots of age 65 years or more only applicable to Pilot in Command engaged in International commercial air transport operations.

The amendment proposed is based on the fact that, the relevant ICAO regulation is a recommendation only. See ICAO Annex 1 2.1.10.2. below:

### ICAO Regulation

The Annex 1 to the Convention on International Civil Aviation contains the Personnel Licensing requirements and the following curtailment/limitation of privileges:

#### **2.1.10 Limitation of privileges of pilots who have attained their 60th birthday and curtailment of privileges of pilots who have attained their 65th birthday**

**2.1.10.1** A Contracting State, having issued pilot licences, shall not permit the holders thereof to act as pilot-in-command of an aircraft engaged in international commercial air transport operations if the licence holders have attained their 60th birthday or, in the case of operations with more than one pilot where the other pilot is younger than 60 years of age, their 65<sup>th</sup> birthday.

**2.1.10.2 Recommendation.**— *A Contracting State, having issued pilot licences, should not permit the holders thereof to act as co-pilot of an aircraft engaged in international commercial air transport operations if the licence holders have attained their 65th birthday.*

*Note.*— *Attention is drawn to 1.2.5.2.3 on the validity period of Medical Assessments for pilots over the age of 60 who are engaged in commercial air transport operations.*

## SCHEDULE 3

### PROPOSAL FOR THE AMENDMENT OF PART 1 AND PART 62 OF THE CIVIL AVIATION REGULATIONS, 1997

#### A. PROPOSER

The Aeroclub of South Africa  
Aeroclub House  
Hangar No. 4  
Rand Airport  
Germiston

**B. PROPOSER'S INTEREST**

The proposer is responsible for the controlling and co-ordination of sporting aviation in the Republic of South Africa.

**C. GENERAL EXPLANATORY NOTE:**

Words underlined with a solid line indicate insertions into existing regulations. Words in strike through indicate deletions from existing regulations.

**9. PROPOSAL FOR THE AMENDMENT OF REGULATION 1.00.1**

9.1 Regulation 1.00.1 is hereby amended by the substitution for the definition of "conventional controlled microlight aeroplane of the following definition:

**"Conventionally Controlled Microlight Aeroplane"** means an aeroplane that is primarily controlled by manipulating its primary flight control surfaces by conventional methods excluding weight-shift control and of which these maximum take-off mass and other classification parameters are defined in document SA-CATS-NTCA as Technical Standard 24.01.2.E.2.

**9.2 Motivation**

To clearly differentiate this category of aeroplane from Weight Shift Controlled Microlight Aeroplane.

**PROPOSAL TO AMEND REGULATION 1.00.1 OF THE REGULATIONS***Proposal 1.1***Proposed Regulation**

"Conventionally Controlled Microlight Aeroplane means an aeroplane that is primarily controlled by manipulating its primary flight control surfaces by conventional methods excluding weight-shift control and of which these maximum take-off mass and other classification parameters are defined in document SA-CATS-NTCA as Technical Standard 24.01.2.E.2.

Motivation: **To clearly differentiate this category of aeroplane from Weight Shift Controlled Microlight Aeroplane**

## SCHEDULE 2

### PROPOSAL TO AMEND THE INDEX TO PART 62 OF THE REGULATIONS

#### *Proposal: 2.1*

##### **Proposed Regulation**

#### **SUBPART 4: REQUIREMENTS FOR THE ISSUE OF A CATEGORY-, CLASS- OR TYPE RATING BY NAME FOR CONVENTIONAL CONTROLLED MICROLIGHT AEROPLANES**

##### Motivation

To provide consistency within Part 62 and to create clear understanding of terminology.

#### *Proposal: 2.2*

Replacement of the section of the index with the following portion:

#### **SUBPART 10: REQUIREMENTS FOR THE ISSUE OF A RECREATIONAL POST MAINTENANCE TEST FLIGHT RATING AND A RECREATIONAL TEST PILOT RATING**

- 62.10.1 General
- 62.10.2 Requirements
- 62.10.3 Experience
- 62.10.4 Application
- 62.10.5 Issuing
- 62.10.6 Privileges and Limitations

##### **Motivation**

To provide for the new proposed requirements for the issue of a test pilot rating

#### *Proposal: 2.3*

#### **SUBPART 16: REQUIREMENTS FOR THE ISSUE OF A CATEGORY, ~~CLASS~~ OR TYPE RATING BY NAME FOR LIGHT SPORT AEROPLANES**

Motivation: **The regulation was changed erroneously in the 35<sup>th</sup> Amendment. There is no open class rating for light sport aeroplanes. There is confusion between a class rating and open class rating. Proposals have been made in this amendment to correct this.**

## SCHEDULE 3

## PROPOSAL TO AMEND VARIOUS SUB PARTS OF PART 62 OF THE REGULATIONS

*Proposal 3.4*

To amend regulation 62.01.9 by the substitution of paragraph (2) for the following paragraph (2)

**(2) The holder of a recreational pilot licence shall undergo a general proficiency check not later than 24 months since the issue of the licence or a previous proficiency check, as the case may be. In the case of hang-gliders and paragliders, the annual revalidation of the category rating shall be sufficient to confirm proficiency. The proficiency check, or the annual revalidation procedure, as the case may be, shall include a review of applicable regulations, NOTAMs and AICs. The provisions of sub-regulations (5) and (6) shall apply *mutatis mutandis* in respect of the annual revalidation procedure.**

**(a) Where the holder of a National Pilot Licence in a particular category who has not maintained competency by passing the general proficiency check or an initial skills test in the same category of aircraft within the 24 months following the issue or revalidation of such licence, he or she shall comply with the following requirements**

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**(i) in the case where the maintenance of competency has lapsed for less than 24 months, he or she shall, in the same category for which he or she previously held a category endorsement be required to –**

**(aa) undergo a minimum of one period of dual training of not less than one hour, and**

**(bb) practice at least 1 hour solo flight including 3 take-offs and landings; and**

**(cc) pass a general proficiency check.**

**(ii) in the case where the maintenance of competency has lapsed by more than 24 months, but less than 60 months, he or she shall be required to –**

**(aa) rewrite the Air Law examination;**

**(bb) undergo a minimum of one period of dual training of not less than one hour, and**

**(cc) practice at least 3 hours solo flight including 3 take-offs and landings, and**

**(dd) pass a general proficiency check.**

and

**(iii) in the case where the maintenance of competency has lapsed by more than 60 months he or she shall be required to;**

- (aa) rewrite the Air Law examination;  
(bb) undergo a minimum of two periods of dual training of  
not  
less than 1 hour each and,  
(cc) practice at least 3 hours solo flight including 5 take-offs  
and  
landings, and  
(dd) undergo a navigation exercise dual or under supervision  
of 90 minutes or more including one full stop landing at  
a point other than departure or final destination, and  
(ee) pass a general proficiency check.

Motivation:

To provide for sufficient re-currency training.

Current Regulation:

- 62.01.9 (2) ~~The holder of a recreational pilot licence shall undergo a general proficiency check not later than 24 months since the issue of the licence or a previous proficiency check, as the case may be. In the case of hang gliders and paragliders, the annual revalidation of the category rating shall be sufficient to confirm proficiency. The proficiency check, or the annual revalidation procedure, as the case may be, shall include a review of applicable regulations, NOTAMs and AICs. The provisions of sub-regulations (5) and (6) shall apply *mutatis mutandis* in respect of the annual revalidation procedure.~~

### **Proposal 3.5**

To amend regulation 62.01.9 by the addition of paragraph (11)

- 62.01.9 (11) The holder of a lapsed or expired Pilots Licence issued in terms of Part 61 or Part 62 of the regulations, or where such holder may not exercise the privileges of his or her license due to non compliance with the currency requirement, may for the purpose of renewing his or her licence or rating as contemplated in paragraph (2) above, exercise the privileges of the Recreational Pilots Learner Certificate provided for in Part 62 of these regulations in the same category and class for which he or she holds such license, provided that the holder have an appropriate current medical certificate.

### **Motivation**

The requirements for the issue of a Recreational Pilots Learner Certificate will have been satisfied by such regulation.

### **Proposal 3.7**

PROPOSAL TO AMEND THE HEADING OF REGULATION 62.04

By changing the heading of the regulation by amending the wording "open class" in place of "class"

**Requirements for the issue of an open class rating or type rating by name for conventionally controlled microlight aeroplanes****Motivation**

To correct the terminology of the heading.

**Proposal 3.9****PROPOSAL TO AMEND REGULATION 62.04.2(3) OF THE REGULATIONS**

Substitution of the number "100" for "200" in subparagraph (3)

- (3) **An applicant for the issuing of an open category rating for conventional microlight aeroplanes shall have completed not less than ~~100~~ 200 hours flight time as a pilot in command of a conventional microlight aeroplane, and hold at least five type ratings by name for conventional microlight aeroplanes.**

**Motivation**

To increase the hourly requirement in the regulations for an open class rating. The current regulation only requires 100 hours.

**Proposal 3.11****PROPOSAL TO AMEND THE HEADING OF REGULATION 62.04.7**

By changing the heading of the regulation by amending the wording "open class" in place of "class"

**Issuing of open category rating of type rating****Motivation**

To correct the terminology of the heading.

**Proposal 3.12****PROPOSAL TO AMEND REGULATION 62.04.6(1)**

Substitution of "class rating" for "open class rating"

- 62.04.6 (1) An application for the issuing of a type rating by name or a open class rating for conventionally controlled microlight aeroplanes shall –**

**Motivation**

To correct the terminology of the regulation

**Proposal 3.13**

PROPOSAL TO AMEND REGULATION 62.04.7

By the deletion of sub-paragraph (3).

~~(3) An applicant for the issuing of a class rating for conventional microlight aeroplanes shall have completed not less than 500 hours flight time as a pilot of a conventional microlight aeroplane, and hold at least five type ratings by name for conventional microlight aeroplanes.~~

Motivation

To avoid duplication of the paragraph which is already in regulation 62.04.2.

**Proposal 3.14**

PROPOSAL TO AMEND REGULATION 62.04.6 (2)

To amend Regulation 62.04.6 (2) by the replacement of the following paragraph (a) for paragraph (a) of the current regulation:

Proposed Regulation:

- (a) Undergo a skills proficiency test with a Grade C , B or A instructor with the appropriate type or class rating wherein a high standard of vital action drill shall be required.

Motivation

To differentiate between testing the pilot's ability to fly the aircraft during a conversion to type and the new skills test which replaced the old flight test. The pilot is not required to complete a skills test form for the purpose of a conversion to type within a category.

**Proposal 3.15**

PROPOSAL TO AMEND THE HEADING OF REGULATION 62.05

By changing the heading of the regulation by amending the wording "open class" in place of "class"

Requirements for the issue of an open class rating or type rating by name for weight shift controlled microlight aeroplanes

**Motivation**

To correct the terminology of the heading.

**Proposal 3.17****PROPOSAL TO AMEND REGULATION 62.05.2(3) OF THE REGULATIONS**

Substitution of class with open category and substitution of the number "100" for "200" in subparagraph (3)

- (3) **An applicant for the issuing of an open class rating for weight shift controlled microlight aeroplanes shall have completed not less than ~~100~~ 200 hours flight time as a pilot in command of a weight shift controlled microlight aeroplane, and hold at least five type ratings by name for weight shift controlled microlight aeroplanes.**

**Motivation**

To correct terminology and increase the hourly requirement in the regulations for an open class rating. The current regulation only requires 100 hours.

**Proposal 3.19****PROPOSAL TO AMEND REGULATION 62.05.6(1)**

Substitution of "class rating" for "open class rating"

- 62.05.6 (1) An application for the issuing of a type rating by name or a open class rating for weight-shift controlled microlight aeroplanes shall –**

**Motivation**

To correct the terminology of the regulation

**Proposal 3.20****PROPOSAL TO AMEND THE HEADING OF REGULATION 62.05.7**

By changing the heading of the regulation by amending the wording "open class" in place of "class"

**Issuing of open class rating of type rating****Motivation**

To correct the terminology of the heading.

**Proposal 3.21**

PROPOSAL TO AMEND REGULATION 62.05.7

By the deletion of sub-paragraphs (3) – (6)

**Motivation**

Regulation is duplicated.

**Proposal 3.22**

PROPOSAL TO AMEND REGULATION 62.09.1(1) OF THE REGULATIONS

**The replacement of the current paragraph (a) with the following paragraph (a)**

Proposed Regulation:

- (a) be the holder of a valid national pilot license ~~recreational pilot licence, or a valid pilot licence issued in terms of Part 61 of these Regulations; issued in terms of this Part~~

Motivation:

**To correct the wording of the regulation.****Proposal 3.23**

PROPOSAL TO AMEND REGULATION 62.09.2(b)(ii)

**To amend 62.09.2(b)(ii) paragraph (aB) by correcting grammar and include an earlier omission:**

Proposed Regulation:

**(aB) have attended an approved paraglider flight instructor course and observing and assisting an appropriately rated paraglider flight instructor whilst actively conducting training on training slopes for at least 10 days;**

Motivation:

The addition of the word “instructor whilst actively conducting training” after the words “appropriated rated paraglider flight” for purposes of clarity.

**Proposal 3.25**

PROPOSAL TO AMEND REGULATION 62.09.5(2)(g) OF THE REGULATIONS

**To amend regulation 62.09.5(2) by replacing the current paragraph (g) with the following paragraph:**

Proposed Regulation:

- (g) in the case of a recreational flight instructor (paraglider, motorised paraglider, motorised paratrike):
- (i) for a Grade C rating, two holders of a Grade B recreational flight instructor rating with a paraglider, motorised paraglider, or motorised paratrike rating, as applicable;
  - (ii) for a Grade B rating, the holder of a Grade A recreational flight instructor rating with a paraglider, motorised paraglider, or motorised paratrike rating, as applicable;
  - (iii) for a Grade A rating, a designated examiner with a paraglider, motorised paraglider, or motorised paratrike rating, as applicable;

Motivation:

To correct grammar in this paragraph.

**Proposal 3.29**

PROPOSAL TO AMEND REGULATION 62.10

Replacement of the entire subpart with the following:

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**SUBPART 10: REQUIREMENTS FOR THE ISSUE OF A RECREATIONAL POST MAINTENANCE TEST FLIGHT RATING AND A RECREATIONAL TEST PILOT RATING**

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General

- 62.10.1** (1) No person shall act as test pilot of an aircraft unless he is the holder of a valid pilot's licence with a test pilot's rating.
- (2) Test flights may only be performed by suitably rated pilots; this means rated on the aircraft within a class or on type and rated as a test pilot.
- (3) A test flight will be required as referred to below. Note that a systems acceptance flight, as defined below, is not a test flight and therefore the pilot in command does not require a test pilot rating. However, he must be rated as pilot in command for the class and type of aircraft. All test flights must be done in line with the manufacturer's requirements.
- (4) The following definitions will apply to this part:
- (a) "test flight" means a flight for the purpose of the issuing, validating or rendering effective an authority to fly for such aircraft;
  - (b) "initial test flight" means the first flight of an aircraft for the purpose of the initial validation of an experimental prototype or first of type

or amateur built aircraft to be registered on the South African aircraft register.

- (c) “post maintenance test flight” means a flight for the purposes of investigative test flying to confirm the release to service following regular maintenance.
- (d) “systems acceptance flight” means a flight for the purpose of testing the operation or effective functioning of a system of an aircraft that does not affect the flying characteristics of the aircraft.

## **Requirements**

### **62.10.2**

- (1) In the case of an applicant applying for a recreational pilot licence with a post maintenance test flight rating in the categories weight shift controlled microlights, conventional controlled microlights, light sport aeroplanes, touring motor gliders and gyroplanes shall:
- (a) hold at least a valid recreational pilot licence;  
 (b) be the holder of the appropriate aircraft category endorsement;  
 (c) be the holder of the appropriate aircraft class rating in that category;  
 (d) have at least 300 hours total flight time of which not less than 200 hours must be pilot in command in the category for which a test pilot rating is applied for;  
 (e) have acquired the experience referred to in regulation 62.10.3;
- (2) In the case of an applicant applying for a recreational pilot licence with a test pilot rating in the categories weight shift controlled microlight aeroplanes, conventional controlled microlight aeroplanes, light sport aeroplanes, touring motor gliders and gyroplanes shall:
- (a) hold at least a valid recreational pilot licence;  
 (b) be the holder of the appropriate aircraft category endorsement;  
 (c) be the holder of the appropriate aircraft class rating in that category;  
 (d) have at least 700 hours total flight time of which not less than 500 hours must be pilot in command in the category for which a test pilot rating is applied for;  
 (e) have acquired the experience referred to in regulation 62.10.3;
- (3) Notwithstanding the provisions of sub-regulation (1) and (2), a holder of a Grade I or II test pilot rating issued by South African Civil Aviation Authority under Part 61 will have the same rights and privileges as a pilot issued with a test pilot rating under Part 62 for the categories light sport aeroplanes, conventional controlled microlight aeroplanes and touring motor gliders, but shall expressly exclude the categories weight shift controlled Microlight aeroplanes and Gyroplanes.

## **Experience**

**62.10.3** An applicant shall:

- (a) in the case of an application for a post maintenance test flight rating, attend the basic test flying techniques course as set out in SA-CATS-FCL 62;
- (b) In the case of an application for a test pilot rating, attend the advanced test flying techniques course as set out in SA-CATS-FCL 62.

### **Application**

62.10.4 An applicant for the issuing of a post maintenance test flight rating or a test pilot rating shall be made to the Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, on form CA62.09 and is accompanied by:

- (a) the appropriate fee prescribed in Part 187; and
- (b) a copy of his or her logbook, duly summarised, showing the required flying experience.

### **Issuing**

62.10.5 The Commissioner or the organisation designated for the purpose in terms of Part 149, as the case may be, shall endorse the applicant's National Pilot Licence with either a test pilot rating or a post maintenance test flight rating if the applicant complies with the requirements referred to in regulation 62.10.2.

### **Privileges and limitations**

- 62.10.6
- (a) The holder of a post maintenance test flight rating shall be entitled to act as pilot in command of an aircraft, in a category for which the pilot has a post maintenance test flight rating to conduct a post maintenance test flight, or proving flights.
  - (b) The holder of a test pilot rating shall be entitled to act as pilot in command of an aircraft to conduct test flights, post maintenance test flights, and initial test flights.

### **Motivation**

To provide for regulations for the issue of a test pilot ratings.

### **Current regulation**

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## **SUBPART 10 — REQUIREMENTS FOR THE ISSUE OF A TEST PILOT RATING**

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### **General**

~~62.10.1 (1) The requirements for the issue of a test pilot rating shall *mutatis mutandis* be the requirements prescribed for the test ratings provided for in Subparts 27, 28, and 29 respectively of Part 61 of the regulations.~~

~~(2) Notwithstanding the provision of sub-regulation (1) —~~

- ~~(a) — a test pilot rating may be issued to the holder of a valid recreational pilot licence, provided all other requirements for the issuing of the test pilot rating are met; and~~

- (b) ~~in the case of a Class II test pilot rating or a Class III post-maintenance test flight rating, if the applicant is the holder of a recreational pilot licence, the requirements for a medical certificate shall be as prescribed in regulation 62.01.10.~~

### **Privileges and limitations**

- 62.10.2** (1) ~~Where a Class I test pilot rating has been issued to the holder of a recreational pilot licence, the privileges of the rating may be exercised only in a non-type certificated aircraft for which he or she holds a valid category rating,~~
- (2) ~~Where a Class II or Class III test pilot rating has been issued to the holder of a recreation pilot licence, the privileges may be exercised only in a non-type certificated aircraft for which he or she holds a valid category rating, class rating or type rating.~~

### **Proposal 3.33**

#### **PROPOSAL TO AMEND REGULATION 62.16.2(c) OF THE REGULATIONS**

By the replacement of the following paragraph (c) of regulation 62.16.2

#### **Proposal**

- (c) ~~3~~1 hours of dual and ~~2~~ hours of solo circuits and landings at a controlled airport.

**Motivation** To allow the practical application of the regulation while being cognisant of the additional pressure on controlled airports .

### **Proposal 3.36**

#### **GENERAL MATTERS – TERMINOLOGY (1)**

#### **PROPOSAL TO AMEND PART 62 OF THE REGULATIONS**

Proposed Regulation:

To amend the Part 62 of the regulations throughout by replacing the words ~~“microlight or light sport aeroplane”~~ with “weight shift controlled microlight aeroplane, conventionally controlled microlight aeroplane or light sport aeroplane” including the plural thereof.

Motivation:

To correct the terminology throughout Part 62 of the regulations.

### **Current Regulation**

The words "microlight or light sport aeroplane" are used throughout

### **Proposal 3.37**

#### **GENERAL MATTERS – TERMINOLOGY (2)**

##### **PROPOSAL TO AMEND REGULATION 62 OF THE REGULATIONS**

**To amend the wording throughout Part 62 of the regulations by replacing the words "~~recreational pilot licence~~" with the words "National Pilot Licence"**

Proposed Regulation:

**Use of the words "National Pilot Licence"**

Motivation:

**The licence issued is a National Pilot Licence and not a recreational pilot licence. It is also to create uniformity in the regulations.**

Current Regulation:

Use of the words "recreational pilot licence"

### **SCHEDULE 4**

#### **PROPOSAL FOR THE AMENDMENT OF PART 139 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. GENERAL EXPLANATORY NOTE:**

Words underlined with a solid line indicate insertions into existing regulations.

**29. PROPOSAL FOR THE AMENDMENT OF REGULATION 139.02.5 OF THE REGULATIONS**

29.1 Regulation 139.02.5 is hereby amended by the addition after sub-regulation (2) of the following sub-regulation:

“(3) The applicant shall ensure that the aerodrome manager complies with the education and experience requirements for airports above Category 3 as prescribed in Document SA-CATS-AH.”.

**29.2 Motivation**

We identified that most aerodromes do not comply with SACAA regulations and ICAO Annex 14 because airport managers do not have the necessary education and aviations skills and experience needed to manage the particular aerodrome. The functions of the aerodrome managers are as follows:

**Management Functions**

- Provides direct and general supervision to staff; reviews and evaluates performance;
- Oversees compliance with Civil Aviation Authority (CAA) regulations and procedures;
- Interprets CAA regulations and reports legitimate community complaints and wilful violations of regulations to CAA;
- Ensures compliance with applicable OSHA-Act requirements for employee safety;
- Forecasts trends in airport development and management and is involved in planning future airport development;
- Assures compliance and consistency with Airport Master Plan and airport Business Plan;
- Prepares pre-applications and applications for renewal of Aerodrome License with CAA;
- Attends applicable conventions, seminars and meetings to remain current with industry trends, issues, and regulations.

**Administrative Functions**

- Prepares annual airport budget, monitors expenses, and tracks revenues
- Provide information on airport operations, and to respond to questions related to aviation issues.

**Demonstrated Skills to:**

- Effectively manage a municipal airport;

- prepare budgets and monitor expenditures;
- effectively supervise and evaluate personnel;
- communicate clearly and effectively both orally and in writing;
- use patience, tact, and courtesy to handle customer complaints;
- work under the pressure of deadlines;
- analyze, research, and solve a wide range of problems;
- respond to emergencies and take appropriate action;
- keep informed regarding the latest aviation industry trends to forecast trends in airport development;
- operate personal computers for word processing and to create spreadsheets;
- interpret CAA regulations and report violators;
- sound knowledge of ICAO regulations, procedures and practices will be an added advantage.

**Ability to:**

Effectively apply the knowledge and skills necessary for this position.

**SCHEDULE 5**

**PROPOSAL FOR THE AMENDMENT OF PART 172 OF THE CIVIL AVIATION REGULATIONS, 1997**

**A. PROPOSER**

Civil Aviation Authority  
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. GENERAL EXPLANATORY NOTE**

Words in strike through indicate deletions from the existing regulations  
Words underlined with a solid line indicate insertions in the existing regulations

**30. PROPOSAL FOR THE AMENDMENT OF REGULATION 172.02.1**

30.1 Regulation 172.02.1 is hereby amended by the addition in sub-regulation (1) after paragraph (g) of the following paragraphs:

“(h) prohibited area;  
(i) restricted area;  
(j) danger area.”.

### **30.2 Motivation**

The Commissioner's powers to declare prohibited and restricted areas are captured in regulation 91.06.19 and 91.06.20, respectively, but not in Part 172 (Airspace and air traffic services). The declaration of danger areas is not mentioned.

## **31. PROPOSAL FOR THE SUBSTITUTION OF REGULATION 172.02.2**

31.1 The following regulation is hereby substituted for regulation 172.02.2:

### **“Classification of airspace and level of service provision**

**172.02.2 (1)** The Commissioner may classify airspace in accordance with the classes as prescribed in Document SA-CATS-ATS, for the purposes of providing air traffic services, and may also prescribe the type of air surveillance systems and the level of air traffic services to be implemented in such airspace.

(2) The Commissioner shall publish the classification of airspace in accordance with the AIRAC cycle in the AIP, AIP SUP or NOTAM.

### **31.2. Motivation**

The levels of ATS provision are currently published by the Commissioner in the AIP ENR section. However, the current regulations do not empower the Commissioner to prescribe the level of ATS provision or the ATS surveillance systems to be implemented. This proposal addresses this shortcoming.

## **SCHEDULE 6**

## **SCHEDULE 5**

## **PROPOSAL FOR THE AMENDMENT OF PART 1 AND 178 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. GENERAL EXPLANATORY NOTE:**

Words in strike through indicate deletions from existing regulations.  
Words underlined with a solid line indicate insertions in existing regulations.

**12. PROPOSAL FOR AMENDMENT OF REGULATION 1.00.1 OF THE REGULATIONS**

12.1 Regulation 1.00.1 is hereby amended by the insertion of the following definitions:

“**Authorised Designer**” means an organisation which is the holder of a valid Procedure Design Authorisation;

“**authorised instrument approach procedure**” means an instrument approach procedure that is either :

- (a) designed by a Certified Designer or Authorised Designer; or
- (b) published in the IAIP or submitted to the Commissioner in terms of Part 178.

“**authorised instrument departure procedure**” means an instrument departure procedure that is either:

- (a) designed by a Certified Designer or Authorised Designer; or
- (b) published in the IAIP or submitted to the Commissioner in terms of Part 178.

“**Official of the Authority**” means a person:

- (a) who is an authorised officer of the Authority; and
- (b) who meets the standards set out in the Manual of Standards for carrying out a validation flight check of a flight procedure.

**“Certified Designer”** means an organisation which is the holder of a valid Procedure Design Certificate.

**“Chief Designer”** means a person appointed as Chief Designer for the Certified Designer in terms of Part 178;

**“continental shelf”** means the continental shelf of South Africa.

**“design work”**, in relation to a flight procedure, means any of the following work:

- (a) the designing of the procedure or any part of the procedure;
- (b) the verifying, maintaining, reviewing or amending of the procedure; or
- (c) the supervising of a person carrying out any work mentioned in paragraphs (a) or (b).

**“employee of a Certified Designer”** includes a person who carries out design work on a flight procedure for the designer in the course of performing their duties for the designer and “employee of an Authorised Designer” has a corresponding meaning;

**“ICAO Doc. 8168 (PANS-OPS)”** means Doc.8168-OPS/611 Volume II (Procedures for Air Navigation Services - Construction of Visual and Instrument Flight Procedures) approved and published by decision of the Council of the International Civil Aviation Organisation, as amended;

**“Manual of Standards”**, means the document called *Manual of Standards (MOS) Part 178 - Standards Applicable to the Provision of Flight Procedure Design*, published by the Authority, from time to time.

**“Off-shore installation”**, means an installation that is erected on, or floating in the sea above, the continental shelf for the purposes of extracting, or exploring for, any natural resources.

**“Operations manual”**:

- (a) in relation to a Certified Designer, means the manual maintained by the designer under regulation 178.03.1; and
- (b) in relation to an Authorised Designer, means the manual maintained by the designer under regulation 178.07.1.

**“Procedure Design Authorisation”** is an authorisation that is granted by the Commissioner to an organisation in terms of Part 178.

**“Procedure Design Certificate”**, is a certificate that:

- (a) is granted by the Commissioner to an organisation under this Part; and
- (b) certifies that the organisation is authorised to perform design work on a flight procedure of a type covered by the certificate subject to any conditions set out in the certificate;

**“Qualified designer”**, in relation to a flight procedure, means an individual who:

- (a) is the holder, or an employee of the holder, of a Procedure Design Certificate that authorises the holder to design flight procedures of the same type as the flight procedure concerned.

**“specialised helicopter operations”**, means helicopter operations that involve the carriage of persons or cargo:

(a) between:

- (i) the coast of South Africa and an off-shore installation; or  
(ii) two such installations; or

- (b) to or from the helipad of a hospital, or any other facility established to provide assistance in emergencies;

**“Flight Procedure”**, means a flight procedure for use by an aircraft in descending below the lowest safe altitude or for use by an aircraft after take-off until the aircraft reaches:

- (a) the en-route lowest safe altitude; or  
(b) the minimum altitude at which the aircraft, on a minimum climb gradient of 3.3%, can turn to intercept the planned flight route while maintaining the necessary departure obstacle clearance requirements; or  
(c) in a case where the aircraft has taken off from an aerodrome for which there is a radar control service in operation-- the minimum radar vector altitude.

## **14. PROPOSAL FOR INSERTION OF PART 178 IN THE REGULATIONS**

14.1 The following Part is hereby inserted in the Regulations:

### **PART 178: FLIGHT PROCEDURE DESIGN**

#### **Subpart 1 General**

- 178.01.1 Applicability  
178.01.2 Procedure Design Authorisation.  
178.01.3 Design of flight procedures.  
178.01.4 Qualified designer.

#### **Subpart 2 Certification as Certified Designer**

- 178.02.1 Applications for Procedure Design Certificates.

- 178.02.2 Issuing of Procedure Design Certificates.
- 178.02.3 Duties of Holder of Certificate.
- 178.02.4 Validity of Procedure Design Certificate

**Subpart 3 Requirements for Certified Designers.**

- 178.03.1 Certified Designer Operations Manual.
- 178.03.2 Compliance with operations manual.
- 178.03.3 Standards for design of Flight Procedures.
- 178.03.4 Verification of Flight Procedures.
- 178.03.5 Validation of Flight Procedures.
- 178.03.6 Publication of Flight Procedures.
- 178.03.7 Radio navigation aids.
- 178.03.8 Maintenance of Flight Procedures.
- 178.03.9 Certified Designer facilities.
- 178.03.10 Certified Designer organisation..
- 178.03.11 Certified Designer personnel.
- 178.03.12 Supervisory personnel
- 178.03.13 Appointment of Chief Designer
- 178.03.14 Training and Checking programme
- 178.03.15 Safety Management System
- 178.03.16 Maintenance of Reference Materials
- 178.03.17 Documentation and Record Keeping.
- 178.03.18 Document and record control system.

**Subpart 4 Chief Designer**

- 178.04.1 Approval for appointment of Chief Designer.
- 178.04.2 Approval for appointment of acting Chief Designer.