GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 425 **1 June 2012**

CIVIL AVIATION ACT, 2009 (ACT NO 13 OF 2009)

CIVIL AVIATION REGULATIONS, 2011

The Minister of Transport has under section 155(1) of the Civil Aviation Act, 2009, (Act No. 13 of 2009) made the Regulations in the schedule hereto.

SCHEDULE

CIVIL AVIATION REGULATIONS, 2011

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Definitions

1.01.1 In these regulations, any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicate –

"*ab initio*", when referring to flight training, means the practical training required towards the first issue of a national or PPL, issued in terms of Part 61 or Part 62, or for the endorsement of such a licence with an additional category of aircraft, and for the purpose of regulation 91.02.3 excludes cross-country flight training;

"ACAS current" refers to a pilot that has either undergone ACAS II initial training or ACAS II renewal training within the prescribed period;

"ACAS cyclic training" means training conducted in accordance with an ACAS II syllabus as part of an approved training programme of which part of the tests and checks are subject to approval by the Director;

"ACAS initial training" means training in accordance with the initial training component of an ACAS II syllabus;

"ACAS instructor" means an appropriately rated flight instructor who is an ACAS current pilot;

"ACAS renewal training" means training in accordance with the renewal training component of an ACAS II syllabus;

"ACAS syllabus" means a syllabus of training in the use of ACAS II;

"accelerate-stop distance available" means the length of the take-off run available plus the length of stopway, if such stopway is declared available and is capable of bearing the mass of the aeroplane under the prevailing operating conditions;

"access control" means the security procedure applied to ensure that only persons authorised, authorised vehicles and authorised items carried by such persons or transported in such vehicles are allowed access into the premises or zone being controlled;

"accident" includes an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, during which –

(a) a person is fatally or seriously injured as result of –

(i) being in the aircraft;
(ii) direct contact with any part of the aircraft, including parts which have become detached or are released from the aircraft; or
(iii) direct exposure to jet blast, rotor or propeller wake, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to passengers and flight crew; or

(b) the aircraft sustains damage or structural failure which –

(i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
(ii) would normally require major repair or replacement of the affected component, except for engine failure or damage when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennae, probes, vanes, tyres, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and hose resulting from hail or bird strike (including holes in the radome); or

(c) the aircraft is still missing after an official search has been terminated and the wreckage has not been located; or

(d) the aircraft is in a place where it is completely inaccessible;

"accredited medical conclusion" means the conclusion reached by one or more medical experts acceptable to the Director for the purposes of the case concerned, in consultation with flight operations or other experts as necessary;

"accredited representative" means a person designated by the Director in terms of Regulation 12.01.6;

"accuracy" in relation to GNSS, refers to the degree of conformance between the estimated, measured, or desired position or velocity of a system at a given time and its true position or velocity, usually presented as a statistical measure of system error, and is specified as predictable, repeatable and relative;

"acoustical change" means any voluntary change in type design which may increase the noise levels of the aircraft;

"active flight deck duty" means the time spent on duty on the flight deck during a sector excluding any break of not less than one hour whilst being relieved by an additional crew member;

"acts of unlawful interference" means acts or attempted acts that jeopardise the safety of civil aviation and air transport, such as –

(a) unlawful seizure of aircraft in flight;

(b) unlawful seizure of aircraft on the ground;

(c) hostage-taking on board an aircraft or on aerodromes;

(d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;

(e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;

(f) communication of false information as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility;

(g) forcible intrusion of an ATS Facility;

(h) threatening to do harm to an Air Traffic Controller or an ATS Facility;

(i) unlawful transmissions on an ATS Frequency;

(j) unlawful interference, electronically or physically, with an ATS Frequency;

(k) unlawful destruction of an ATS Facility;

"additional cabin crew member" means a cabin crew member carried over and above the minimum number required by subpart 2 of Part 91;

"additional flight crew member" means a flight crew member carried over and above the minimum number required by subpart 2 of Part 91;

"adequate aerodrome" means an aerodrome licensed in terms of Part 139 or is found to be equivalent to the safety requirements prescribed in Part 139 and which meets the requirements of regulation 91.07.5 for the type of aircraft operating into it;

"adjustable-pitch propeller" means a propeller, the pitch setting of which can be conveniently changed in the course of ordinary field maintenance, but which cannot be changed when the propeller is rotating;

"advisor" means a person designated by the Director in terms of Regulation 12.01.7;

"advisory airspace" means an airspace of defined dimensions, or designated route, within which an air traffic advisory service is available;

"advisory area" means a designated area within a flight information region where air traffic advisory services are available;

"advisory route" means a designated route along which air traffic advisory services are available;

"aerial work" means an aircraft operation in which an aircraft is used for specialized services as determined by the Director such as –

(a) agricultural spraying, seeding and dusting;

(b) cloud spraying, seeding and dusting;

(c) culling;

(d) construction;

(e) aerial harvesting;

(f) aerial patrol, observation and survey;

(g) aerial advertisement, including banner towing and other towing of objects;

(h) search and rescue;

(i) parachuting;

(j) aerial recording by photographic or electronic means;

(k) fire spotting, control and fighting; and

(l) spraying, seeding or dusting other than for agricultural purposes and clouds;

"aerobatic flight" means manoeuvres intentionally performed by the PIC of an aircraft and involving an abrupt change in attitude of the aircraft, an abnormal attitude or an abnormal variation in speed, not necessary for normal flight;

"aerodrome" means an aerodrome as defined in the Act, and for the purposes of these Regulations includes a heliport;

"aerodrome control service" means an air traffic control service provided for the control of aerodrome traffic;

"aerodrome control tower" means an air traffic control unit established to provide an air traffic control service to aerodrome traffic;

"aerodrome flight information service" means a flight information service provided in the area of an aerodrome;

"aerodrome manager" means the person appointed as aerodrome manager in terms of Part 139 by the holder of an aerodrome licence;

"aerodrome operating minima" means the limits of usability of an aerodrome for:

(a) take-off, expressed in terms of RVR and/or visibility and, if necessary, cloud conditions;

(b) landing in precision approach and landing operations, expressed in terms of visibility and/or RVR and DA/H as appropriate to the category of the operation;

(c) landing in approach and landing operations with vertical guidance, expressed in terms of visibility and/or RVR and DA/H; and

(d) landing in non-precision approach and landing operations, expressed in terms of visibility and/or RVR, MDA/H and, if necessary, cloud conditions;

"aerodrome operational area" means the movement area at an aerodrome and its associated strips and safety areas excluding restricted areas and aprons and includes any ground installation or facility provided at an aerodrome for the safety of aircraft operations;

"aerodrome traffic" means all traffic on the maneuvering area of an aerodrome and all aircraft in, entering or leaving an aerodrome traffic circuit;

"aerodrome traffic zone" means a defined portion of airspace at an aerodrome where aerodrome control or flight information service has been established for the protection of aerodrome traffic and is in operation as published in the IAIP and designated as an aerodrome traffic zone;

"Aeronautical Information Circular" means circular containing information which does not qualify for the origination of a NOTAM or for inclusion in the AIP issued by the Director in terms of regulation 11.01.2;

"Aeronautical Information Publication" means a publication containing aeronautical information of a lasting character essential to air navigation;

"aeronautical information regulation and control" means a system aimed at advanced notification based on common effective dates, of circumstances which require significant changes in operating practices;

"aeronautical station" means a land station in the aeronautical mobile service. In certain instances, an aeronautical station may be located, for example, on board ship or on a platform at sea;

"aeroplane" means a power-driven heavier-than-air aircraft deriving its lift in flight mainly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

"AIP Supplement" means the temporary changes to the information contained in the AIP which are published by means of special pages;

"air ambulance" means an aircraft used for the purposes of transporting a patient, or a person for whom there can be reasonable expectations that they will require medical attention during the transportation, and equipped in accordance with the provisions of Part 138;

"air ambulance operation" means air transportation of a patient, or person for whom there can be a reasonable expectation that they will require medical attention during the transportation which is operated in terms of Part 138;

"air carrier security officer" means a person referred to in regulation 111.01.4(1);

"airborne collision avoidance system" means an aircraft system based on secondary surveillance radar (SSR) transponder signals that operates independently of ground-based equipment to provide advice to the pilot on potential conflicting aircraft that are equipped with SSR transponders by issuing either a traffic alert, a traffic advisory or a traffic resolution;

"airborne navigation database" refers to an electronic memory device containing information on aerodromes, navigation aids reporting points, standard instrument departures, standard instrument arrivals, instrument approaches, special-use airspace, and any other data of value to the pilot;

"air carrier" means a commercial air transport operator providing either a scheduled or a non-scheduled air service;

"aircraft" means an aircraft as defined in the Act, including its engines, propellers, rotor, components, parts, equipment, instruments, accessories and materials;

"aircraft avionics" means an electronic device, including the electrical part, for use in an aircraft, including radio, automatic flight control, and instrument systems;

"aircraft — category" means a classification of aircraft according to specified basic characteristics, e.g. aeroplane, helicopter, glider, free balloon;

"aircraft certificated for single-pilot operation" means a type of aircraft which the State of Registry has determined, during the certification process, that it can be operated safely with a minimum crew of one pilot;

"aircraft component" means any component part of an aircraft including a complete airframe or power plant and any operational or emergency equipment fitted to or provided in an aircraft;

"aircraft flight manual" means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft is to be considered airworthy, and instructions and information necessary to the flight crew members for the safe operation of the aircraft;

Note – Also referred to as "aeroplane flight manual" or "helicopter flight manual".

"aircraft maintenance organisation" means an organisation designated by the Director in terms of Part 145, or by a Contracting State, to perform maintenance of aircraft or parts thereof, and operating under supervision of the appropriate authority;

"aircraft operating manual" means a manual acceptable to the State of Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft as prescribed in Parts 121, 127 and 135 and may incorporate the AFM, referred to in regulation 91.03.2;

"aircraft security search" means an inspection of the exterior and interior of an aircraft to which passengers or cargo may have had access and an inspection of the cargo and baggage hold for the purposes of searching for suspicious objects, weapons, explosives or other dangerous devices, articles and substances;

"aircraft stand taxi lane" means a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;

"aircraft type" means –

(a) with respect to personnel licensing, all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics;

(b) when used in reference to the certification of aircraft, a classification of aircraft having similar design characteristics;

"aircraft variant" as used with respect to the licensing and operation of flight crew, means an aircraft of the same basic certificated type which contains modifications not resulting in significant changes of handling and/or flight characteristic, or flight crew complement, but causing significant changes to equipment and/or procedures;

"airframe" means fuselage, empennage and wings or rotors;

"air-ground radio station" means an aeronautical telecommunication station having primary responsibility for handling communications pertaining to the operation and control of aircraft in a given area;

"airline" means a commercial air transport operator providing a scheduled air service;

"air navigation infrastructure" means infrastructure including air navigation, communication and surveillance aids and air traffic control systems, provided for the movement of air traffic and where applicable, any building or structure on or to which such infrastructure or part thereof is housed or attached, and includes the premises on which such infrastructure or part thereof is situated, whether these be situated inside an aerodrome or elsewhere;

"Air Navigation Service Provider" means an organisation or body responsible for providing air traffic, navigation and associated services and infrastructure at aerodromes or in designated airspace;

"airmanship" means the consistent use of good judgment and well-developed knowledge, skills and attitudes to accomplish flight objectives;

"air operator certificate" means a certificate authorizing an operator to carry out specified commercial air transport operations;

"airport authority" in respect of an airport, means the organisation in control of such an airport and acting through the relevant airport manager, or the person in control of such an airport;

"airport security officer" means a person referred to in regulation 111.01.3(1) and appointed in terms of section 110 of the Act;

Note – Operations Specifications form part of an AOC.

"air service" means an air service as defined in section 1 of the Air Services Licensing Act, 1990 (Act No. 115 of 1990);

"air service operator" means a commercial air transport operator providing a scheduled, a non-scheduled or a general air service;

"Air Services Licensing Act" means the Air Services Licensing Act, 1990 (Act 115 of 1990);

"airship" means a power-driven lighter-than-air aircraft;

"air side" means the movement area of an aerodrome, adjacent terrain and buildings or portions thereof to which access is controlled by the aerodrome licence holder ;

"air-taxiing" means the movement of a helicopter/VTOL above the surface of an aerodrome, normally in ground effect and at a ground speed normally less than 20 kt (37 km/h);

Note — The actual height may vary, and some helicopters may require air-taxiing above 25 ft (8 m) AGL to reduce ground effect turbulence or provide clearance for cargo slingloads.

"air traffic" means all aircraft in flight or operating on the maneuvering area of an aerodrome;

"air traffic advisory service" means a service provided within advisory airspace to ensure separation, in so far as practical between aircraft which are operating on IFR flight plans;

"air traffic control clearance" means an authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;

Notes —

(a) For convenience, the term "air traffic control clearance" is frequently abbreviated to "clearance" when used in appropriate contexts.

(b) The abbreviated term "clearance" may be prefixed by the words "taxi", "take-off", "departure", "en route", "approach" or "landing" to indicate the particular portion of flight to which the air traffic control clearance relates.

"air traffic controller" means the holder of a valid air traffic service licence and valid rating which permits such holder to provide an air traffic control service;

"air traffic control instruction" means directives issued by an Air traffic Controller with the purpose of requiring a pilot to take a specific action;

"air traffic control service" means a service provided for the purpose of –

(a) preventing collisions between aircraft or between aircraft and obstructions; and
(b) expediting and maintaining an orderly flow of air traffic;

"air traffic control unit" means an aerodrome control tower, an approach control office or an area control centre or a combination thereof;

"air traffic control zone" means airspace of defined dimensions established for the protection of air traffic on or at an aerodrome where an air traffic control service is provided;

"air traffic service" means a service provided for the purpose of safe and efficient conduct of flight, expeditious and orderly flow of air traffic, assisting in aircraft search and rescue, and includes –

(a) an aerodrome control service;
(b) an approach control service;
(c) an area control service;
(d) a surveillance service;
(e) a flight information service;
(f) an aerodrome flight information service;
(g) an air traffic advisory service; and
(h) an alerting service;

"air traffic services airspaces" means airspaces of defined dimensions, alphabetically designated, within which specific types of flights may operate and for which air traffic services and rules of operation are specified;

"air traffic service assistant" means the holder of an air traffic service licence and rating who provides –

(a) assistant services to an air traffic controller; or

(b) co-ordination services, clearance delivery services, flight information services or aerodrome flight information services;

"air traffic service flight plan" means specified information, relating to the intended flight or portion of a flight of an aircraft, which is provided to an ATSU;

"air traffic service inspector" means a person designated as such by the Director in terms of section 88 of the Act;

"air traffic service personnel" means air traffic controllers and air traffic service assistants;

"air traffic service reporting office" means an ATSU established for the purpose of receiving reports concerning air traffic services and flight plans submitted before the departure of an aircraft from an aerodrome;

"air traffic service route" means a division of airspace designed for ensuring the flow of air traffic as necessary for the provision of air traffic services;

Notes –

(a) The term "ATS route" is used to mean variously, airway, advisory route, controlled or uncontrolled route, arrival or departure route, etc.

(b) An ATS route is defined by route specifications which include an ATS route designator, the track to or from significant points (waypoints), distance between significant points, reporting requirements and, the lowest safe altitude.

(c) The term ATS route makes reference to divisions of airspace in both controlled and uncontrolled airspace which are not always clearly defined as it may also be extended to include additional portions of airspace required to accommodate the density of air traffic using this route.

"air traffic service unit" means an air traffic control unit, flight information centre or air traffic service reporting office;

"airway" means a control area or a portion thereof established in the form of a corridor;

"airway bill" means the document referred to in regulation 23 of the Domestic Air Services Regulations, issued in terms of section 29 of the Air Services Licensing Act, No. 115 of 1990;

"airworthiness data" means any information necessary to ensure that an aircraft or aircraft component can be maintained in an airworthy condition;

"airworthiness standards" includes maintenance standards;

"airworthy" means –

(a) when used in relation to an aircraft, that the aircraft is serviceable and meets all the requirements prescribed for the issuing of a certificate of airworthiness and such other requirements as have been prescribed for the continuing validity of such a certificate; and

(b) when used in relation to the status of an engine, propeller or rotor, or part of an aircraft, it conforms to its approved design and is in a condition for safe operation;

"aisle" means a longitudinal passageway between seats in an aircraft;

"alerting service" means a service provided to notify and assist the appropriate organisations regarding aircraft in need of search and rescue aid and to assist such organisations as appropriate;

"all weather operations" means any take-off, en route or landing operations in IMC and operated in accordance with IFR;

"alternate aerodrome/heliport" means an aerodrome or heliport to which an aircraft may proceed when it becomes impossible or inadvisable to proceed to or to land at the aerodrome or heliport of intended landing. Alternate aerodromes/heliports include the following:

(a) Take-off alternate. An alternate aerodrome/heliport at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure.

(b) En route alternate. An aerodrome/heliport at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route.

(c) ETOPS en route alternate. A suitable and appropriate alternate aerodrome at which an aeroplane would be able to land after experiencing an engine shutdown or other abnormal or emergency condition while en route in an ETOPS operation.

(d) Destination alternate. An alternate aerodrome/heliport to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing;

*Note — The aerodrome or heliport from which a flight departs may also be an en-route or a destination alternate aerodrome/*heliport *for that flight.*

"altimetry system error" means the difference between the altitude indicated by the altimeter display, assuming a correct altimeter barometric setting, and the pressure altitude corresponding to the undisturbed ambient pressure;

"altitude" means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level;

"amateur-built aircraft" means an aircraft built in terms of the provisions of Part 24, including any of its components and includes production-built aircraft from which the build standard was deviated from;

"amphibious aeroplane" means an aeroplane designed and constructed to take-off from and land on land surfaces as well as water surfaces;

"amphibious aircraft" means amphibious aeroplanes and amphibious helicopters;

"amphibious helicopter" means a helicopter equipped with wheels, skids, floats or other devices, but excluding emergency flotation equipment, enabling it to land and take-off from land sa well as water surfaces ;

"appliance" means any instrument, mechanism, equipment, part, apparatus, appurtenance or accessory, including communications equipment, which is used or intended to be used in operating or controlling an aircraft, is installed in or attached to the aircraft, and is not part of an airframe, engine or propeller;

"approach and landing operation with vertical guidance" means an instrument approach and landing that utilises lateral and vertical guidance but does not meet the requirement established for precision approaches and landing operations;

"approach and landing phase helicopters" means that part of the flight from 1000 feet (300 meters) above the elevation of the final approach and take off area, if the flight is planned to exceed this height, or from the commencement of the descent in the other cases to landing or to the missed approach point;

"approach control unit" means an air traffic control unit established to provide an air traffic control service in the controlled airspace for which it is responsible, to controlled flights arriving at or departing from one or more aerodromes;

"approach control service" means an air traffic control service for arriving or departing flights in controlled airspaces;

"appropriate ATS authority" means the relevant authority designated by the Director as being responsible for providing air traffic services in the airspace concerned;

"appropriate authority" –

(a) means any duly appointed institution, body or person in a State or territory which, on behalf of that State or territory carries out the provisions of the Convention on behalf of the state; or

(b) if such Convention does not apply to a State or territory, means the institution, body or person in that State or territory which on behalf of the State or territory, performs the functions which are performed by an institution, body or person contemplated in paragraph (a), and which is recognised as such by the Director;

Note — Nothing in this definition is intended to preclude that the organization and its supervision be approved by more than one State.

"**approved maintenance schedule**" means a document compiled by an owner or operator in accordance with the provisions of these Regulations, and approved by the Director in terms of regulation 43.02.1 of Part 43, that prescribes in detail the inspections that need to be carried out in respect of an aircraft, its components, installed systems and equipment, and the intervals between such inspections;

"**approved person**" means a natural person who has been authorised in terms of Part 66 by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, to carry out maintenance inspections and repairs on a non-type certificated aircraft in compliance with the applicable aircraft maintenance schedule;

"**approved training**" means training conducted in terms of Part 141 under special curricula and supervision, approved by the Director;

"**apron**" means a defined area on a land aerodrome intended to accommodate aircraft for the purpose of loading or unloading passengers or cargo, refuelling, parking or maintenance;

"**apron taxiway**" means a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;

"**area control centre**" means an ATSU established to provide an air traffic service to air traffic within the airspace for which it is responsible;

"**area control service**" means an air traffic control service for controlled flights in control areas;

"**area navigation**" means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground or space based navigation aids or within the limits of the capability of self contained aids, or a combination of these;

Note — Area navigation includes performance-based navigation as well as other operations that do not meet the definition of performance-based navigation.

"**Article 83**" means the provisions of Article 83 of the Convention on International Civil Aviation, 1944 (Chicago Convention);

"**Article 83 *bis***" means the provisions of Article 83 *bis* of the Convention on International Civil Aviation, 1944 (Chicago Convention);

"**Article 83 *bis* Agreement**" means an agreement between two Contracting States that have ratified Article 83 *bis*, in terms of which the State of Registry transfers all or some of its functions and duties to the State of the Operator;

"**assistant service**" means a service of assisting licensed air traffic controllers to discharge air traffic service related duties;

"ATS frequency" means an electronic radio frequency within the aviation frequency band used for the transmission and receipt of communication, navigation and surveillance data signals or voice communication;

"ATS facility" means an, ATSU, tower, centre or any part of the communication; navigation or surveillance infrastructure set up for the provision of air traffic and associated services;

"ATS surveillance service" means a service provided directly by means of an ATS surveillance system;

"ATS surveillance system" is a generic term referring to ADS-B, PSR, SSR or any comparable ground-based system that enables the identification of aircraft;

"authority to fly" means the authority to fly issued in terms of Subpart 2 of Part 24 of the Regulations as a restricted certificate of airworthiness;

"automatic activation device" means an automatic altitude and descent-rate activated device designated to activate a parachute;

"automatic dependent surveillance — broadcast" is the means by which aircraft, aerodrome vehicles and other objects can automatically transmit and/or receive data such as identification, position and additional data, as appropriate, in a broadcast mode via a data link;

"automatic dependent surveillance — contract" is the means by which the terms of an ADS-C agreement are exchanged between the ground system and the aircraft, via a data link, specifying under what conditions ADS-C reports would be initiated, and what data would be contained in the reports;

Note — the abbreviated term "ADS contract" is commonly used to refer to ADS event contract, ADS demand contract, ADS periodic contract or an emergency mode.

"availability" in relation to GNSS refers to an indication of the ability of the system to provide usable service within the specified coverage area and is defined as the portion of time during which –

(a) the system is to be used for navigation; and
(b) reliable navigation information is presented to the flight crew, autopilot or other system managing the flight of the aircraft;

"aviation recreation" means flying microlight, glider, balloon, gyroplane, hang glider, paraglider, model aircraft, light sport aeroplane, touring motor glider, parachute or involvement in aviation levents;

"aviation security training organisation" means any organisation registered in terms of the Companies Act, 2008 (Act No 71 of 2008) or the Close Corporations Act of 1984 (Act No 69 of 1984) and approved to conduct aviation security training by the appropriate authority;

"aviation training organisation" means an organisation designated by the Director in terms of Part 141 to conduct approved training;

"background check" means the checking of a person's identity and previous experience, including any criminal history as part of the assessment of an individual's suitability to implement a security control and/or for unescorted access to a security restricted area;

"balloon" means a non-power-driven lighter-than-air aircraft;

"BARO VNAV system" refers to a non-precision navigation system that presents computed vertical guidance to the pilot, associated to a specified Vertical Path Angle (VPA), nominally three degrees (3°), which is referenced to barometric altitude and which is specified as a VPA from a Reference Datum Height (RDH);

"base jumps" means a parachute descent from an object other than an aircraft;

"break" for the purposes of Part 65, means a period of responsibility-free duty time within the period of rostered operational duty, during which air traffic service personnel are released from all operational responsibilities;

"build standard" means the document package that defines the dimensions, materials and processes to be used in the construction of an aircraft, together with associated documents that show that the design complies with an established design criteria;

"cabin crew" means the collective of cabin crew members on board an aircraft;

"cabin crew member" means a crew member licensed in terms of Part 64 who performs, in the interest of safety of passengers, duties assigned by the operator or the PIC of the aircraft, but who shall not act as a flight crew member;

"captive balloon" means a balloon which is moored to the surface or to a ship, vehicle or construction on the surface;

"cargo" means any property carried on an aircraft other than mail, stores, unaccompanied or mishandled baggage;

"cargo aircraft" means any aircraft, other than a passenger aircraft, which is carrying goods or property;

"carry-on baggage" means baggage that a passenger carries with him or her on board an aircraft;

"Category A approval" when used in Part 173, means a flight procedure design approval in terms of which the holder may design, maintain, revise, amend or adapt flight procedures of the same type as the holder's rating;

"Category B approval when used in Part 173 means a flight procedure design approval in terms of which the holder may –

(a) adapt to the conservative a flight procedure of the same type as the holder's rating, for use by South African registered aircraft operating at, or in the vicinity of an aerodrome in a foreign country;

(b) design, maintain, revise or amend a flight procedure of the same type as the holder's rating for use by South African registered aircraft operating at, or in the vicinity of an off-shore installation located no closer than 30NM from the nearest land;

"Category I (CAT I) operation" means a precision instrument approach and landing with a decision height not lower than 200 feet (60 meters) and with either a visibility of not less than 800 meters or a RVR of not less than 550 meters;

"Category II (CAT II) operation" means a precision instrument approach and landing with a decision height lower than 200 feet (60 meters) but not lower than 100 feet (30 meters) and a RVR of not less than 350 meters;

"Category IIIA (CAT IIIA) operation" means a precision instrument approach and landing with a decision height lower than 100 feet (30 meters) or no decision height, and a RVR of not less than 200 meters;

"Category IIIB (CAT IIIB) operation" means a precision instrument approach and landing with a decision height lower than 50 feet (15 meters) or no decision height, and a RVR of less than 200 meters but not less than 50 meters;

"Category IIIC (CAT IIIC) operation" means a precision instrument approach and landing with no decision height and no RVR limitations;

Note — For precision instrument approach and landing operations, where decision height (DH) and RVR fall into different categories of operation, the instrument approach and landing operation would be conducted in accordance with the requirements of the most demanding category (e.g. an operation with a DH in the range of CAT IIIA but with an RVR in the range of CAT IIIB would be considered a CAT IIIB operation or an operation with a DH in the range of CAT II but with an RVR in the range of CAT I would be considered a CAT II operation).

"cause" for the purpose of Part 12, means any action, omission, event, condition or any combination thereof, which leads to an accident or incident;

"ceiling" means the height above the surface of the base of the lowest layer of cloud below 20 000 feet covering more than half the sky;

"certificate of airworthiness" means the certificate of airworthiness referred to in Article 31 of the Convention, issued in terms of Subpart 8 of Part 21 of the Regulations, and includes an authority to fly issued in terms of Subpart 2 of Part 24;

"certificate of approval" means a certificate issued in terms of Part 108 to a person approved to accept, store, handle and tender goods for the carriage by air;

"certificate of fitness" means the document issued to certify the acceptance of the applicant as being regarded as medically fit for appropriate flight duties;

"certificate of proficiency" means a certificate issued in terms of Part 108 to a natural person to certify that its holder has successfully completed the initial or refresher security training;

"certification" means formal evaluation and confirmation by or on behalf of the appropriate authority that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the appropriate authority;

"certify as airworthy (to)" means to certify that an aircraft or any part thereof complies with current airworthiness requirements;

"changeover point" means the point at which an aircraft navigating on an ATS route segment defined by reference to VHF omnidirectional radio ranges is expected to transfer its primary navigational reference from the facility behind the aircraft to the next facility ahead of the aircraft;

Note — Changeover points are established to provide the optimum balance in respect of signal strength and quality between facilities at all levels to be used and to ensure a common source of azimuth guidance for all aircraft operating along the same portion of a route segment.

"check-in baggage" means baggage that a passenger hands in when checking in for a flight and that is supposed to be carried in a cargo compartment of the aircraft on which the passenger is travelling;

"child" means a passenger who has reached his or her second but not his or her twelfth birthday;

"circling approach" means an extension of an instrument approach procedure which provides for visual circling of the aerodrome prior to landing;

"Class A airspace" means that portion of the airspace classified in terms of regulation 172.02.2;

"Class A GNSS equipment" means GNSS equipment incorporating both the GNSS sensor and navigation capability, including RAIM:

(a) Class A1 – en-route, terminal and non-precision approach other than localiser, navigation capability;

(b) Class A2 – en-route and terminal navigation capability only;

"Class A helicopter-load combination" means a helicopter-load combination in which the external load cannot move freely, or be jettisoned, and which does not extend below the landing gear;

"Class B airspace" means that portion of the airspace classified in terms of regulation 172.02.2;

"Class B GNSS equipment" means GNSS equipment consisting of a GNSS sensor, which provides data to an integrated navigation system:

(a) Class B1 – en-route, terminal and non-precision approach, other than localiser, navigation capability;

(b) Class B2 – en-route, and terminal navigation capability only, providing RAIM;

(c) Class B3 – en-route, terminal and non-precision approach, other than localiser, which equipment requires the integrated navigation system to provide a level of GPS integrity equivalent to that provided by RAIM;

(d) Class B4 – en-route and terminal navigation capability only, which equipment requires the integrated navigation system to provide a level of GPS integrity equivalent to that provided by RAIM;

"Class B helicopter-load combination" means a helicopter-load combination in which the external load is capable of being jettisoned and which is lifted free of land or water during the helicopter external-load operation;

"Class C airspace" means that portion of the airspace classified as such in terms of Regulation 172.02.2;

"Class C GNSS equipment" means GNSS equipment consisting of a GNSS sensor that provides data to an integrated navigation system that in turn provides guidance to an autopilot or flight director in order to reduce Flight Technical Error (FTE):

(a) Class C1 – en-route, terminal and non-precision approach, other than localiser, navigation capability, providing RAIM;

(b) Class C2 – en-route and terminal navigation capability only, providing RAIM;

(c) Class C3 – en -route, terminal and non-precision approach, other than localiser, which equipment requires the integrated navigation system to provide a level of GPS integrity equivalent to that provided by RAIM;

(d) Class C4 – en-route and terminal capability only, which equipment requires the integrated navigation system to provide a level of GPS integrity equivalent to that provided by RAIM;

"Class C helicopter-load combination" means a helicopter-load combination in which the external load is capable of being jettisoned and which remains in contact with land or water during the helicopter external-load operation;

"Class D airspace" means that portion of the airspace classified as such in terms of Regulation 172.02.2;

"Class D helicopter-load combination" means a helicopter-load combination, other than a Class A, Class B or Class C helicopter-load combination, which has been approved by the Director for a specific helicopter external-load operation;

"Class E airspace" means that portion of the airspace classified as such in terms of Regulation 172.02.2;

"Class F airspace" means that portion of the airspace classified as such in terms of Regulation 172.02.2;

"Class G airspace" means that portion of the airspace classified as such in terms of Regulation 172.02.2;

"Class I product" means a complete aircraft, aircraft engine or propeller, which –

(a) has been type certificated in accordance with the provisions of these Regulations and for which the South African Specifications or type certificate data sheets have been issued; or

(b) is identical to a type certificated product referred to in paragraph (a) in all respects except as in otherwise acceptable to the appropriate authority of the importing State;

"Class II product" means –

(a) a major component of a Class I product, including wings, fuselages, empennage assemblies, landing gears, power transmissions, control surfaces and installed equipment, the failure of which will jeopardise the safety of a Class I product; or

(b) a part, material or appliance, approved and manufactured under the TSO system as prescribed in subpart 12 of Part 21;

"Class III product" means any part or component which is not a Class I or a Class II product ;

"clearance delivery service" means a service specifically dedicated to the issuing of air traffic control clearances to pilots on behalf of one or more ATSUs;

"clearance limit" means the point to which an aircraft or vehicle is granted an air traffic control clearance;

"close corporation" means a close corporation as defined in section 1 of the Close Corporations Act, 1984 (Act No. 69 of 1984);

"cloudbreak/breakcloud procedure" means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, to a point at which visual contact with the surface may be made and from which a landing or circling approach can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle criteria apply;

"cloud ceiling" means the height above the ground or water of the base of the lowest layer of cloud situated below 20 000 feet and covering more than half the sky;

"co-authority dispatch" means the shared responsibility, between the PIC and the flight dispatcher in a Type A or B operational control system, for decisions respecting the OFP prior to acceptance of the OFP by the PIC;

"commercial air transport helicopter" means a helicopter engaged in a commercial air transport operation;

"commercial air transport operation" means an air service as defined in section 1 of the Air Services Licensing Act, 1990 (Act No. 115 of 1990), including –

(a) the classes of air service referred to in Regulation 2 of the Domestic Air Services Regulations, 1991; and
(b) the classes of international air services referred to in Regulation 2 of the International Air Services Regulations, 1994;

"commercial air transport operator" means the provider of a commercial air transport operation;

"communication failure procedure" means a procedure as published in the AIP;

"company" means a company as defined in section 1 of the Companies Act, 2008;

"competency" means a combination of skills, knowledge and attitudes required to perform a task to the prescribed standard;

"competency element" means an action that constitutes a task that has a triggering event and a terminating event that clearly defines its limits, and an observable outcome;

"competency unit" means a discrete function consisting of a number of competency elements;

"composite structures or components" means aircraft components which are manufactured of fibres embedded in a polymer matrix;

"condition" means, a condition –

(a) which is clear, reasonable, practically executable and appropriate to the relevant matter;

(b) which is calculated to achieve the particular objectives of the relevant empowering provision, read with the Act and these Regulations and any other relevant and appropriate law, and, in general, the promotion of civil aviation safety and the public interest; and

(c) which is to be reduced to writing, delivered to the other person, body or institution in a manner ensuring proper receipt thereof, and recorded by the functionary imposing the condition in an appropriate manner;

"configuration" means a particular combination of the positions of the moveable elements which affect the aerodynamic characteristics of the aircraft;

"configuration deviation list" means a list established by the organization responsible for the type design with the approval of the State of Design which identifies those external parts of an aircraft type that may be missing at the commencement of a flight, and which contains, where necessary, any information on associated operating limitations and performance correction;

"congested area" means in relation to a city, town or settlement, any area that is substantially used for residential, commercial or recreational purposes;

"congested hostile environment" means with respect to helicopter operations, a hostile environment within a congested area;

"consignee" means the person whose name appears on the airway bill as the party to whom the goods are to be delivered by the air carrier;

"consignment" means one or more pieces of goods accepted by the air carrier from one shipper at one time and at one address, receipted for in one lot and moving on one airway bill to one consignee at one destination;

"consignor" means the person whose name appears on the airway bill as the party contracting with the air carrier(s) for carriage of goods;

"contaminated runway" means a runway of which more than 25 percent of the runway surface area within the required length and width being used is covered with –

(a) surface water more than three millimetres deep;

(b) slush or loose snow, equivalent to more than three millimetres of water;

(c) snow which has been compressed into a solid mass which resists further compression and will hold together or break into lumps if picked up; or

(d) ice, including wet ice;

"continuing airworthiness" means the set of processes by which all aircraft comply with the applicable airworthiness requirements and remain in a condition for safe operation throughout their operating life;

"continuity" in relation to GNSS refers to the capability of the total system, comprising all elements necessary to maintain aircraft position within the defined airspace, to perform its function without non-scheduled interruptions during the intended operation;

"Contracting State" means a State that is a signatory to the Convention; **"control area"** means a controlled airspace extending upwards from a specified height above the surface without an upper limit, unless an upper limit is specified as published in an AIP, AIC or NOTAM and designated as a control area;

"controlled aerodrome" means an aerodrome at which air traffic control service is provided to aerodrome traffic;

"controlled airspace" means an airspace of defined dimensions within which an air traffic control service is provided to IFR flights and to VFR flights in accordance with the airspace classification as prescribed in Regulation 172.02.2;

"controlled flight" means any flight which is subject to an air traffic control clearance;

"controller-pilot data link communications" means a means of communication between controller and pilot, using data link for ATC communications;

"control system" means a system by which the flight path, attitude or propulsive force of an aircraft is changed, including the flight, engine and propeller controls, the related system controls and the associated operating mechanisms;

"control zone" means as controlled airspace extending upwards from the surface to a specified upper limit as published in an AIP, AIC or NOTAM;

"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 24 as technical standard 24.01.2.(5.2);

"conveyance by air" means conveyance in an aircraft in flight;

"co-ordination service" means a service of co-ordinating the discharge of air traffic service related duties by air traffic service personnel;

"co-pilot" means a licensed, type-rated pilot required by these Regulations to serve in any piloting capacity other than as PIC, but excluding a pilot who is on board the aircraft for the purpose of receiving flight instruction;

"co-responsibility dispatch" means the shared responsibility, between the PIC and the flight dispatcher in a Type A or B operational control system, for decisions respecting the OFP prior to acceptance of the OFP by the PIC;

"corporate aviation operation" means the non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot(s) employed to fly the aircraft;

"courier service" means an operation whereby cargo tendered by one or more consignors are transported as the baggage of a courier passenger on board a scheduled air transport service under normal passenger hold baggage documentation;

"credit" means recognition of alternate means of prior qualifications;

"crew member" means a person assigned by an operator to carry out duties onboard an aircraft during a flight, that are essential for the safe operation of the aircraft and the successful completion of the flight, and include task specialists who have been assigned in-flight duties related to a specialized use of the aircraft and have been informed of, and accepted the associated risks thereof;

"critical phases of flight" includes all ground operations involving taxi, take-off, climb to cruise up to 10 000 feet and approach from cruise below 10 000 feet;

"critical surfaces" with respect to operation in icing conditions, means the wings, control surfaces, propellers, horizontal stabilizers, vertical stabilizers or any other stabilizing surface of an aircraft and, in the case of an aircraft that has rear-mounted engines, includes the upper surface of its fuselage;

"cross country flight" when used in connection with the acquisition of flight experience required for a pilot licence, means a flight between a point of departure and a point of landing not less than 20 nautical miles apart following a pre-planned route using standard navigation procedures;

"cruise climb" means an aeroplane cruising technique resulting in a net increase in altitude as the aeroplane mass decreases;

"cruise relief pilot" means a flight crew member who is assigned to perform pilot tasks during cruise flight, to allow the PIC or a co-pilot to obtain planned rest;

"cruising level" means a flight level maintained during a significant portion of a flight;

"cull" includes the selection, counting and herding of game and livestock;

"current flight plan" means the air traffic service flight plan, including changes, if any, brought about by subsequent clearances;

"damp lease" means an operating lease in terms of which the aircraft is leased with a partial crew;

"damp runway" means a runway of which the surface is not dry and on which the moisture does not give the runway a shiny appearance;

"**danger area**" means an area of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;

"**dangerous goods**" means articles or substances which are capable of posing significant risk to health, safety or property when conveyed by air and which are shown in the list of dangerous goods in the International Civil Aviation Organisation Technical Instructions for the Safe Carriage of Dangerous Goods or which are classified according to those instructions;

"**dangerous goods accident**" means an accident associated with and related to the conveyance of dangerous goods by air;

"**dangerous goods incident**" means an incident, other than a dangerous goods accident, associated with and related to the conveyance of dangerous goods by air, and for the purposes of Part 92, includes injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained or which seriously jeopardises the aircraft or its occupants;

"**data link communications**" means a form of communication intended for the exchange of messages via a data link;

"**date of application**" when used in connection with the issuing, renewal or re-issuing of a licence, certificate or rating, means the date on which the application is received in the prescribed form by the Director;

"**day**" means the period of time from 15 minutes before sunrise to 15 minutes after sunset, sunrise and sunset being as given in the publication "Times of Sunrise, Sunset and Local Apparent Noon of the South African Astronomical Observatory" or in a similar publication issued by a recognised astronomical observatory;

"**day off**" for the purposes of an air operator's approved flight time and duty period programme, means a period of not less than 24 consecutive hours free of all duty on behalf of, or contact by the operator. A single day off shall include two local nights. Consecutive days off shall include a further local night for each consecutive day off. A rest period may be included as part of a day off;

Note – Contact by the operator may be effected by non-intrusive means such as electronic mail but not by any method that could cause a disturbance or disruption to sleep or other rest.

"**decision altitude/height**" means a specified altitude or height in a precision approach or approach with vertical guidance at which a missed approach shall be initiated if the required visual reference to continue the approach has not been established;

Notes —

(a) Decision altitude (DA) is referenced to mean sea level and decision height (DH) is referenced to the threshold elevation.

(b) The required visual reference means that section of the visual aids or of the approach area which should have been in view for sufficient time for the pilot to

have made an assessment of the aircraft position and rate of change of position, in relation to the desired flight path. In Category III operations with a decision height the required visual reference is that specified for the particular procedure and operation.

(c) For convenience where both expressions are used they may be written in the form "decision altitude/height" and abbreviated "DA/H".

"defined point" with respect to helicopter operations means –

(a) in relation to a defined point after take-off, the point, within the take-off and initial climb phase, before which the helicopter's ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required; and

(b) in relation to a defined point before landing, the point, within the approach and landing phase, after which the helicopter's ability to continue the flight safely, with one engine inoperative, is not assured and a forced landing may be required;

"designated aviation medical examiner" means an aviation medical examiner designated by the Director in terms of regulation 67.00.4;

"designated examiner" means an authorised person, designated as such, approved to conduct skill tests and proficiency checks on persons other than pilots in terms of the delegation referred to in section 88 of the Act;

"designated flight examiner" means an authorised person, designated as such, approved to conduct skill tests and proficiency checks on pilots and such other persons as may be specified in terms of the delegation referred to in section 88 of the Act;

"diplomatic bag" means a package intended for the head of a diplomatic mission or a member of the staff of a diplomatic mission that bears visible marks of its character and contains only documents or articles intended for official use;

"disabled passenger" means a passenger who is physically or mentally challenged due to illness, injury, congenital malfunction or other temporary or permanent incapacity or disability;

"disembarkation" means the leaving of an aircraft after landing, except by flight crew or passengers continuing on the next stage of the same through-flight;

"dry lease" means an operating lease in terms of which only the aircraft is leased without crew and the lessee has legal possession of the aircraft;

"dry operating mass" means the total mass of the aircraft ready for a specific type of operation, excluding all usable fuel and traffic load, and includes –

(a) flight crew members and flight crew member baggage;

(b) catering and removable passenger service equipment; and

(c) portable water and lavatory chemicals;

"**dry runway**" means a dry runway which is neither wet nor contaminated, and includes those paved runways which have been specially prepared with grooves or porous pavement and maintained to retain "effectively dry" braking action even when moisture is present;

"**dual instruction time**" in terms of flight training shall mean flight time during which a person is receiving flight instruction from a properly authorized pilot on board the aircraft;

"**duty**" means any task that flight or cabin crew members are required by the operator to perform, including, for example, flight duty, administrative work, training, positioning and standby when it is likely to induce fatigue;

"**duty period**" means any continuous period throughout which either a crew member flies in any aeroplane, whether as a crew member or as a passenger, at the behest of his or her employer, or otherwise carries out a required duty in the course of his or her employment. It includes any flight duty period, positioning, ground or flight training, office duties, flight watch, home reserve and standby duty;

"**electronic flight bag**" means an electronic information management and display system intended primarily for flight crew or cabin crew functions that were traditionally accomplished using paper references (e.g., navigation charts, operating manuals, performance calculations);

"**elevated heliport**" means a heliport located on a raised structure on land;

"**embarkation**" means the boarding of an aircraft for the purpose of commencing a flight, except by such flight crew or passengers who have embarked on a previous stage of the same through-flight;

"**emergency flotation equipment**" means equipment carried by helicopters which, when activated, enables the helicopter to land and float on water;

"**emergency locator transmitter**" means equipment which broadcast distinctive signals on designated frequencies and, depending on application, may either sense a crash and operate automatically or may be manually activated. An ELT may be any of the following:

(a) Automatic fixed ELT (ELT(AF)). An automatically activated ELT which is permanently attached to an aircraft;

(b) Automatic portable ELT (ELT(AP)). An automatically activated ELT which is rigidly attached to an aircraft but readily removable from the aircraft;

(c) Automatic deployable ELT (ELT(AD)). An ELT which is rigidly attached to an aircraft and which is automatically deployed and activated by impact, and, in some cases, also by hydrostatic sensors. Manual deployment is also provided; or

(d) Survival ELT (ELT(S)). An ELT which is removable from an aircraft, stowed so as to facilitate its ready use in an emergency, and manually activated by survivors;

"emergency parachute" means a parachute assembly designed and intended to be used by persons in an emergency;

"emission charge" means any voluntary change in type of design of the aircraft or engine which may increase fuel venting or engine emission;

"enforcement officer" means an authorised officer, inspector or authorised person;

"en-route alternate aerodrome" means an aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en-route;

"en-route phase" means that part of the flight from the end of the take-off and initial climb phase to the commencement of the approach and landing phase;

"en route safe altitude" means an altitude which will ensure a separation height of at least –

(a) 1 000 feet above the highest terrain or obstacle where the height of such terrain or obstacle does not exceed 5 000 feet above sea level within five nautical miles of the aircraft in flight; or

(b) 2 000 feet above the highest terrain or obstacle located within five nautical miles of the aircraft in flight where the height of such terrain or obstacle exceeds 5 000 feet above sea level;

"ensure" in relation to any person, body or institution and in respect of any matter, activity, process, condition, requirement or other person, or anything else, means to take, considering the nature and context of the provision requiring the ensuring, and any other appropriate legal provisions, in good faith, all necessary, and all reasonably incidental and practically executable preliminary, precedent and precautionary steps in order to be able and prepared to take, and afterwards to take, all necessary and reasonably incidental and practically executable steps, to substantially achieve the clear particular objectives of the provision requiring the ensuring and, in general, the promotion of civil aviation safety and the public interest;

"error", as used in the context of operating an aircraft, means an action or inaction by the flight crew that leads to deviations from organisational or flight crew intentions or expectations;

"error management" means the process of detecting and responding to errors, as defined, with countermeasures that reduce or eliminate the consequences of errors, and mitigate the probability of further errors or undesired aircraft conditions;

"estimated off-block time" means the estimated time at which the aircraft will commence movement associated with departure;

"estimated time of arrival" –

(a) in respect of IFR flights, means the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced or,

if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome; and

(b) in respect of VFR flights, means the time at which it is estimated that the aircraft will arrive over the aerodrome;

"**ETOPS en-route alternate**" means a suitable and appropriate alternate aerodrome at which an aeroplane would be able to land after experiencing an engine shutdown or other abnormal or emergency condition while en-route in an ETOPS operation;

"**examiner**" means variously a DFE, Designated Examiner or Official Flight Examiner;

"**expected approach time**" means the time at which ATC expects that an arriving aircraft, following a delay, will leave the holding fix to complete its approach for a landing;

"**express air cargo**" means particular time-sensitive shipments, requiring reliable, time-measured transport using simple documentation or an air waybill;

"**extended flight over water**" means a flight over water at a specified distance or time away from land suitable for making an emergency landing that necessitates the carriage of specified life-saving equipment;

Notes –

(a) See the respective Part for specified time, distance and life-saving equipment requirements; and

(b) Also known as 'long range over-water flight' or 'extended over-water flight'.

"**extended range operations**" means flights conducted over a route that contains a point further than one hour flying time at the approved one-engine inoperative cruise speed, under standard conditions in still air, from an adequate aerodrome;

"**extended range operations with twin-engine aircraft**" means flights conducted with a twin-engine aircraft, over a route that contains a point further than one hour flying time at the approved one-engine inoperative cruise speed, under standard conditions in still air, from an adequate aerodrome;

"**facility**" for the purpose of Part 172, means any facility used for providing an air traffic control service;

"**fatigue**" means a physiological state of reduced mental or physical performance capability resulting from sleep loss or extended wakefulness and/or physical activity that can impair a crew member's alertness and ability to safely operate an aircraft or perform safety related duties;

"**filed flight plan**" means the flight plan as filed with an ATS unit by the pilot or a designated representative, without any subsequent changes;

"final approach" with respect to IFR operations means that part of an instrument approach procedure which commences at the specified final approach fix, or where such fix is not specified;

(a) At the end of the last procedure turn, baseturn or inbound of a racetrack procedure, if specified; or
(b) At the point of interception of the last track specified in the approach procedure; and ends at a point in the vicinity of an aerodrome from which –

(i) A landing can be made; or
(ii) A missed approach procedure is initiated;

"final approach and take-off area" means a defined area over which the final phase of the approach manoeuvre to hover or landing is completed and from which the take-off manoeuvre is commenced. Where the final approach and take-off area is to be used by performance Class 1 helicopters, the defined area includes the rejected take-off area available;

"final approach fix" means the fix from which the final approach (IFR) to an aerodrome is executed and which identifies the beginning of the final approach segment;

"financial or capital lease" means an arrangement in terms of which the aircraft is leased from a bank or other financial institution (lessor), whereby the aircraft gives the outward appearance of ownership by the operator (lessee), and is usually registered in the State of the Operator;

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

"first aid" means first aid appropriate to the type of aircraft, and includes –

(a) the recognition and treatment of food poisoning;

(b) the recognition and treatment of contamination of the skin and eyes by aviation fuel and other fluids;

(c) the recognition and treatment of hypoxia and hyperventilation;

(d) first aid associated with survival training, appropriate to the routes to be operated; and

(e) other related aeromedical aspects;

"flight" means from the moment an aircraft commences its take-off until the moment it completes its next landing;

"flight crew member" means a crew member licensed in terms of Part 61 or Part 63 of the regulations and charged with duties essential during flight time;

"flight data analysis" means the process of analysing recorded flight data in order to improve the safety of flight operations;

"flight deck" means the area in an aircraft in which is located the flight crew member stations from which the operation of the aircraft is controlled and observer seats, if installed, and in which access is normally restricted to flight crew members only;

"flight duty period" means any time during which a person operates in an aircraft as a member of its flight crew and it starts when the flight crew member is required by an operator to report for a flight, and finishes at on-chocks or engines off, on the final sector for that flight crew member;

"flight information centre" means an ATSU established to provide flight information services and alerting services;

"flight information region" means an airspace of defined dimensions within which flight information services and alerting services are provided;

"flight information service" means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;

"flight instructor" means a pilot who is the holder of the appropriate flight instructor rating;

"flight level" means a surface of constant atmospheric pressure, expressed as a number of hundreds of feet, relating to a specific pressure datum of 1 013,2 hectopascals and is separated from other such surfaces by specific pressure intervals;

"flight manual" means a manual, attached to the certificate of airworthiness, containing the limitations within which an aircraft is to be considered airworthy, and the instructions and information necessary to the flight crew members for the safe operation of the aircraft;

"flight operations officer" means a person designated and certified by the operator to engage in the control and supervision of flight operations who is qualified to support, brief and/or assist the PIC in the safe conduct of the flight;

"flight plan" means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

"flight procedures trainer": See 'Flight Simulator Training Device' ;

"flight recorder" means any type of recorder installed in an aircraft for the purpose of complementing accident/incident investigation;

"flight release" means the formal authorization for the PIC to proceed with a flight in accordance with an OFP signed by both the PIC and the person responsible for operational control over the flight;

"flight safety documentation system" means a set of inter-related documentation established by the operator, compiling and organizing information necessary for safe flight and ground operations, and comprising, as a minimum, the operations manual and the operator's maintenance control manual;

"flight simulator training device " means any one of the following three types of apparatus in which flight conditions are simulated on the ground:

(a) a flight simulator, which provides an accurate representation of the flight deck of a particular aircraft type, to the extent that the mechanical, electrical, electronic, etc. aircraft systems, control functions, the normal environment of flight crew members, and the performance and flight characteristics of that type of aircraft are realistically simulated;

(b) a flight procedures trainer, which provides a realistic flight deck environment, and which simulates instrument responses, simple control functions of mechanical, electrical, electronic, etc. aircraft systems, and the performance and flight characteristics of aircraft of a particular class;

(c) a basic instrument flight trainer, which is equipped with appropriate instruments, and which simulates the flight deck environment of an aircraft in flight in instrument flight conditions;

"flight time" means –

(a) for the operation of aeroplanes, the total time from the moment an aeroplane first moves for the purposes of taking off until the moment it finally comes to rest at the end of the flight;

Note — Flight time as here defined is synonymous with the term "block to block" time or "chock to chock" time in general usage which is measured from the time an aeroplane first moves for the purpose of taking off until it finally stops at the end of the flight.

(b) for the operation of helicopters, the total time from the moment a helicopter's rotor blades start turning until the moment the helicopter finally comes to rest at the end of the flight and the rotor blades are stopped; and

(c) for the operation of gliders, the total time occupied in flight, whether being towed or not, from the moment the glider first moves for the purpose of taking off until the moment it comes to rest at the end of the flight;

"flight watch" means –

(a) in respect of flight time and duty period regulations, a period of time during which a flight crew member is required to check with the operator at specified times as to whether his or her services as a flight crew member will be required and, should this be the case, will report for duty at the time then specified; and

(b) in respect of operational control of commercial air transport aircraft, the process by which a flight operations officer provides flight following service to a flight, and provides

any operational information as may be requested by the PIC or deemed necessary by the flight operations officer. Meteorological information provided to the PIC by the flight operations officer may include analysis or interpretation;

"flight watch system" means an operator's equipment, facilities and personnel which enable that operator to exercise operational control over a flight in progress via direct and timely communications with that flight;

"follow-on GNSS equipment" refers to equipment that has already received an initial airworthiness certification;

"foreign air operator" means any operator, other than a South African air operator, which undertakes on a scheduled or charter basis, whether directly or indirectly, by lease or any other arrangement, to engage in commercial air transport operations within the borders or airspace of South Africa;

"foreign authority" means the authority of a foreign State that issues the air operator certificate and oversees the operations of its air operators;

"foreign state aircraft" means any aircraft owned or operated by any State other than the Republic of South Africa;

"formation flight" means two or more aircraft flying in the same general direction at a distance not exceeding 1 km (0.5 NM) laterally and longitudinally and 30 m (100 ft) vertically from each other;

"full flight simulator" means a full size replica of a specific type or make, model and series aeroplane flight deck, including the assemblage of all equipment and computer programmes necessary to represent the aeroplane in ground and flight operations, a visual system providing an out-of-the-flight deck view and a force cuing motion system;

"general aviation operation" means an aircraft operation other than a commercial air transport, corporate aviation, air ambulance or aerial work operation;

"glider" means a heavier-than-air aircraft, other than a hang-glider, that is supported in flight by the dynamic reaction of the air against its fixed, lifting surfaces, and whereof free flight does not depend on an engine;

"GNSS" means a worldwide position and time determination system that includes one or more satellite constellations, aircraft receivers and system integrity monitoring, augmented as necessary to support the RNP for the intended operation;

"GNSS incident" refers to an incident involving but not limited to, the malfunctioning of equipment, signals or human performance in the operation of a GNSS system;

"GNSS sensor" refers to a single GNSS unit used for navigation within a flight management system;

"ground handling" means any service, other than air traffic services, required by an aircraft on arrival at, and departure from an aerodrome;

"ground visibility" means the visibility at an aerodrome as reported by an accredited observer or by automatic systems;

"gyroglider" means a non-power-driven heavier-than-air aircraft, supported in flight by the reactions of the air on one or more rotors which rotates freely on substantially vertical axes;

"gyroplane" means a power-driven heavier-than-air aircraft, supported in flight by the reactions of the air on one or more rotors which rotates freely on substantially vertical axes;

"handicapped passenger" means a passenger who is physically or mentally handicapped due to illness, injury, congenital malfunction or other temporary or permanent incapacity or disability;

"hang-glider" means a non-power-driven heavier-than-air aircraft capable of being carried, foot launched, and landed solely by the energy and use of the pilot's legs, having –

(a) a rigid primary structure with pilot weight shift as the primary method of control; or

(b) a rigid primary structure with movable aerodynamic surfaces as the primary method of control in at least two axes,

and for the purposes of Parts 24, 94 and 96 includes a powered hang-glider;

"hang-glider aero tow rating or endorsement" means a rating issued to the pilot of a hang-glider qualifying him or her to be aero-tugged;

"hazard" means any act, omission, event or condition or a combination thereof that could lead to or result in an accident or incident;

"heading" means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from North (true, magnetic, compass or grid);

"head-up display" means a display system that presents flight information into the pilot's forward external field of view;

"heavier-than-air aircraft" means an aircraft deriving its lift in flight mainly from aerodynamic forces;

"height" means –

(a) the vertical distance of a level, a point or an object considered as a point, measured from a specific datum;

(b) the vertical dimension of an object;

"helicopter" means a heavier-than-air aircraft supported in flight mainly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

"helicopter crewman" means a person, other than a member of the flight crew, who is charged with duties by the operator essential to the helicopter operation when engaged in winching or external-load operations or who acts as a loadmaster;

"helicopter-load combination" means the combination of a helicopter and an external-load, including the external-load attaching means;

"helicopter sling load" means the externally carriage, lowering or picking up of a load, cargo, or passengers by means of a bucket, net, harness, sling or stretcher, suspended beneath the helicopter;

"helicopter winching" means the external lowering or picking-up of a load, cargo or person by means of a hoist fitted to the side of a helicopter;

"helideck" means a heliport located on a floating or fixed off-shore structure;

"heliport" means an aerodrome and any defined area or a structure, intended or designed to be used either wholly or partly for the landing, departure and surface movement of helicopters;

"heliport operating minima" means the limits of usability of a heliport for –

(a) take-off, expressed in terms of RVR and/or visibility and, if necessary, cloud conditions;

(b) landing in precision approach and landing operations, expressed in terms of visibility and/or RVR and DA/H as appropriate to the category of the operation;

(c) landing in approach and landing operations with vertical guidance, expressed in terms of visibility and/or RVR and DA/H; and

(d) landing in non-precision approach and landing operations, expressed in terms of visibility and/or RVR, MDA/H and, if necessary, cloud conditions;

"hostile environment" with respect to helicopter operations, means an environment in which –

(a) a safe forced landing cannot be accomplished because the surface and surrounding environment are inadequate;

(b) the helicopter occupants cannot be adequately protected from the elements;

(c) search and rescue response/capability is not provided consistent with anticipated exposure; or

(d) there is an unacceptable risk of endangering persons or property on the ground;

"human factors principles" means the principles which apply to aeronautical design, certification, training, operations and maintenance of aircraft, and which seek safe interface between the human and other system components by proper consideration to human performance;

"human performance" means the capabilities and limitations of a human being that have an impact on the safety and efficiency of aeronautical operations and services;

"ICAO flight plan form" refers to the International Civil Aviation Organisation flight plan form (MOT/AC 1565);

"imported" in the context of Part 24 means brought into the Republic by any means for the purpose of having the aircraft put on the South African Civil Aircraft Register;

"incident" means an occurrence, other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of aircraft operations;

"individual" for the purpose of Part 185 includes a natural person, a partnership and a sole proprietorship;

"infant" means a person who has not reached his or her second birthday;

"initial approach fix" means the fix determined in terms of instrument approach procedures which identifies the beginning of the initial approach segment;

"initial approach segment" means that segment of an instrument approach procedure between the initial approach fix and the intermediate approach fix, or where applicable, the final approach fix or point;

"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;

"inspection" means that part of the maintenance by which an aircraft or aircraft component is being examined to establish conformity with an approved standard;

"instructions for safe operation and continued airworthiness" means instructions prepared by the holder of a type certificate for a product, comprising descriptive data and accomplishment instructions;

"instrument approach and landing operation" means an instrument and landing operation classified as CAT I, CAT II and CAT IIIA, CAT IIIB, and CAT IIIC , non-precision or precision approach and landing operations;

"instrument approach procedure" means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route, to a point from which a

landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en route obstacle criteria apply. Instrument approach procedures are classified as follows –

(a) non-precision approach procedure. An instrument approach procedure which utilizes lateral guidance but does not utilize vertical guidance;

(b) approach procedure with vertical guidance. An instrument approach procedure which utilizes lateral and vertical guidance but does not meet the requirements established for precision approach and landing operations; or

(c) precision approach procedure. An instrument approach procedure using precision lateral and vertical guidance with minima as determined by the category of operation;

Note — Lateral and vertical guidance refers to the guidance provided either by –

(a) a ground-or space-based navigation aid; or

(b) computer-generated navigation data.

"instrument flight time" means time during which the aircraft is piloted solely by reference to instruments and without external reference points, whether under actual or simulated flight conditions;

"instrument ground time" means time during which a pilot is practicing on the ground simulated instrument flight in a FSTD approved by the Director;

"instrument meteorological conditions" means atmospheric conditions expressed in terms of visibility, distance from cloud, or ceiling, less than the minima prescribed for VFR flight in regulations 91.06.21 and 91.06.22;

"instrument time" means instrument flight time or instrument ground time, as defined;

"integrated training", as used in the context of flight training, means training, conducted under special curricula and supervision approved by a Contracting State, that, in the case of flight crew members, is conducted within an approved training organisation, and allows for reduced flight time experience for the issuance of a licence;

"integrity" in relation to GNSS, refers to the ability of a system to provide timely warnings to users when the system performance has exceeded predetermined safe limitations and should not be used for navigation;

"Integrated Aeronautical Information Package" means a package which consists of –

(a) an AIP including an amendment service;
(b) supplements to the AIP;
(c) NOTAM;
(d) AIC; and
(e) checklists and summaries;

"International Air Services Act" means the International Air Services Act, 1993 (Act No. 60 of 1993);

"international flight" means a flight which passes through the airspace over the territory of more than one State;

"International Regulations for Preventing Collisions at Sea" means the International Regulations for Preventing Collisions at Sea made under the Convention on the International Regulations for Preventing Collisions at Sea, signed in London on 20 October 1972, set out in the Third Schedule to the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

"investigation" in relation to accidents and incidents, means a process conducted for the purpose of accident prevention and includes the gathering and evaluation of information, the drawing of conclusions, including the determination of the cause, causes, probable cause or probable causes of an accident or the underlying cause or causes and/or contributing factors leading to an incident and, when appropriate, the making of recommendations in connections with aviation safety;

"investigator" means a person designated as such by the Director in terms of Regulation 12.01.4;

"investigator-in-charge" means a person designated by the Director on the basis of his or her qualifications and charged with the responsibility for the organisation, conduct and control of and the reporting on the investigation of an accident or incident;

"kite" means a non-power-driven, heavier-than-air aircraft, other than a glider or hang-glider, deriving its lift in flight mainly from aerodynamic reactions on the surfaces which remain fixed under given conditions of flight, and for the purpose of these Regulations also means a line-controlled kite;

"known cargo" means a consignment from a known consignor or a regulated agent to which the appropriate security controls, prescribed by Part 108, have been applied; and includes a consignment of unknown cargo which have been subjected to appropriate security controls;

"known consignor" means the originator of goods for carriage by air:

(a) who has an established business with a regulated agent on the basis of agreed security criteria as prescribed in Part 108;

(b) who complies with the criteria prescribed in Part 108 for a known consignor;

"known consignor validator" means a person or entity designated by the Director in terms of Regulation 108.05.7;

"landing area" means that part of a movement area intended for the landing or take-off of aircraft;

"landing decision point" means the point used in determining landing performance from which, a power unit failure having been recognised at this point, the landing may be safely continued or a baulked landing initiated;

"landing distance available" means the length of the runway which is declared available and suitable for the ground run of an aeroplane landing;

"large aircraft" means an aircraft of a maximum certificated take-off mass of over 5 700 kg;
Note – Includes aeroplanes and helicopters.

"lateral navigation" refers to azimuth navigation without positive vertical guidance associated with non-precision approach procedures or en-route;

"lease", when used in reference to an aircraft, means a contractual arrangement between a lessor and a lessee whereby a properly licensed air service operator gains commercial control of an entire aircraft without transfer of ownership, and which may be in the form of any of the following:

(a) financial or capital lease;
(b) operating lease –

(i) dry lease;
(ii) damp lease;
(iii) wet lease; or
(iv) sub-charter, as defined;

"lessee" with reference to an aircraft lease means the party to which the aircraft is leased;

"lessor" with reference to an aircraft lease means the party from which or whom the aircraft is leased;

"letter of TSO design approval" means a design approval for a foreign-manufactured article which complies with a specific TSO;

"level" means a generic term relating to the vertical position of an aircraft in flight and meaning variously, height, altitude or flight level;

"licensing authority" means the authority designated by a Contracting State as responsible for the licensing of personnel;

"lighter-than-air aircraft" means any aircraft supported mainly by its buoyancy in the air;

"light sport aeroplane" means an aeroplane of which the maximum take-off mass and other classification parameters are defined in Document SA-CATS 24 as technical standard 24.01.2.0.1;

"likely" in the context of the medical provisions in Part 67, means with a probability of occurring that is unacceptable to the medical assessor;

"limit loads" means the maximum loads assumed to occur in the anticipated aircraft operating conditions;

"line flight" means a commercial flight carried out under normal operations by the holder of a licence issued in terms of the Air Services Licensing Act or the International Air Services Act;

"line flying" means flying done by flight crew under normal commercial operations;

"load" means the design strength requirements, prescribed for an aircraft in terms of its limit load and ultimate load;

"low-visibility procedures" means procedures applied at an aerodrome for the purpose of ensuring safe operations during low visibility operations;

"low-visibility take-off" means a take-off where the RVR is less than 400 metres;

"Mach number" means the ratio of true airspeed to the speed of sound;
"mail" means dispatches of correspondence and other objects tendered by or intended for delivery to a postal company;

"main parachute" means a parachute which is designed and intended to be used as the primary parachute for a parachute descent;

"maintenance" means the performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair;

"maintenance control manual" means a document, compiled by an owner or operator in accordance with the provisions of these Regulations that defines the organisation and procedures established for ensuring the sustained airworthiness of the aircraft to which it applies, its components, installed systems and equipment";

"maintenance programme" means a document which describes the specific scheduled maintenance tasks and their frequency of completion and related procedures, such as a reliability programme, necessary for the safe operation of those aircraft to which it applies;

"maintenance release" means a document which contains a certification confirming that the maintenance work to which it relates has been completed in a satisfactory manner, either in accordance with the approved data and the procedures described in the maintenance organization's procedures manual or under an equivalent system;

"major change" means any change in the type design which is extensive enough to require a substantially complete investigation to determine compliance with the type certification basis;

"major modification" means a modification not listed in the aircraft, aircraft engine, or propeller specifications –

(a) which may appreciably affect weight, balance, structural strength, performance, powerplant operations, flight characteristics, or other qualities affecting airworthiness; or

(b) which is not done according to accepted practices or cannot be done by elementary operations;

"major repair" means a repair –

(a) which, if improperly done, may appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(b) which is not done according to accepted practices or cannot be done by elementary operations;

"mandatory periodic inspection" means an inspection prescribed in Regulation 43.02.8;

"manoeuvring area" means that part of an aerodrome used for take-off, landing (including the runway strips) and taxiing of aircraft, excluding an apron;

"manual of procedure" means a document endorsed by the head of an organisation which details the organisation's structure and management responsibilities, scope of work, description of facilities, maintenance procedures and quality assurance or inspection systems;

"Master" means the Master as defined in section 1 of the Administration of Estates Act, 1965 (Act No. 66 of 1965);

"master minimum equipment list" means a list compiled for a particular aircraft type by the manufacturer of the aircraft with the approval of the appropriate authority of the State of Manufacture containing items, one or more of which is permitted to be unserviceable at the commencement of a flight;

"maximum approved passenger seating configuration" means the maximum passenger seating capacity of an aircraft, excluding pilot seats, cockpit seats or flight deck seats as applicable, used by the operator in a commercial air transport operation, approved by the Director and specified in the operations manual referred to in regulation 121.04.2, 127.04.2 or 135.04.2;

Note – Also known as 'maximum certificated passenger capacity' or 'maximum certificated passenger configuration'.

"maximum certificated mass" means the maximum permissible mass shown in the AFM or other document associated with the certificate of airworthiness at which an aircraft may commence its take-off under standard atmospheric conditions at sea level;

"medically compromised passenger" means a person who is physically or mentally compromised due to illness, injury, congenital malfunction or other temporary or permanent incapacity or disability, who cannot assist himself or herself, and is not likely to require medical care, but needs to be accompanied by a person to provide comfort during the flight and to assist in any emergency flight procedure;

"medical assessment" means the evidence issued by a Contracting State that the licence holder meets specific requirements of medical fitness;

"medical assessor" means a physician, qualified and experienced in the practice of aviation medicine, who evaluates medical reports submitted to the Authority by medical examiners;

"medical examiner" means a physician, with training in aviation medicine and practical knowledge and experience of the aviation environment, who is designated by the Director to conduct medical examinations of fitness of applicants for licences or ratings for which medical requirements are prescribed, and in the context of these Regulations, refers to the aviation medical examiner designated by the Director in terms of Part 67;

"medical personnel" means any aviation health care provider registered with an appropriate authority who is assigned to provide medical care to a patient from the time of boarding an aircraft until completion of disembarkation and who is knowledgeable of aviation stresses and their effect on the human body and on medical life support and equipment used in the transport of patients;

"medical service provider" means the person, associated with an air ambulance operator for the purposes of taking responsibility for the medical aspects of the operation and who is subject to the legislation administered by the Department of Health;

"meteorological information" means any meteorological report, analysis or forecast in support of aviation, and any other statement in support of aviation relating to existing or expected meteorological conditions;

"meteorological service" means any of the following services which provide meteorological information in support of aviation –

(a) climatology service, which is a service for the development and supply of climatological information for a specific place or airspace;

(b) forecast service, which is a service for the supply of forecast meteorological information for a specific area or portion of airspace;

(c) information dissemination service, which is a service for the collection and dissemination of meteorological information;

(d) meteorological briefing service, which is a service for the supply of written and oral meteorological information on existing and expected meteorological conditions;

(e) meteorological reporting service, which is a service for the supply of routine meteorological reports; and

(f) meteorological watch service, which is a service for maintaining a watch over meteorological conditions affecting aircraft operations in a specific area;

"micro-light aeroplane" means an aeroplane of which the minimum flying speed and the maximum take-off mass have been restricted for classification purposes. The values of these restrictions are defined in Document SA-CATS 24;

"minimum descent altitude/height" means a specified altitude or height in a non-precision approach or circling approach below which descent must not be made without required visual reference;

Notes —

(a) Minimum descent altitude is referenced to mean sea level and minimum descent height is referenced to the aerodrome elevation or to the threshold elevation if that is more than 7 ft (2 m) below the aerodrome elevation. A minimum descent height for a circling approach is referenced to the aerodrome elevation.

(b) The required visual reference means that section of the visual aids or of the approach area which should have been in view for sufficient time for the pilot to have made an assessment of the aircraft position and rate of change of position, in relation to the desired flight path. In the case of a circling approach the required visual reference is the runway environment.

"minimum equipment list" means a list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the MMEL established for the aircraft type;

"minor change" means any change in type design which has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics or other characteristics affecting the airworthiness of the product;

"minor modification" means a modification other than a major modification;

"missed approach point" means that point, in an instrument approach procedure at or before which the prescribed missed approach procedure shall be initiated, in order to ensure that the minimum obstacle clearance is not infringed;

"missed approach procedure" means the procedure to be followed if the approach to landing cannot be continued;

"model aircraft" means a heavier-than-air aircraft of limited dimensions, with or without a propulsion device, unable to carry a human being and to be used for competition, sport or recreational purposes rather than unmanned aeronautical vehicles (UAV) developed for commercial or governmental, scientific,

research or military purposes, and not exceeding the specifications as set by the Federation Aeronautique Internationale as listed in Document SA-CATS 24;

"movement area" means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron;

"national pilot licence" means a pilot licence or rating issued in terms of Part 62 of the Regulations and is not recognised by the International Civil Aviation Organisation and may therefore only be utilised within the borders of the Republic, unless its use is specifically authorised by the responsible authority for other foreign airspace;

"nautical mile" means the length equal to 1 852 metres exactly;

"navigation specification" means a set of aircraft and flight crew requirements needed to support performance-based navigation operations within a defined airspace. There are two kinds of navigation specifications –

(a) RNP specification. A navigation specification based on RNAV that includes the requirement for performance monitoring and alerting, designated by the prefix RNP, e.g. RNP 4, RNP APCH; and

(b) RNAV specification. A navigation specification based on RNAV that does not include the requirement for performance monitoring and alerting, designated by the prefix RNAV, e.g. RNAV 5, RNAV 1;

"newly overhauled" when used to describe a product, means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for release to service in accordance with the provisions of these Regulations;

"night" means the period from 15 minutes after sunset to 15 minutes before sunrise, sunset and sunrise being as given in the publication "Times of Sunrise, Sunset and Local Apparent Noon of the South African Astronomical Observatory" or a similar publication issued by a recognised astronomical observatory;

"night duty" means a period of not less than 4 hours between 20h00 and 06h00 of the next day;

"non-congested hostile environment" with respect to helicopter operations, means an hostile environment outside a congested area;

"non-hostile environment" with respect to helicopter operations, means an environment in which –

(a) a safe forced landing can be accomplished because the surface and surrounding environment are adequate;

(b) the helicopter occupants can be adequately protected from the elements;

(c) search and rescue response/capability is provided consistent with anticipated exposure; and

(d) the assessed risk of endangering persons or property on the ground is acceptable;

Note — Those parts of a congested area satisfying the above requirements are considered non-hostile.

"non-populous area" in terms of Part 137, means an area on the surface of the earth other than a populous area;

"non–precision approach and landing" means an instrument approach and landing operation that utilises lateral guidance but does not utilise vertical guidance;

"non-type certificated aircraft" means any aircraft that does not qualify for the issue of a certificate of airworthiness in terms of Part 21 and shall include any type certificated aircraft that has been scrapped, of which the original identification plate should have to be removed and returned to the applicable aviation authority and is rebuild as a full-scale replica;

"Notice to Airmen" means a notice containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations, distributed by means of telecommunication by or with the authority of the Director;

"obstacle clearance altitude or height" means the lowest altitude or the lowest height above the elevation of the relevant runway threshold or the aerodrome elevation as applicable, used in establishing compliance with appropriate obstacle clearance criteria;

Note — Obstacle clearance altitude is referenced to mean sea level and obstacle clearance height is referenced to the threshold elevation or in the case of non-precision approaches to the aerodrome elevation or the threshold elevation if that is more than 7 ft (2 m) below the aerodrome elevation. An obstacle clearance height for a circling approach is referenced to the aerodrome elevation.

"official examiner" means a person, designated by the Director, who may carry out the duties and functions of a DFE, as specifically authorised by the Director for a period of not more than 90 days;

"offshore operations" with respect to helicopter operations, means operations which routinely have a substantial proportion of the flight conducted over sea areas to or from offshore locations. Such operations include, but are not limited to, support of offshore oil, gas and mineral exploitation and sea-pilot transfer;

"operating base" or "main base of operations" means the location from which operational control is exercised;

Note — An operating base is normally the location where personnel involved in the operation of the aeroplane work and the records associated with the operation are located. An operating base has a degree of permanency beyond that of a regular point of call.

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"**on the job training instructor**" when referring to air traffic controller training shall mean an air traffic controller who is the holder of the appropriate instructor rating issued under Part 65;

"**operating certificate**" means an operating certificate issued by the Director authorising an operator of a commercial air transport aircraft to carry out specified air transport operations;

"**operating lease**" means an arrangement in terms of which an air service operator (lessee) obtains the use of an aircraft owned or operated by another party (lessor) for a defined period;

"**operational control**" in respect of a commercial air transport operation means the exercise of authority over the initiation, continuation, diversion or termination of a flight in the interest of the safety of the aircraft and the regularity and efficiency of the flight as laid down in the operations manual of the operator;

"**operational flight plan**" means the operator's plan for the safe conduct of the flight based on considerations of aircraft performance, other operating limitations and relevant expected conditions on the route to be followed and at the aerodromes concerned;

"**operations in performance Class 1**" means helicopter operations with performance such that, in the event of a critical power-unit failure, performance is available to enable the helicopter to safely continue the flight to an appropriate landing area, unless the failure occurs prior to reaching the take-off decision point or after passing the landing decision point, in which cases the helicopter must be able to land within the rejected take-off or landing area;

Note – Refer to regulation 91.08.3 for helicopter performance classifications.

"**operations in performance Class 2**" means helicopter operations with performance such that, in the event of critical power-unit failure, performance is available to enable the helicopter to safely continue the flight to an appropriate landing area, except when the failure occurs early during the take-off manoeuvre or late in the landing manoeuvre, in which cases a forced landing may be required;

Note – Refer to regulation 91.08.3 for helicopter performance classifications.

"**operations in performance Class 3**" means helicopter operations with performance such that, in the event of a power-unit failure at any time during the flight, a forced landing will be required;

"**operations manual**" means a manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties as prescribed in Parts 121, 127 and 135 of the regulations;

"**operations personnel**" for the purposes of Part 138, means personnel assigned to or directly involved in ground and flight emergency medical service operations;

"**operations specifications**" means the authorizations, conditions and limitations forming part of the AOC and subject to the conditions specified therein or the operations manual;

"operator" means a natural or artificial entity, holding a valid licence and operating certificate or equivalent thereof, authorising such person to conduct scheduled or non-scheduled or general air services, and may be referred to as 'airline', 'air carrier', 'air service operator', or commercial air transport operator', as defined;

"operator's maintenance control manual" means the document which describes the operator's procedures that are necessary to ensure that all scheduled and unscheduled maintenance are performed as required by the provisions of Parts 121, 127 and 135, and 'maintenance schedule' has a corresponding meaning;

"organisation" for the purpose of Part 185 excludes a natural person, a partnership and a sole proprietorship;

"overpack" means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;

"owner" in relation to an aircraft, means the person in whose name the aircraft is registered, and includes –

(a) any person who is or has been acting as agent in the Republic for a foreign owner, or any person by whom the aircraft is hired at the time;
(b) a person who has the right of possession of an aircraft for 14 days or longer;
(c) for the purpose of Part 91, an operator of an aircraft engaged in non-commercial operations;

"package" means the complete product of the packaging consisting of the packaging and its contents prepared for conveyance;

"packaging" means a receptacle and any other component or material necessary for the receptacle to perform its containment function and to ensure compliance with the requirements and standards as prescribed in Document SA-CATS 92;

"packing" means the process whereby an article or substance is enveloped in a wrapping, enclosed in a packaging or otherwise secured;

"parachute" means any device comprising a flexible drag, or drag and lift, surface from which load is suspended by shroud lines capable of controlled deployment from a packed condition;

"parachute assembly" means any parachute and its associated harness and container system, and other attached equipment for use by a person;

"parachute descent" means any descent made from an aircraft by a person with the prior intention of deploying a parachute;

"parachute drop zone" means a designated area of airspace in which parachute descents are intended to be made;

"parachute landing area" means an area of ground or water onto which parachute landings are intended to be made;

"parachute technician" means a person who certifies parachute equipment;

"paraglider" means a non-power-driven, heavier-than-air aircraft without a rigid primary structure, comprising a flexible drag, or drag and ram-air type lift surface, from which the pilot and passengers are suspended by shroud lines, which is foot-launched, and of which the descent is partly controlled by the pilot by means of two steering lines, and which for the purposes of Parts 24, 94 and 96 includes a paratrike and a powered paraglider;

"paratrike" means a paraglider with a large ram-air type lift surface and fixed undercarriage;

"passenger" means a person, other than a crew member, who is carried on board an aircraft;

"passenger aircraft" means an aircraft which carries any person other than a flight crew member, an operator's employee in an official capacity, an authorised officer or a person accompanying a consignment or other cargo;

"performance based navigation" means area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace;

Note — Performance requirements are expressed in navigation specifications in terms of accuracy, integrity, continuity, availability and functionality needed for the proposed operation in the context of a particular airspace concept.

"performance criteria" means a simple, evaluative statement on the required outcome of the competency element and a description of the criteria used to judge if the required level of performance has been achieved;

"period of operational duty" means the period during which an air traffic controller is actually exercising the privileges of the air traffic service licence;

"pilot (to)" means to manipulate the flight controls of an aircraft during flight time and may also be referred to as 'pilot flying' (PF);

"pilot flying" means a pilot assigned as a required flight crew member who is manipulating the controls of an aircraft during flight time;

"pilot-in-command" means the pilot designated by the operator as being in command and charged with the safe conduct of a flight, without regard to whether or not he or she is manipulating the controls;

"pilot-in-command under supervision" means a co-pilot performing the duties and functions of a PIC under the supervision of the PIC in accordance with a method of supervision acceptable to the Authority;

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

"populous area" in terms of Part 137, means an area on the surface of the earth where –

(a) if an aeroplane is required to execute a forced landing, the aeroplane would not be able to glide safely clear of any human presence or building; or

(b) if a helicopter is required to autorotate, such helicopter would not be able to land clear of any human presence or building.

"postal company" means the company incorporated in terms of section 3(1) of the Postal Office Act, 1958 (Act 44 of 1958) or an equivalent authority of a Contracting State;

"post maintenance test flight" means a flight for the purposes of investigative test flying to confirm the release to service following regular maintenance;

"power-assisted glider" means a glider with a maximum all-up mass of not more than 850 kg, fitted with a retractable engine that is used mainly for the purpose of launch and climb and short periods of free flight;

"powered glider" means an aircraft equipped with one or more engines which has, with the engine or engines not operating, the performance characteristics of a glider;

"powered hang-glider" means a hang-glider, fitted with an engine attached either to the structure or to the pilot, and which also maybe fitted with a detachable undercarriage, to support its launch and climb;

"powered paraglider" means a paraglider, fitted with an engine attached to the pilot to assist in its launch and in short local powered flights, and which may have a fixed or detachable undercarriage;

"precision approach" means an instrument approach for landing in which precision azimuth guidance and precision glide path guidance are provided in accordance with the minima prescribed for the category of operation. Precision approaches are categorized as follows –

(a) Category I (CAT I) operation. A precision instrument approach and landing with a decision height not lower than 200 ft (60 m) and with either a visibility not less than 800 m or a RVR not less than 550 m;
(b) Category II (CAT II) operation. A precision instrument approach and landing with a decision height lower than 200 ft (60 m), but not lower than 100 ft (30 m), and a RVR not less than 300 m;
(c) Category IIIA (CAT IIIA) operation. A precision instrument approach and landing with –
    (i) a decision height lower than 100 ft (30 m) or no decision height; and
    (ii) a RVR not less than 175 m;
(d) Category IIIB (CAT IIIB) operation. A precision instrument approach and landing with –
    (i) a decision height lower than 50 ft (15 m) or no decision height; and
    (ii) a RVR less than 175 m but not less than 50 m; and

(e) Category IIIC (CAT IIIC) operation. A precision instrument approach and landing with no decision height and no RVR limitations;

Note — Where decision height (DH) and RVR fall into different categories of operation, the instrument approach and landing operation would be conducted in accordance with the requirements of the most demanding category (e.g. an operation with a DH in the range of CAT IIIA but with an RVR in the range of CAT IIIB would be considered a CAT IIIB operation or an operation with a DH in the range of CAT II but with an RVR in the range of CAT I would be considered a CAT II operation)

"precision approach and landing operation" means a precision instrument approach and landing that utilizes precision lateral and vertical guidance with minima as determined by the approach and landing phase, and in respect of helicopters means that part of the flight from 300 m (1 000 feet) above the elevation of the final approach and take-off area , if the flight is planned to exceed this height, or from the commencement of the descent in the other cases, to landing or to the balked landing point;

"preliminary report" means the communication used for the prompt dissemination of data which is obtained in early stages of an investigation;

"prescribed loads" in respect of an aircraft means limit loads, unless otherwise stated;

"pressure altitude" means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the standard atmosphere;

"primary-means navigation system" refers to an air navigation system, approved by the Director for a given operation or phase of flight, that meets accuracy and integrity requirements, but does not necessarily meet full availability and continuity requirements. Safety in a primary-means navigation system is *inter alia* achieved by limiting flights to specific time periods and through appropriate procedural restrictions;

"problematic use of psychoactive substances" means the use or abuse of, or dependence on, one or more psychoactive substances by aviation personnel in a way that:

(a) constitutes a potential physical or psychological hazard to the user or endangers the lives, health or welfare of others; or
(b) causes or complicates an occupational, social, mental or physical problem or disorder;

"procedural control" means a term to indicate that information derived from an ATS surveillance system is not required for the provision of an air traffic control service;

"procedural separation" means the separation used when providing procedural control as defined in the document ATS Standards and Procedures Manual;

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

"process release certificate or report" means a certificate or report which verifies compliance with a specific process standard;

"product" means an aircraft, aircraft engine or propeller, and includes the classes of products or types of aircraft referred to in Part 21;

"production-built aircraft" means an amateur-built aircraft, of which the prototype has been constructed and approved in terms of Part 24, and which is made available by the constructor to others either as a fully-assembled non-type certificated aircraft;

"prohibited area" means any area declared as such in terms of regulation 91.06.19;

"proper shipping name" means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where applicable, on packagings;

"pro-tem investigator" means a person designated as such by the Director in terms of regulation 12.01.5;

"proving flight" means –

(a) in terms of Part 24 of these Regulations, any flight conducted in terms of a Proving flight authority for the purpose of qualifying for the consideration and issuance of an Authority to fly; and

(b) in terms of an application for or amendment to an AOC, means a flight undertaken to affirm the operator's ability to provide adequate control and supervision of its flight operations over the routes proposed to be flown or the capability of the aircraft to operate on those routes;

"proving flight authority" means the authorisation to commence flight trials as are necessary for development purposes, for the compilation of handling and operational data and, generally, for the preparation of the aircraft for the tests necessary for the issue of an authority to fly;

"psychoactive substances" means any substance with psychotropic effects, excluding caffeine and tobacco, but which includes the following:

(a) narcotic analgesics such as opiates;
(b) illicit substances such as cannabis and cocaine;
(c) sedative hypnotics;
(d) hallucinogens;
(e) central nervous system depressants; and
(f) central nervous system stimulants, including volatile solvents and alcohol;

"public air transport service" means an air service that has as its main purpose the transport of passengers, cargo or mail;

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

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

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

"quality inspection" means that part of quality management involving quality control;

"quality manager" means the manager responsible for the monitoring function and for requesting remedial action and is responsible directly to the accountable manager;

"quality manual" means the document containing the relevant information pertaining to an organization's quality assurance system;

"quality of training" means the outcome of the training that meets stated or implied needs within the framework of set standards;

"quality system" means documented organisational procedures and policies; internal audit of these policies and procedures; management review; and recommendation for quality improvement;

"quick-donning mask" means an oxygen mask that can be secured by a person using one hand on the person's face within five seconds, and that provides an immediate supply of oxygen;

Note – Refer to technical standard 91.04.18 for additional requirements associated with quick-donning masks.

"radio navigation service" means a service providing guidance information or position data for the efficient and safe operation of aircraft supported by one or more radio navigational aids;

"radio site" means a site for the location of communication, navigation, surveillance or meteorological ground equipment, or a collection thereof, for the purpose of aviation safety;

"radiotelephony" means a form of radio communication primarily intended for the exchange of information in the form of speech;

"RAIM warning" refers to a warning that the integrity of the navigation position solution derived from GNSS satellites signals may be unreliable;

"rapid exit taxiway" means a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways and thereby minimising runway occupancy times;

"rated air traffic controller" means an air traffic controller holding a licence and valid ratings appropriate to the privileges to be exercised;

"rating" means an authorisation entered on or associated with a licence and forming part of such licence, stating special conditions, privileges or limitations relating to such licence;

"rating assessment examiner" means a rating assessment examiner who has been designated in terms of the provisions of regulation 65.01.9;

"Receiver Autonomous Integrity Monitoring" refers to a technique whereby the airborne GNSS system determines the integrity of the GNSS navigation signals, using only GNSS signals or GNSS signals augmented with altitude. This determination is achieved by a consistency check among redundant pseudo-range measurements;

"receptacle" means any container used for or capable of receiving and holding substances or articles, including any means of closing;

"Reduced Vertical Separation Minima" means the reduced separation above flight level 290 of aircraft to a 1000 feet in the opposite direction and 2000 feet in the same direction;

"regulated agent" means a commercial air transport operator, a freight forwarder, cargo handling agent, postal agency and any other person approved by the Director as a regulated agent involved in the carriage of cargo by air;

"rejected take-off distance required" means the horizontal distance required from the start of the take-off to the point where the helicopter comes to a full stop following a power unit failure and rejection of the take-off at the take-off decision point;

"release to service" –

(a) in relation to an aircraft, means –

(i) in respect of scheduled maintenance, the issuing of a certificate of release to service; and
(ii) in respect of line maintenance, the appropriate entry in the technical log-book or flight folio, as the case may be; and

(b) in relation to an aircraft component, means the issuing of –

(i) a serviceable label; or
(ii) a certificate relating to the maintenance of an aircraft;

"rendering (a licence) valid" means the action taken by a Contracting State, as an alternative to issuing its own licence, in accepting a licence issued by any other Contracting State as the equivalent of its own licence;

"repetitive flight plan" means a flight plan related to a series of frequently recurring, regularly operated individual flights with identical basic features, submitted by an operator for retention and repetitive use by ATS units;

"reporting point" means a specified geographical location in relation to which the position of an aircraft can be reported;

"repair" means the restoration of an aeronautical product to an airworthy condition to ensure that the aircraft continues to comply with the design aspects of the appropriate airworthiness requirements used for the issuance of the type certificate for the respective type, after it has been damaged or subjected to wear;

"required communication performance" means a statement of the performance requirements for operational communication in support of specific ATM functions;

"required communication performance type" means a label (e.g. RCP 240) that represents the values assigned to RCP parameters for communication transaction time, continuity, availability and integrity;

"required navigation performance" means a statement of the navigation performance necessary for operation within a defined airspace;

"RNP Type" means a containment value expressed as a distance in nautical miles from the intended position within which flights would be for at least 95 percent of the total flying time;

"rescue service" means a service a defined in section 1 of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), a medical service or any other related service;

"reserve parachute" means an emergency parachute assembly designed and approved to be used as the secondary parachute after the failure of a main parachute;

"resident of the Republic" means a person who has his or her ordinary residence in the Republic and who is a South African citizen or is in the possession of a permit for permanent residence in the Republic issued in terms of sections 26 and 27 of the Immigration Act, 2002 (Act No.13 of 2002);

"rest period" means a continuous and defined period of time, subsequent to and/or prior to duty, during which crew members are free of all duties;

"restricted area" means –

(a) any airspace as defined in regulation 91.06.20 of the Regulations;

(b) any area on an aerodrome or heliport defined as such by the aerodrome or heliport licence holder; or

(c) the area as defined in section 1 of the Act;

"restricted category" means a category for special purposes operations;

"RNAV/BARO VNAV procedures" refers to non-precision instrument approach procedure which utilises RNAV for lateral guidance and a computed, barometrically referenced glide path

for vertical navigation providing a vertical glide path reference on a cockpit display and which is promulgated with a DA/H – for minima determination;

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

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

"RNP type" means a containment value expressed as a distance in nautical miles from the intended position within which flights would be for at least 95 percent of the total flight time;

"rocket" means an airborne vehicle propelled by ejected expanding gases generated in its engines from self contained propellants and not dependent on the intake of outside substances and it includes any part that becomes separated during operation;

"rotorcraft" means a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;

"runway" means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aeroplanes;

"runway-holding position" means a designated position intended to protect a runway, an obstacle limitation surface, or an ILS/ MLS critical/sensitive area at which taxiing aircraft and vehicles shall stop and hold, unless otherwise authorized by the aerodrome control tower;

Note — In radiotelephony phraseologies, the expression "holding point" is used to designate the runway-holding position.

"runway incursion" means any occurrence at an aerodrome involving the incorrect presence of an aircraft, vehicle or person on the protected area of a surface designated for landing and take-off of aircraft;

"runway visual range" means the runway visual range over which the pilot of an aeroplane on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

"RVSM airspace" means the airspace between flight level 290 and flight level 410;

"RVSM approval certificate" means a certificate to show compliance for aircraft and flight crew to operate in RVSM airspace;

"safety" means the freedom from risk of bodily injury or death and the freedom from risk of loss or damage to property;

"safety management system" means a systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures;

"safety pilot" in terms of Part 61 and Part 91 means a pilot whose sole purpose during flight time is to maintain a visual lookout for threats to an aircraft during simulated instrument flight and to monitor the aircraft's engine and navigation instruments to ensure exceedences do not occur;

"safety programme" means an integrated set of regulations and activities aimed at improving safety;

"safety recommendation" means a proposal of an investigator-in-charge based on information derived from an investigation and made with the intention of preventing accidents or incidents, and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies;

"scheduled public air transport service" means a public air transport service in connection with which flights are open to use by members of the public and are undertaken –

(a) between the same two or more points or are of such a slight variation from the same two or more points that each flight can reasonably be regarded as being between the same two or more points; and

(b) according to a published timetable or with such a degree of regularity and frequency that they constitute a recognisable systematic series;

"scheduled public international air service" means a scheduled international air service as defined in regulation 1 of the International Air Service Regulation, 1994;

"screening" means the application of technical or other means that are intended to detect weapons, explosives, incendiary devices or other devices that may be used to commit an unlawful act that could endanger the safety of an aircraft or its crew and passengers;

"seaplane" means an aeroplane designed and constructed to take off from and land on water surfaces only;

"seat" includes any area occupied by a passenger, excluding the area occupied by the baggage of such passenger, inside an aircraft;

"second-in-command" means a licensed pilot serving in a piloting capacity other than as PIC, who is designated as second-in-command, but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction;

"sector" includes take-off, en-route flight time and landing, but excludes circuit operations;

"**security**" means a combination of measures and human and material resources intended to safeguard international civil aviation against acts of unlawful interference;

"**security control**" is a means by which the introduction of weapons, explosives or other dangerous devices which may be utilised to commit an act of unlawful interference can be prevented;

"**security inspection**" means an examination of the implementation of or compliance with the relevant security requirements by an airline, airport, or other entity involved in security;

"**security restricted area**" means those areas of the airside of an airport, which are identified as priority risk areas where in addition to access control, other security controls are applied. Such areas will normally include, *inter alia*, all commercial aviation passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail centres, airside catering and aircraft cleaning premises;

"**security survey**" means an evaluation of security needs including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference, and the recommendation of corrective actions;

"**security test**" means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;

"**Selcal watch**" means a selective calling system to effect communication with aircraft by the use of a specific code which is detected by apparatus in the aircraft and "Selcal call sign" has a corresponding meaning;

"**self-launching glider**" means a glider with a maximum all-up mass of not more than 850 kilograms, fitted with an engine that is used solely for the purpose of launch and climb and not for the sustenance of free flight;

"**series of flights**" means consecutive flights that:

(a) begin and end within a period of 24 hours; and

(b) are all conducted by the same PIC;

"**serious incident**" means an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down;

"serious injury" means an injury which –

(a) requires hospitalisation for more than 48 hours, within seven days from the date on which the injury was sustained;
(b) results in a fracture of any bone (except simple fractures of fingers, toes or nose);
(c) involves lacerations which cause severe haemorrhage, or nerve, muscle or tendon damage;
(d) involves injury to any internal organ;
(e) involves second or third degree burns or any burns affecting more than five percent of the surface of the body; or
(f) involves verified exposure to infectious or toxic substances or injurious radiation;

"serviceable" means, when used in relation to an aircraft, that the aircraft has been maintained and inspected in accordance with the requirements of the approved maintenance schedule and that all adjustments and rectifications found to be necessary, have been satisfactorily made;

"shift" with respect to air traffic controlling, means the period between the actual commencement and the actual end of a period of duty during which an air traffic controller exercises, or may be called upon to exercise, the privileges of the rating at the traffic service unit for which such rating is validated, and includes breaks and time spent on duties including training, aerodrome inspection, administration, flight information service and any extension of duty;

"shift cycle" means a consecutive 28 day period;

"shipper" means any person who prepares or offers a package or overpack of goods for conveyance by air;

"SIGMET information" means information issued by a meteorological watch office concerning the occurrence or expected occurrence or specified weather en-route phenomena which may affect the safety of aircraft operations;

"signal area" means an area on an aerodrome used for the display of ground signals;

"simulator": See "flight simulator training device";

"skills test" means a test carried out for the purpose of issuing or reissuing or renewing a pilot licence or rating;

"sole means navigation system" refers to a navigation system, approved by the Director for a given operation or phase of flight, that allows the aircraft to meet, for that operation or phase of flight, the four navigation system performance requirements: accuracy, integrity, availability, and continuity;

"South African registered aircraft" means an aircraft which is registered in terms of regulation 47.00.6;

"special flight permit" means a permit issued in the place of an authority to fly, or where an authority to fly has lapsed for purposes including, but not limited to, ferry, delivery, demonstration or transfer flights, to a destination for the purposes of repairs, maintenance, inspections or as may be considered necessary for special purposes;

"special purposes operations" includes –

(a) agricultural spraying, seeding and dusting;
(b) cloud spraying, seeding and dusting;
(c) culling;
(d) aerial patrol, observation and survey;
(e) advertising;
(f) aerial recording by photographic or electronic means;
(g) fire spotting, control and fighting; and
(h) spraying, seeding or dusting other than for agricultural purposes and clouds;

"special rules area" means airspace other than restricted airspace where special non-standard rules are applied in order to promote safety, efficiency and orderliness outside of controlled airspace;

"special VFR flight" means a VFR flight cleared by air traffic control to fly within a control zone under meteorological conditions below the visual meteorological conditions;

"standard category" means a category for normal, transport, utility and commuter operations, including acrobatic, emergency medical service, flying training, semi-acrobatic, helicopter external-load and manned free balloon operations;

"standby duty" for the purposes of an air operator's approved flight time and duty period programme, means a period of time during which a crew member is required to remain at a specified location in order to be available to report for flight duty on notice at the discretion of the operator;

"state aircraft" means aircraft used in military, customs and police services;

"State of Design" means the State which has authority over the organisation responsible for the type design of an aircraft;

"State of Manufacture" means the State which has authority over the organisation responsible for the final assembly of an aircraft;

"State of Occurrence" means the state in the territory of which an accident or incident occurs;

"State of Registry" means the State on whose register an aircraft is entered;

"State of the Operator" means the State in which the principal place of business of an operator of an aircraft is located or, if there is no such place of business, the State where the operator of the aircraft has permanent residence;

"stores" means articles of a readily consumable nature for use or sale on board an aircraft during flight, including commissary supplies;

"student parachutist" means a person who is on the first level of training of an approved aviation recreation organisation;

"student-pilot-in-command": See "pilot-in-command-under-supervision";

"student pilot-in-command instrument time" means flight time during which a flight instructor will only observe the student acting as PIC without influencing or controlling the flight of the aircraft;

"sub-charter" means a wet lease-in by an air service operator (the lessee) from an air service operator in his, her or its own right (the lessor) on short notice and for a period not exceeding five consecutive days;

"sub-lease" when used in reference to an aircraft lease means the lease of a leased aircraft to or by a third party;

"subsonic aeroplane" means an aeroplane incapable of sustaining level flight at speeds exceeding flight Mach number of one;

"suitable aerodrome" means an adequate aerodrome –

(a) with weather reports or forecasts or any combination thereof, indicating that the weather conditions are at or above operating minima, as specified in the operation specifications;
(b) the field condition reports indicate that a safe landing can be accomplished at the time of the intended operation; and
(c) the facilities necessary to complete an approach at such aerodrome are operational;

"supplemental-means navigation system" refers to an air navigation system that is used in conjunction with a sole-means navigation system in order for the aircraft to meet the following four navigation system criteria: accuracy, integrity, reliability and continuity;

"supplemental type certificate" means a certificate issued in terms of regulation 21.05.3, which authorises the holder thereof to alter a product for which such holder is not the type certificate holder, by introducing a major change in the type design which is not great enough to require a new application for a type certificate;

"surveillance system" means a generic term referring to ADS-B, PSR, SSR or any comparable ground based system that enables the identification of aircraft;

"synthetic training device" means a device used to simulate a real time scenario for training purposes;

"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;

"take-off alternate aerodrome" means an aerodrome to which a flight may proceed should the weather conditions at the aerodrome of departure preclude a return for landing;

"take-off and initial climb phase" means that part of the flight of a helicopter from the start of take-off to 300 m (1 000 ft) above the elevation of the FATO, if the flight is planned to exceed this height, or to the end of the climb in the other cases;

"take-off decision point" means the point used in determining take-off performance from which, a power unit failure having been recognised at this point, either a rejected take-off may be made of a take-off safely continued;

"take-off distance available" means –

(a) in the case of an aeroplane, the length of the take-off run available plus the length of the clearway available; or

(b) in the case of a helicopter, the distance from the point of lift-off to the nearest obstacle in the take-off path of 50 feet or higher;

"take-off mass" means the mass of the aircraft, including everything and every person carried in the aircraft at the commencement of the take-off run or lift-off, as the case may be;

"take-off run available" means the length of runway which is declared available and suitable for the ground run of an aeroplane taking off;

"tandem master" means the person responsible for the direct control of a tandem parachute descent using a tandem parachute assembly when a tandem passenger is being carried and who has been authorised by an approved aviation recreation organisation;

"tandem parachute descent" means a parachute descent involving a tandem passenger and tandem master in a common tandem parachute assembly which is under the direct control of the tandem master;

"tandem pair" means a tandem master and tandem passenger;

"tandem passenger" means a person participating in a tandem parachute descent under the direct control of a tandem master using the secondary harness of a tandem harness system;

"taxi" means the movement of an aircraft on the surface of an aerodrome under its own power, excluding take-off and landing;

"taxiway" means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, and includes –

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(a) aircraft stand taxilane. A portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;
(b) apron taxiway. A portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron and
(c) rapid exit taxiway. A taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimizing runway occupancy times;

"TCAS I" means ACAS equipment meeting FAA TSO-C118 specifications;

"TCAS II" means ACAS equipment meeting FAA TSO-C119 specifications; the equipment comes in two versions, namely "version 6.04A" meeting TSO-C119a specifications, and "version 7" meeting both TSO-C119b and ICAO-ACAS II specifications;

"Technical Standard Order" means a minimum performance standard issued by the Director for specified materials, parts, processes or appliances, used on aircraft;

"temporary training" means any intermittent training;

"terminal arrival altitude" means the lowest altitude that will provide a minimum clearance of 1 000 ft above all objects located in an arc of a circle defined by a 25 NM radius centred on the initial approach fix (IAF), or where there is no IAF, on the intermediate approach fix (IF), delimited by straight lines joining the extremity of the arc to the IF. The combined TAAs associated with an approach procedure shall account for an area of 360 degrees around the IF;

"terminal control area" means a control area established at the confluence of air traffic service routes in the vicinity of one or more major aerodromes as published in an AIP, AIC or NOTAM and designated as a terminal control area;

"test flight" means a flight for the purpose of the issuing, validating or rendering effective an authority to fly for an aircraft;

"the Act" means the Civil Aviation Act, 2009 (Act No. 13 of 2009);

"the Regulations" means these regulations and include any technical standard issued thereunder;

"threat", as used in the context of operating an aircraft, means events or errors, as defined, that occur beyond the influence of the flight crew, increase operational complexity, and which must be managed to maintain the margin of safety;

"threat management" means the process of detecting and responding to the threats with countermeasures that reduce or eliminate the consequences of threats, and mitigate the probability of errors, as defined, or undesired aircraft conditions;

"threshold" means the beginning of that portion of the runway usable for landing;

"tiltrotor" means a power-driven heavier-than-air aircraft, other than an aeroplane, deriving its lift in flight mainly from aerodynamic reactions –

(a) on surfaces which remain fixed under given conditions; or

(b) on more than one power-driven rotors on axis that may be tilted during flight from the vertical to the horizontal and *vice versa*; or

(c) from a combination thereof;

"total cosmic radiation" means the total of ionizing and neutron radiation of galactic and solar origin;

"total estimated elapsed time" means for IFR flights, the estimated time required from take-off to arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the destination aerodrome, to arrive over the destination aerodrome. For VFR flights, the estimated time required from take-off to arrive over the destination aerodrome;

"total vertical error" means the vertical geometric difference between the actual pressure altitude flown by an aircraft and its assigned pressure altitude (flight level);

"touch-down area" means a load bearing area on which a helicopter may touch down;

"touch-down area available" means the length and width of the touch-down area which is declared available and suitable for the landing of a helicopter;

"touring motor glider" means an aeroplane with a maximum all-up mass of not more than 850 kg fitted with an engine and having the characteristics of a glider when the engine is inoperative that is primarily controlled by manipulating its primary flight control surfaces by conventional methods and other classification parameters as are defined in Document SA-CATS 24;

"tow" means the action of pulling an unmanned object behind an aircraft;

"tow pilot rating" means the rating required by a pilot who intends to act as PIC of an aircraft while towing a banner;

"track" means the projection on the earth's surface of the path of an aircraft, the direction of which path at any point is usually expressed in degrees from North (true, magnetic or grid);

"traffic alert and collision avoidance system" is the term used by the US FAA for US-developed ACAS equipment, a term also used *inter alia* by the New Zealand authorities;

"traffic avoidance advice" means advice provided by an air traffic services unit specifying manoeuvres to assist a pilot to avoid a collision;

"traffic information" means information issued by an air traffic services unit to alert a pilot to other known or observed air traffic which may be in proximity to the position or intended route of flight and to help the pilot avoid a collision;

"traffic load" means the total mass of passengers, baggage and cargo, including any non-revenue load;

"training" means the training or the tests or the verifications of skill or proficiency, specified in the Regulations;

"transhipment cargo and mail" means cargo or mail that is destined for onward carriage by air;

"transition altitude" means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;

"transition level" means the altitude above which the vertical position of an aircraft is controlled by reference to flight levels;

"trust" means a trust as defined in the Trust Property Control Act, 1988 (Act No. 57 of 1988);

"tug" means the action of pulling a manned aircraft behind another aircraft;

"TSO authorisation" means a design and production approval issued to the manufacturer of an article which complies with a specific TSO;

"type certificate" means a design approval for Class I product issued in terms of Regulation 21.02.8;

"type of aircraft" means all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics;

"ultimate load" means the limit load, multiplied by the appropriate factor of safety;

"unaccompanied baggage" means baggage which is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs;

"unidentified baggage" means baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger;

"unit load device" means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo;

"unknown cargo" means cargo that has not been classified as known cargo and that shall be subject to screening when tendered for carriage by air;

"valid" when used in connection with a licence, rating, certificate, validation, authority, approval or similar document means –

(a) that the expiry date on the document, if any, has not been exceeded;

(b) that the document has been issued legally and properly to its holder, and has not been suspended or cancelled by the issuing authority; and

(c) that all requirements, prescribed by these Regulations in respect of the document, have been complied with;

"validation" means an authorisation entered on a licence and forming part thereof to exercise one of the following –

(a) a specific rating at a specific ATSU; or

(b) the privileges of the foreign licence to which it is attached, containing special conditions, privileges or limitations pertaining to such rating, as the case may be;

"validation examiner" means an official validation examiner appointed by the Director or a validation examiner who has been designated in terms of the provisions of Regulation 65.01.9;

"variable-pitch propeller" means a propeller, the pitch setting of which changes or can be changed when the propeller is rotating, and includes –

(a) a propeller, the pitch setting of which is directly under the control of the flight crew;

(b) a propeller, the pitch setting of which is controlled by a governor or other automatic means, which may be either integral with the propeller or a separately mounted accessory, and which may, or may not, be controlled by the flight crew; and

(c) a propeller, the pitch setting of which may be controlled by a combination of (a) and (b) above;

"vertical navigation" refers to a method of navigation that permits aircraft operation on a vertical flight profile, using altimetry sources, external or space-based flight path references, or a combination thereof;

"veteran aircraft" means a previously type-certificated aircraft of which the airworthiness is no longer supported by the holder of the type certificate, or for which a valid type certificate is no longer held by any person;

"visibility" means the ability, as determined by atmospheric conditions and expressed in units of measurement, to see and identify prominent unlighted objects by day and prominent lighted objects by night, expressed in technical terms as –

(a) the greatest distance at which a black object of suitable dimensions, situated near the ground, can be seen and recognized when observed against a bright background; or

(b) the greatest distance at which lights in the vicinity of 1 000 candelas can be seen and identified against an unlit background;

Notes —

(a) The two distances have different values in air of a given extinction coefficient, and the latter (b) varies with the background illumination. The former (a) is represented by the meteorological optical range (MOR).

(b) The definition applies to the observations of visibility in local routine and special reports, to the observations of prevailing and minimum visibility reported in METAR and SPECI and to the observations of ground visibility;

"visual approach" means an approach by an IFR flight when either part or all of an instrument approach procedure is not completed and the approach is executed with visual reference to the terrain;

"visual flight rules flight" means a flight conducted in accordance with the visual flight rules;

"visual meteorological conditions" means atmospheric conditions expressed in terms of visibility, distance from cloud or ceiling, equal to or better than the minima prescribed for VFR flight in regulation 91.06.21;

"weight-shift controlled microlight aeroplane" means an aeroplane that is primarily controlled by physically exerting force on the wing and with other classification parameters as defined in Document SA-CATS 24 as technical standard 24.01.2.E.2;

"wet lease" means an operating lease in terms of which the aircraft is leased with crew, and in respect of which the lessor remains responsible for the aircraft's maintenance, operational control (as defined), and hull and third-party liability insurance;

"wet runway" means a runway of which less than 25 percent of the surface is covered with water, slush or loose snow or when there is sufficient moisture on the runway surface to cause it to appear reflective, but without significant areas of standing water.

Abbreviations

1.01.2 In these regulations –

AC means Advisory Circular

ACAS means airborne collision accordance system and unless the context indicates otherwise, refers to ACAS II;

ACAS II means an airborne collision avoidance system meeting ICAO specifications;

ADF means Automatic Direction Finder;

ADS-B means automatic dependent surveillance – broadcast;

ADS-C means automatic dependent surveillance – contract;

AFM means aircraft flight manual;

AGL means above ground level;

AIC means an Aeronautical Information Circular;

AIP means an Aeronautical Information Publication;

AIRAC means Aeronautical Information Regulation and Control;

AIR SUP means an AIP Supplement;

AIS means aeronautical information services;

ALIM means altitude limit;

AME means Aircraft Maintenance Engineer;

AMO means Aircraft Maintenance Organisation;

AOC means air operator certificate;

APV means approach procedure with vertical guidance;

ATC means Air Traffic Control or Air Traffic Controller;

ATMS means air traffic management system;

ATO means Aviation Training Organisation;

ATPL means Airline Transport Pilot Licence;

ATS means Air Traffic Service;

ATSU means air traffic service unit;

ATZ means an aerodrome traffic zone;

BARO means barometric;

BIFT means Basic Instrument Flight Trainer;

CAR means civil aviation regulation;

CARS means cockpit audio recording system;

CDI means Course Deviation Indicator;

CDL means a configuration deviation list;

CF means Course to a Fix;

CPA means the closest part of approach;

CPL means Commercial Pilot Licence;

CTA means a control area;

CTR means a control zone;

CVR means cockpit voice recorder;

DA/H means decision altitude/height;

DAME means designated aviation medical examiner;

DFE means Designated Flight Examiner;

DME means Distance Measuring Equipment;

DP means departure procedure;

DR means dead reckoning;

DTK means Desired Track;

EFIS means Electronic Flight Instrument System;

ELT means emergency locator transmitter;

EMC means Electromagnetic Compatibility;

EROPS means extended range operations;

ETOPS means extended range operations with twin-engine aircraft;

FAF means Final Approach Fix;

FATO means final approach and take-off area;

FAWP means Final Approach Waypoint;

FDR means flight data recorder;

FL means flight level;

FMS means Flight Management System;

FPT means Flight Procedures Trainer;

FSTD means flight simulator training device;

FS means Flight Simulator;

FTE means Flight Technical Error;

GNSS means Global Navigation Satellite System;

GPS means Global Positioning System;

GS means Ground Speed;

IAF means Initial Approach Fix;

IAIP means an Integrated Aeronautical Information Package;

IAWP means Intermediate Approach Waypoint;

IFR means instrument flight rules;

ILS means instrument landing system;

IMC means instrument meteorological conditions;

LNAV means Lateral Navigation;

LVO means low visibility operations;

LVTO means low visibility take-off;

LOFT means line-orientated flight training;

MAWP means Missed Approach Waypoint;

MCM means maximum certificated mass;

MCTOW means maximum certificated take-off weight;

MDA/H means minimum descent altitude/height;

MEL means a minimum equipment list;

MMEL means a master minimum equipment list;

MNPS means minimum navigation performance specifications;

MSL means mean sea level;

NDB means a non-directional radio beacon;

NM means nautical mile;

NOTAM means a Notice to Airmen;

NPA means non-precision approach;

OCA/H means obstacle clearance altitude/height;

OCS means operational control system;

OFP means operational flight plan;

PA means precision approach;

PAR means Precision Approach Radar;

PBE means portable breathing equipment;

PBN means Performance Based Navigation;

PF means pilot flying;

PIB means a Pre-flight Information Bulletin;

PIC means pilot in command

PICUS means pilot-in-command-under-supervision;

PNF means pilot not flying;

PPI means a Plan Position Indicator;

PPL means Private Pilot Licence;

RA means resolution advisory;

RAIM means Receiver Autonomous Integrity Monitoring;

RCP means required communications performance;

RDH means Reference Datum Height;

RNAV means area navigation

RNAV (GNSS) means GNSS facilitated Area Navigation;

RNP means the required navigation performance;

RVR means runway visual range;

RVSM means reduced vertical separation minima;

SMS means Safety Management System;

SPL means Student Pilot Licence;

STD means Synthetic Training Device;

STOL means short take-off and landing;

TA means traffic advisory;

TAA means terminal arrival altitude;

TAWS means terrain awareness and avoidance system;

TCAS means traffic alert and collision avoidance system;

TGM means technical guidance material;

TLS means target level of safety;

TMA means a terminal control area;

TSO means Technical Standard Order;

TVE means total vertical error;

VFR means visual flight rules;

VHF means very high frequency;

VMC means visual meteorological conditions;

VOR means VHF omni directional radio range;

VPA means vertical path angle;

ZTHR means altitude threshold.

SUBPART 2: UNITS OF MEASUREMENTS

Units of measurement

1.02.1 The following units of measurements shall be used as the standard system of units of measurements for all aspects of civil aviation air and ground operations:

"ampere (A)" is the constant electric current which, if maintained in two straight parallel conductors of infinite length, of negligible circular cross-section, and placed 1 metre apart in vacuum, would produce between these conductors a force equal to 2 x newton per metre of length;

"becquerel (Bq)" is the activity of a radionuclide having one spontaneous nuclear transition per second;

"candela (cd)" is the luminous intensity, in the perpendicular direction, of a surface of 1/600 000 square metre of black body at the temperature of freezing platinum under a pressure of 101 325 newtons per square metre;

"celsius temperature (t°c)" is equal to the difference t°c = T - To between two thermodynamic temperatures T and To where To equals 273.15 kelvin;

"coulomb (C)" is the quantity of electricity transported in 1 second by a current of 1 ampere;

"degree celsius (°C)" is the special name for the unit kelvin for use in stating values of Celsius temperature;

"farad (F)" is the capacitance of a capacitor between the plates of which there appears a difference of potential of 1 volt when it is charged by a quantity of electricity equal to 1 coulomb;

"foot (ft)" is the length equal to 0.3048 metres exactly;

"gray (Gy)" is the energy imparted by ionizing radiation to a mass of matter corresponding to 1 joule per kilogram;

"henry (H)" is the inductance of a closed circuit in which an electromotive force of 1 volt is produced when the electric current in the circuit varies uniformly at a rate of 1 ampere per second;

"hertz (Hz)" is the frequency of a periodic phenomenon of which the period is 1 second;

"joule (J)" is the work done when the point of application of a force of 1 newton is displaced a distance of 1 metre in the direction of the force;

"kelvin (K") is the unit of thermodynamic temperature which is the fraction 1/273.16 of the thermodynamic temperature of the triple point of water;

"kilogram (kg)" is the unit of mass equal to the mass of the international prototype of the kilogram;

"knot (kt)" is the speed equal to 1 nautical mile per hour;

"litre (L)" is a unit of volume restricted to the measurement of liquids and gases which is equal to 1 cubic decimeter;

"lumen (lm)" is the luminous flux emitted in a solid angle of 1 steradian by a point source having a uniform intensity of 1 candela;

"lux (lx)" is the illuminance produced by a luminous flux of 1 lumen uniformly distributed over a surface of 1 square metre;

"metre (m)" is the distance travelled by light in a vacuum during 1/299 792 458 of a second;

"mole (mol)" is the amount of substance of a system which contains as many elementary entities as there are atoms in 0.012 kilogram of carbon-12;

Note. - When the mole is used, the elementary entities must be specified and may be atoms, molecules, ions, electrons, other particles or specified groups of such particles.

"nautical mile (NM)" is the length equal to 1 852 meters exactly;

"newton (N)" is the force which when applied to a body having a mass of 1 kilogram gives it an acceleration of 1metre per second squared;

"ohm (Ω)" is the electric resistance between two points of a conductor when a constant difference of potential of 1 volt, applied between these two points, produces in this conductor a current of 1 ampere, this conductor not being the source of any electromotive force;

"pascal (Pa") is the pressure or stress of 1 newton per square metre;

"radian (rad)" is the plane angle between two radii of a circle which cut off on the circumference an arc equal in length to the radius;

"second (s)" is the duration of 9 192 631 770 periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of the caesium-133 atom;

"siemens (S)" is the electric conductance of a conductor in which a current of 1 ampere is produced by an electric potential difference of 1 volt;

"sievert (Sv)" is the unit of radiation dose equivalent corresponding to 1 joule per kilogram;

"steradian (sr)" is the solid angle which, having its vertex in the centre of a sphere, cuts off an area of the surface of the sphere equal to that of a square with sides of length equal to the radius of the sphere;

"tesla (T)" is the magnetic flux density given by a magnetic flux of 1 weber per square metre;

"tonne (t)" is the mass equal to 1 000 kilograms;

"volt (V)" is the unit of electric potential difference and electromotive force which is the difference of electric potential between two points of a conductor carrying a constant current of 1 ampere, when the power dissipated between these points is equal to 1 watt;

"watt (W)" is the power which gives rise to the production of energy at the rate of 1 joule per second; and

"weber (Wb)" the magnetic flux which, linking a circuit of one turn produces in it an electromotive force of 1 volt as it is reduced to zero at a uniform rate in 1 second.

PART 11: PROCEDURES FOR MAKING REGULATIONS AND TECHNICAL STANDARDS, GRANTING EXEMPTIONS AND NOTIFYING DIFFERENCES

List of regulations

SUBPART 1: GENERAL

11.01.1 Applicability

11.01.2 Publication of AICs

11.01.3 Rules, notices, directives, notices

SUBPART 2: CIVIL AVIATION REGULATIONS COMMITTEE

SUBPART 6: PROCEDURE FOR IDENTIFYING AND NOTIFYING OF DIFFERENCES

SUBPART 1: GENERAL

Applicability

11.01.1 (1) This Part applies to the procedures relating to –

(a) the issuing, amendment or withdrawal of regulations;
(b) the issuing, amendment or withdrawal of technical standards;
(c) the application for and the granting of exemptions;
(d) the identifying and notifying of differences; and
(e) the institution of specialised committees by the Director.

(2) This Part does not apply in respect of a particular case where the Director finds compliance with any procedure prescribed in this Part to be impractical, unnecessary or contrary to public interest.

(3) A regulation, technical standard or exemption shall not be invalid merely because a requirement in this Part has not been complied with.

Publication of AICs

11.01.2 The Director may publish AICs containing information on technical standards, practices or procedures which the Director finds to be acceptable for compliance with the associated regulation.

Rules, orders, directives, notices

11.01.3 (1) The Director may make rules, orders, directives or notices regarding any matter which the Director may consider necessary or expedient to prescribe in order that the objects of the Act and the Regulations may be achieved.

(2) The Director shall publish rules, orders, directives or notices referred to in sub-regulation (1) for public information.

(3) The Director may issue airworthiness directives provided this is issued in accordance with the provisions of Part 21.

SUBPART 2: CIVIL AVIATION REGULATIONS COMMITTEE

Institution of committee

11.02.1 (1) The Director shall institute a Civil Aviation Regulations Committee to advise the Minister on proposals with regard to –

(a) the introduction of any regulation to be made under section 155;

(b) the amendment or withdrawal of any regulation made under section 155;

(c) the introduction of any technical standard to be issued under section 163;

(d) the amendment or withdrawal of any technical standard issued under section 163;

(e) any matter relating to civil aviation, including any such matter referred to it by the Director.

(2) The members of the committee consist of –

(a) the Director;

(b) the chairperson of each sub-committee established by the committee in terms of section 159;

(c) such other persons appointed by those stakeholders and recognised by the Director which shall include representation from –

(i) the general aviation, recreational aviation and commercial aviation industry;

(ii) the Air Traffic and Navigation Services Company Limited contemplated in section 2 of the Air Traffic and Navigation Services Company Act, 1993 (Act no. 45 of 1993);

(iii) the South African Police Services;

(iv) the South African National Defence Force;

(v) the Airports Company contemplated in section 2 of the Airports Company Act, 1993 (Act No. 44 of 1993);

(vi) the Department; and

(vii) any other stakeholder as determined by the Director.

(3) Subject to the provisions in this subpart, the committee shall in consultation with the Director, determine the procedures to be followed in the performance of its functions.

Meetings of the committee

11.02.2 (1) The committee shall hold meetings at least twelve times a year at such times and places as may from time to time be determined by the chairperson.

(2)(a) The chairperson shall normally preside at every meeting of the committee;

(b) If the chairperson is absent from a meeting of the committee, the members present shall from among their number elect a person to preside at that meeting.

(3) The procedures to be followed at meetings of the committee shall be determined by the chairperson.

(4) The committee shall cause minutes to be kept of every meeting thereof.

(5) The minutes referred to in sub-regulation (4), shall be kept at the offices of the Director.

(6) Notwithstanding sub-regulation (1), the Director may at any time call an extraordinary meeting of the committee in circumstances which he deems necessary and in the public interest.

Subcommittees of the committee

11.02.3 (1) The committee may, with the approval of the Director, establish such subcommittees as it may deem necessary for the performance of its functions.

(2) The membership of each subcommittee established in terms of sub-regulation (1) shall be unlimited.

(3) The chairperson of the committee shall appoint a chairperson for each subcommittee so established.

(4) Subject to the provisions of this subpart, the committee shall, after consultation with the Director, determine the procedures to be followed by a subcommittee in the performance of its functions.

(5) The provisions of section 158 of the Act applies, with the necessary changes, in respect of any meeting held by a subcommittee.

Remuneration of members

11.02.4 A member of the committee referred to in regulation 11.02.1 and a member of any subcommittee established in terms of regulation 11.02.3 shall not receive any remuneration or allowance in respect of the functions performed by such member as a member of the committee or a subcommittee.

Administration

11.02.5 All administrative work as well as secretarial work, in connection with the performance of the functions of the committee and any subcommittee established in terms of regulation 11.02.3, shall be carried out by employees of the Authority.

SUBPART3: PROCEDURE FOR MAKING REGULATIONS AND ISSUING TECHNICAL STANDARDS

Submission of proposal

11.03.1 (1) Any interested person may submit to the committee referred to in regulation 11.02.1, a proposal on the introduction, amendment or withdrawal of a regulation or technical standard.

(2) The proposal shall be submitted in writing and shall –

(a) state the name and address of the proposer;

(b) state the contents of the regulation, technical standard or amendment proposed, or specify the regulation or technical standard which the proposer wishes to be withdrawn;

(c) explain the interests of the proposer; and

(d) contain any information, views or arguments supporting the proposal.

Processing and consideration of proposals

11.03.2 (1) Proposals for submission to the committee shall be lodged with the Secretariat at least four weeks before the meeting in which the proposal will be tabled.

(2) Any proposal for the amendment of Regulations, which require an amendment or introduction of Technical Standards, shall also be accompanied by the amendment or introduction of such Technical Standards.

(3) The Secretariat shall review any received proposals to ensure compliance with sub-regulations (1) and (2) and thereafter submit the proposal to the committee Chairperson, who will circulate copies thereof to committee members for consideration. The proposal shall be tabled in the subsequent committee meeting for scrutiny.

(4) If so directed by the Chairperson, the proposer may be requested to give a short presentation on the proposal at a committee meeting to clarify certain issues.

(5) During a committee meeting in which the proposal is tabled for scrutiny, the committee may –

(a) if it is of the view that the proposal does not have any merit, reject the proposal and refer it back to the proposer with written reasons thereof;

(b) if it is of the view that the proposal should be referred to a Sub-Committee for scrutiny, refer the proposal to the Chairperson of the relevant Sub-Committee for tabling at a meeting of the Sub-Committee for scrutiny;

(c) if it is of the view that in the light of the nature and ambit of the proposal, it need not be referred to the relevant Sub-Committee, direct that the said proposal be published for comments in terms of sub-regulation (6).

(6) Once a proposal has been approved by committee or the relevant Sub-Committee for publication for comments, the CARCom Secretariat shall publish the proposal in the case of Regulations, in the Government Gazette or, in the case of Technical Standards, on the Authority website.

(7) A period of not less than 30 days from the date of publication of the proposal shall be allowed for interested parties to submit written comments regarding the proposal to the Secretariat.

(8) The Secretariat shall, as soon as possible after the closing date for comments, submit the proposals together with any comments received to the relevant Sub-Committee, or if the proposal was published in terms of sub-regulation (5)(c) to the committee, for discussion.

(9)(a) The Sub-Committee shall, after discussion, submit to the CARCom Secretariat the final proposal, as well as any minority view for discussion at a subsequent committee meeting, in the format as indicated on the Authority website.

(b) The Chairperson of the relevant Sub-Committee shall present to committee a summary of the discussions in the Sub-Committee.

(10) The committee shall, at its meeting, deliberate on the proposals and may decide –

(a) to recommend the proposals for approval for promulgation in the Government Gazette or, on the Authority website, as the case may be;
(b) to refer it back to the relevant Sub-Committee for further deliberations; or
(c) to reject the proposal.

(11) Once a proposal for –

(a) regulations is recommended by the committee, the committee Chairperson and the Director shall sign off the submission of recommended proposals, for promulgation, to the Minister within 7 days of these being approved.

(b) technical standards is recommended by the committee, the Chairperson shall sign off the submission of the recommended proposals, to the Director within 7 days of these being approved.

(12) An oral submission on a proposal shall be permissible only if it clarifies a written comment submitted in terms of this clause.

(13) In the event that a proposal affects a specific group, experts in their respective fields may, with the consent of the Chairperson of committee, be called upon to present a specific case. Such participation shall be on an *ad hoc* basis, and shall not entitle the experts to membership or voting rights in CARCom.

Emergency regulations

11.03.3 (1) The Director may, in the event of any threat or imminent threat to safety and security or in the event of any person, aircraft, airport, heliport or aviation facility being seriously and immediately threatened, initiate the promulgation of emergency regulations by the Minister, in order to counter any such threat or imminent threat.

(2) Any regulation promulgated as contemplated in sub-regulation (1) shall be reconsidered by the Civil Aviation Regulations Committee within 90 days of promulgation of such regulation, and the Committee may propose the repeal, variation or amendment of such regulation.

Rule-making notification subscriber service

11.03.4 (1) To facilitate the consultation process, the Director shall make available on the Authority website a rule-making notification subscriber service to which any person may subscribe and unsubscribe at no cost and who shall be notified by e-mail of any proposal to make, amend or withdraw any regulation or technical standard, and of any related matter.

(2) Any technical standard issued shall be published on the Authority website for free downloading, and may be ordered from the Authority in either hard copy or electronic format at the prescribed fee.

(3) A technical standard issued in terms of this Part shall contain a unique historical reference and date when published on the Authority website.

SUBPART 4: PROCEDURE FOR GRANTING OF EXEMPTIONS AND RECOGNITION OF ALTERNATIVE MEANS OF COMPLIANCE

General

11.04.1 The Director may exempt an applicant from any requirement prescribed in the regulations, after having regard to –

(a) the reasons for the required exemption;

(b) any serious or imminent risk to air safety and security;

(c) the existence of an equivalent level of safety;

(d) any imminent danger to persons or property if the exemption is granted; and

(e) any information at his or her disposal.

Application for exemption

11.04.2 (1) An application for an exemption shall be made in writing to the Director and shall –

(a) state the name and address of the applicant;

(b) state the requirement from which exemption is requested;

(c) explain the interests of the applicant in the exemption requested, including the nature and extent of the exemption requested and a description of each person or thing to be covered by the exemption;

(d) contain any information, views or arguments supporting the application;

(e) explain why the applicant believes that the exemption should be granted, including the reasons why it would not be possible or desirable to comply with the requirement which is the subject of the application, as well as the extent to which the exemption may affect aviation safety; and

(f) include a summary of the application which summary shall contain a reference to the requirement from which exemption is requested and a brief description of the general nature of the exemption requested.

(2) An application for an exemption shall be accompanied by the appropriate fee prescribed in Part 187 and–

(a) shall be submitted at least 60 days, or such shorter period as the Director may allow on good cause shown, before the proposed effective date of the exemption; or

(b) in the case of an urgent exemption shall be submitted 3 working days before the proposed effective date of the exemption, or such shorter period as the Director may allow on good cause shown.

(3) In case where an application for exemption cannot be processed within the periods referred to in sub-regulation (2) the Director shall notify the applicant and in the case of urgent exemptions adjust the applicable fee.

Processing of application for exemption

11.04.3 The Director may, before deciding whether to grant or refuse an exemption, afford the applicant an opportunity to make representations either in writing or in person, regarding the exemption.

Granting or refusal of exemption

11.04.4 (1) The Director may –

(a) grant an exemption under such conditions and for such period which the Director may determine, which may not exceed 180 days; or

(b) refuse an exemption.

(2) The Director shall give written notice to the applicant of –

(a) his or her decision; and
(b) if the decision was to refuse to grant the exemption or to impose a condition not sought by the applicant, the reasons for the decision.

(3) The Director shall within 3 working days from the date from which any exemption of a non-administrative nature, such nature decided upon by the Director, has been granted, publish the full particulars thereof on the Authority website.

Application for extension of exemption

11.04.5 (1) The Director shall not grant an exemption under this Part to a person in the same or similar terms as an exemption previously granted under this Part to the person unless the person –

(a) applies, in accordance with regulation 11.04.1, for the new exemption; and
(b) includes with the application a statement of the additional reasons why the exemption is necessary, or the reasons why the continuation of the exemption is necessary.

(2) The Director may grant an extension to an exemption under such conditions and for such period which the Director may determine, which may not exceed 180 days.

(3) An application for the extension of exemption shall be accompanied by the fees prescribed in Part 187.

(4) The provisions of regulations 11.04.2 to 11.04.4 apply with the necessary changes in relation to the consideration of an application mentioned in sub-regulation (1).

Recognition of alternative means of compliance

11.04.6 (1) The Director may, on good cause shown, approve an alternative means of compliance if the Director is satisfied that aviation safety will not be jeopardised.

(2) An application for recognition of alternative means of compliance shall be in the format, and dealt with in the manner prescribed in regulations 11.04.2 and 11.04.3.

SUBPART 5: NATIONAL AIRSPACE COMMITTEE

Institution of the committee

11.05.1 (1) The Director shall institute a National Airspace Committee to provide guidelines and recommendations to the Director on –

(a) the designation of airspace referred to in regulation 172.02.1;

(b) the classification of such designated airspace as per regulation 172.02.2;

(c) the introduction, amendment or withdrawal of such airspaces;

(d) the allocation of Air Traffic Services provided or intended to be provided within airspaces or at aerodromes;

(e) the validity of current airspace structures and associated Air Traffic Services provided within such structures as defined in the National Airspace Master Plan (NAMP);

(f) the introduction, amendment or withdrawal of Communication Navigation and Surveillance (CNS) or Air Traffic Management (ATM) Facilities where these affect the designation or classification of airspace or the NAMP;

(g) the application for an aerodrome licence as well as any significant amendment thereof as per regulation 139.02.13, where such aerodrome is situated;

(i) within any portion of airspace designated as a Control Zone (CTR) or Aerodrome Traffic Zone (ATZ) or within 10NM of such airspace's boundary;

(ii) under any portion of airspace designated as a TMA as defined in Part 1 of the regulations;

Note: Significant amendments of aerodrome licences shall be when any airspace or maneuvring are changes are proposed.

(h) any matter relating to the national airspace, including such matter referred to it by the Director.

(2) The members of the committee shall be appointed as prescribed in Document SA-CATS 11 and shall consist of –

(a) a person designated by the Director, as chairperson; and

(b) such other persons appointed by those stakeholders and recognised by the Director, which shall include representation from -.

(i) general aviation, recreational aviation and commercial aviation

(ii) the Air Traffic and Navigation Services Company Limited contemplated in section 2 of the Air Traffic and Navigation Services Company Act, 1993 (Act no. 45 of 1993);

(iii) the South African National Defence Force;

(iv) the Airports Company contemplated in section 2 of the Airports Company Act, 1993 (Act No. 44 of 1993);

(v) the Department; and

(vi) any other stakeholder as determined by the Director.

(3) The committee shall, in consultation with the Director, determine the procedures to be followed and the criteria to be taken into account when the committee exercises its functions. .

Meetings of the committee

11.05.2 (1) The committee shall hold meetings at least once every three months at such times and places as may from time to time be determined by the chairperson.

(2) (a) The chairperson shall normally preside at every meeting of the committee.

(b) If the chairperson is absent from a meeting of the committee, the members present shall from among their number elect a person to preside at that meeting.

(3) The procedures to be followed at meetings of the committee shall be determined by the chairperson.

(4) The committee shall cause minutes to be kept of every meeting thereof.

(5) The minutes referred to in sub-regulation (4), shall be kept at the offices of the Director.

(6) Notwithstanding sub-regulation (1), the chairperson may at any time call an extraordinary meeting of the committee in circumstances which he or she deems necessary and in the public interest.

Subcommittees of the committee

11.05.3 (1) The committee may, with the approval of the Director, establish such subcommittees as it may deem necessary for the performance of its functions.

(2) The membership of each subcommittee established in terms of sub-regulation (1) shall be determined by the chairperson of the National Airspace Committee and shall ensure sufficient members from affected stakeholders.

(3) The chairperson of the committee shall appoint a chairperson for each subcommittee so established.

(4) Subject to the provisions of this subpart, the committee shall, after consultation with the Director, determine the procedures to be followed by a subcommittee in the performance of its functions.

Remuneration of members

11.05.4 A member of the committee referred to in regulation 11.05.1(2) shall not receive any remuneration or allowance from the Authority in respect of the functions performed by such member as a member of the committee.

Administration

11.05.5 All administration work as well as secretarial work, in connection with the performance of the functions of the committee, shall be carried out by employees of the Authority designated for such purpose by the Director .

Submission of proposals

11.05.6 (1) Any interested person may submit to the committee referred to in regulation 11.05.1, a proposal on –

(a) the introduction, amendment or withdrawal of national airspace designation or classification;

(b) the allocation of Air Traffic Services provided or intended to be provided within airspaces or at aerodromes;

(c) the introduction, amendment or withdrawal of CNS or ATM Facilities where these affect the designation or classification of airspace or the NAMP;

(d) the application for an aerodrome licence as well as any significant amendment there of as per regulation 139.02.13, where such aerodrome is situated –

(i) within any portion of airspace designated as a Control Zone (CTR) or Aerodrome Traffic Zone (ATZ) or within 10NM of such airspace's boundary; or

(ii) under any portion of airspace designated as a TMA as defined in Part 1 of the Regulations

(2) The proposal shall be submitted in writing as prescribed in Document SA-CATS 11.

Processing and consideration of proposals

11.05.7 (1) The Secretariat of the committee shall put any received proposal on the agenda of the next meeting of the committee, provided the agenda has not yet been closed, in which case it must be put on the agenda of the subsequent meeting.

(2) The Secretariat shall notify the proposer in writing of the time and place of the meeting during which the proposal will be considered, to give the proposer the opportunity to motivate his or her proposal and to participate in the deliberations thereon in person or in support of a representative association, organisation or body, if he or she so wishes.

(3) The committee shall give due consideration to the proposal and take a position thereon, if necessary after obtaining additional information and advice.

(4) The Secretariat shall Inform the proposer in writing of any decision by the committee in respect of his or her proposal, and should the decision have been a rejection, stating the reasons therefore.

(5) The committee shall give due consideration to any comments received and make an appropriate recommendation to the Director.

Issuing of aeronautical information

11.05.8 The Director shall, if he or she is satisfied, after considering the recommendation made by the committee in terms of regulation 11.05.1 (1), that giving effect to the proposal is in the interest of aviation safety, publish the changes in the IAIP.

SUBPART 6: PROCEDURE FOR IDENTIFYING AND NOTIFYING OF DIFFERENCES

General

11.06.1 (1) The Director-General shall develop and implement procedures to ensure the review of regulatory requirements to ensure the regulations or practices are in full accord, where practicable, with any established international standard or procedure and after amendment of such standards or procedures.

(2) The responsibility for the identification of differences rests with –

(a) in the case of Annex 3 of the Convention, the South African Weather Services;
(b) In the case of Annex 12 of the Convention, the Department ;
(c) in the case of Annex 9 of the Convention, the Authority or the Department or the Department of Home Affairs, as applicable;
(d) in the case of Annex 10 of the Convention, the Authority or the Independent Communications Authority of South Africa, as applicable;
(e) in the case of Annexes 1, 2, 4, 5, 6, 7, 8, 11, 14, 15, 16, and 18, the Civil Aviation Authority;
(f) in the case of Annex 17 of the Convention, the Authority or the Department of Transport, as applicable and
(g) in the case of Annex 13, the Authority until the establishment of the Aviation Safety Investigation Board, after which the latter shall become responsible.

Identification of differences

11.06.2 The persons or organisations mentioned in regulation 11.06.1 (2) shall identify the following differences:

(a) a Category A, when the national regulation is more stringent than the corresponding Standard and Recommended Practice (SARP), or imposes an obligation within the scope of the Annex which is not covered by a SARP;

(b) a Category B, when the national regulation is different in character from the corresponding ICAO SARP, or when the national regulation differs in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and

(c) a Category C, when the national regulation is less protective than the corresponding SARP; or when no national regulation has been promulgated to address the corresponding SARP, in whole or in part.

Notification of differences

11.06.3 (1) The Department shall notify ICAO of the differences using the following format, as prescribed by ICAO:

(a) Reference - the number of the paragraph or subparagraph in an Annex as amended which contains the Standard or Recommended Practice to which the difference relates;

(b) Category - indicate the category of the difference as mentioned in regulation 11.06.2 above;

(c) Description of the difference - clearly and concisely describe the difference and its effect;

(d) Remarks - under "Remarks" indicate reasons for the difference and intentions including any planned date for implementation.

(2) The notification of differences referred to in sub-regulation (1) shall be submitted within the timelines indicated by ICAO.

(3) The Department shall maintain a register of South African notifications submitted to ICAO, which shall be called "Register of South African notification of differences from ICAO Standards and Recommended Practices".

(4) An excerpt of the register referred to in sub-regulation (3) above shall be furnished by the Director General, to any person who may request such an excerpt.

PART 12: AVIATION ACCIDENTS AND INCIDENTS

List of regulations

SUBPART 6: ACCIDENT PREVENTION MEASURES

SUBPART 1: GENERAL

Applicability

12.01.1 This Part applies to the procedures relating to the reporting and investigation of accidents and incidents other than accidents and incidents involving –

(a) aircraft so designed to remain moored to the earth or to be kept in tow by vehicles or vessels moving on the surface of the earth; and
(b) aircraft designed to fly without any person on board.

Designation of body or institution

12.01.2 (1) The Director may designate a body or institution to –

(a) promote aviation safety or to reduce the risk of aviation accidents or incidents; and
(b) advise the Director on any matter connected with the promotion of aviation safety or the reduction of the risk of aviation accidents or incidents.

(2) The designation referred to in sub-regulation (1) shall be made in writing and shall be published by the Director in the *Gazette* within 30 days from the date of such designation.

(3) The powers and duties referred to in sub-regulation (1) shall be exercised and performed according to the conditions, rules, requirements, procedures or standards as prescribed in Document SA-CATS 12.

Designation of investigator-in-charge

12.01.3 (1) The Director may designate an investigator-in-charge to investigate any accident or incident in terms of this part.

(2) An investigator-in-charge shall have authority, subject to the provisions of this part, to –

(a) have unhampered access to an aircraft which has been involved in an accident or incident, the wreck or wreckage, the place where the aircraft, the wreck or wreckage is located and the places where marks resulting from the accident or incident which may be of assistance in an investigation, are located;

(b) preserve an aircraft which has been involved in an accident or incident or the wreck or wreckage and any marks resulting from the accident or incident which may be of assistance in the investigation, by any means available, including photographic means;

(c) examine an aircraft involved in an accident or incident, the wreck or wreckage, any part or component thereof or anything transported therein or any marks resulting from the accident or incident which may be of assistance in the investigation, and to remove any such aircraft, wreck or wreckage, or any part or component thereof or anything transported therein for the purpose of the investigation or for an inquiry by a Commission of inquiry appointed in terms of section 69 of the Act;

(d) compile reports in connection with the investigation;

(e) have unhampered access to all documents, books, notes, photographs, recordings and transcripts which the investigator-in-charge may consider necessary for the investigation, which documents, books, notes, photographs, recordings and transcripts shall be produced without delay by the possessor thereof when so requested; and

(f) obtain information from any person which may be necessary for the investigation.

Designation of investigator

12.01.4 (1) The Director may designate an investigator for the purposes of assisting an investigator-in-charge in the investigation of an accident or incident.

(2) An investigator may exercise all the powers granted to and imposed on an investigator-in-charge in terms of regulation 12.01.3(2), which are assigned to such investigator by the investigator-in-charge.

(3) The conditions and requirements for and the rules, procedures and standards connected with a designation referred to in sub-regulation (1), shall be as prescribed in Document SA-CATS 12.

(4) The Director shall sign and issue to each investigator so designated, a document which shall state the full name of such investigator and contain a statement indicating that –

(a) such investigator has been designated in terms of sub-regulation (1); and

(b) such investigator is empowered to exercise any power entrusted to him or her in terms of this part.

Designation of *pro tem* investigator

12.01.5 (1) The Director may designate a pro tem investigator for the purposes of assisting the investigator-in-charge in the initial investigation of an accident or incident.

(2) A *pro tem* investigator may exercise all the powers granted to and imposed on an investigator-in-charge in terms of regulation 12.01.3(2), which are assigned to such investigator by the investigator-in-charge.

(3) A *pro tem* investigator shall, as soon as practicable after the arrival of the investigator-in-charge on the scene of an accident or incident, report on his or her initial investigation to such investigator-in-charge.

(4) The conditions and requirements for and the rules, procedures and standards connected with a designation referred to in sub-regulation (1), shall be as prescribed in Document SA-CATS 12.

(5) The Director shall sign and issue to each pro tem investigator so designated, a document which shall state the full name of such *pro tem* investigator and contain a statement indicating that –

(a) such *pro tem* investigator has been designated in terms of sub-regulation (1); and
(b) such *pro tem* investigator is empowered to exercise any power entrusted to him or her in terms of this part.

Designation and acceptance of accredited representative

12.01.6 (1) The Director 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 12.

(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.

Designation of advisor

12.01.7 (1) The Director may –

(a) designate an advisor for the purpose of assisting an accredited representative in the investigation of an accident or incident;

(b) accept an advisor 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 advisor 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.

(3) 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 12.

Designation of experts

12.01.8 (1) The Director 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 a contracting or non-contracting State.
(2) The Director shall inform the State of Occurrence of the intention to appoint experts to participate in the investigation of the occurrence.

(3) The Director 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 expert referred to in sub-regulations (1) and (3), shall are prescribed in Document SA-CATS 12.

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 examining any aircraft, aircraft factory, aerodrome, civil aviation related facility, aircraft component, aircraft equipment, licence, certificate, permit, approval, authorization, register, book or document which he or she believes to be on such premises;

(b) confiscate anything, article, book, register, document, aircraft, aircraft component, aircraft equipment, licence, certificate, permit, approval or authorizations, which he or she reasonably believes will assist in the investigation process;

(c) recommend to the Director 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 Director for the closure of any aviation related facility which he or she reasonably believes does not comply with the Act or the regulations;

(e) require 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) require 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 licence, certificate, permit, approval or authorization or, in the case of a flight crew member or an AME, 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 PIC of any aircraft to produce or cause to be produced for inspection or investigation any licence, 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 Director is satisfied that the regulations are being complied with and that the flight will not cause danger to persons or property.

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 12 .

(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.

SUBPART 2: ACCIDENT OR INCIDENT NOTIFICATION PROCEDURES

Notification of accidents

12.02.1 (1) The PIC of an aircraft involved in an accident within the Republic, or if he or she is killed or incapacitated, a flight crew member, or if there are no surviving flight crew members or if they are incapacitated, the operator or owner, as the case may be, shall, as soon as possible but at least within 24 hours since the time of the accident, notify –

(a) the Director;
(b) an ATSU; or
(c) the nearest police station, of such accident.

(2) If an ATSU or police station is notified of an accident in terms of sub-regulation (1), such ATSU or police station shall, immediately on receipt of the notification, notify –

(a) the Director; and
(b) where such accident occurs on an aerodrome, the aerodrome manager.

Notification of incidents

12.02.2 (1) The PIC, and any other flight crew member, operator or owner, as the case may be, of an aircraft involved in an incident (including a serious incident), other than an ATS incident, within the Republic, shall, as soon as possible but at least within 24 hours since the time of such incident, notify –

(a) the Director; or
(b) an ATSU; or
(c) the nearest Police Station,

of such incident.

(2) If an ATSU is notified of an incident in terms of sub-regulation (1), such ATSU shall, immediately on receipt of the notification and as prescribed in Document SA-CATS 12, notify –

(a) the Director, and
(b) where such incident occurs on an aerodrome, the aerodrome manager.

(3) The PIC, any other flight crew member, operator or owner, as the case may be, of an aircraft involved in an ATS incident within the Republic, or any ATS personnel witnessing an ATS incident, shall, as soon as possible, notify an ATSU of such ATS incident, and such ATSU shall immediately on receipt of the notification, notify the Director in the appropriate form.

Notification of accidents or incidents outside the Republic

12.02.3 The PIC of a South African registered aircraft involved in an accident or incident outside the Republic, or if he or she is killed or incapacitated, a flight crew member, or if there are no surviving flight crew members, or if they are incapacitated, the operator or owner, as the case may be, shall as soon as possible, notify –

(a) the appropriate authority in the State or territory where the accident or incident occurred, directly or through any ATSU; and
(b) the Director,

of such accident or incident.

Particulars of notification

12.02.4 Any notification of an accident or incident referred to in regulation 12.02.1, 12.02.2 or 12.02.3 other than an ATS incident, shall –

(a) include the following particulars:
    (i) type, model, nationality and registration marks of the aircraft;

(ii) name of the owner or operator, as applicable;
(iii) qualification of flight crew members;
(iv) the date and time of the accident or incident, specified in Co-ordinated Universal Time or local time;
(v) last point of departure and point of intended landing of the aircraft;
(vi) location of accident or incident with reference to an easily identifiable geographical point and, if known, with reference to latitude and longitude;
number of –
(aa) flight crew members and passengers aboard, killed or seriously injured; and
(bb) other persons killed or seriously injured;
(vii) nature of the accident or incident and extent of damage to aircraft as far as is known;
(viii) terrain characteristics of the area where the accident or incident occurred;
(ix) details of any dangerous goods or hazardous substances known to be on board the aircraft; and
(x) any other relevant information; and

(b) be submitted forthwith to the Director, and any information which is not immediately available shall be submitted in writing as soon as it becomes available.

Notification of hazards

12.02.5 (1) Any person involved in an accident or incident, or observing any accident, incident, hazard or discrepancy that may affect aviation safety, may notify the designated body or institution referred to in regulation 12.01.2, of such accident, incident, hazard or discrepancy.

(2) Any person who notifies the designated body or institution referred to in regulation 12.01.2 of an accident or incident, shall not be absolved from the duty to notify the Director of such accident or incident in terms of regulation 12.02.1, 12.02.2 or 12.02.3, as the case may be.

SUBPART 3: INVESTIGATION OF ACCIDENTS OR INCIDENTS

Purpose of accident or incident investigation

12.03.1 The purpose of investigation of an accident or incident is to determine, in terms of the provisions of this Part, the facts of an accident or incident in the interest of the promotion of aviation safety and the reduction of the risk of aviation accidents or incidents, and not to establish legal liability.

Accident or incident investigation procedures

12.03.2 (1) All accidents and serious incidents of which the Director is notified in terms of regulations 12.02.1 and 12.02.2, shall be investigated by an investigator-in-charge.

(2) All incidents, other than serious incidents referred to in sub-regulation (1), may be investigated by an investigator-in-charge.

(3) An accident or incident investigation shall be carried out by the investigator-in-charge, in accordance with the requirements for and the rules, procedures and standards as prescribed in Document SA-CATS 12.

(4) Any person required by the investigator-in-charge to render assistance or furnish the information which the investigator-in-charge may deem necessary for the investigation of an accident or incident, shall be obliged to render such assistance or furnish such information.

Retention of objects for purposes of investigation or inquiry

12.03.3 Any item or wreckage of an aircraft involved in an accident or incident, or any part or component thereof, or anything transported therein, may be retained by the investigator-in-charge until no longer required for the purpose of an investigation, including an investigation following on a reopening referred to in regulation 12.05.3, or for an inquiry by a Commission of inquiry in terms of section 69 of the Act, whereupon such wreckage, or part or component thereof, shall be discarded or destroyed, unless a person having a right to such item, or part or component thereof, has informed the Director in writing, within 60 days of the date of such accident or incident, that such item or component or part be returned to him or her after the completion of the investigation or inquiry.

SUBPART 4: SCENE OF AN ACCIDENT

Guarding of aircraft involved in accident

12.04.1 Where an accident occurs within the Republic, the PIC of the aircraft involved in the accident, or if he or she is killed or incapacitated, a flight crew member, or if there are no surviving flight crew members, or if they are incapacitated, the operator or owner of such aircraft or where the accident occurs on an aerodrome, the aerodrome manager, shall –

(a) pending the arrival of a police guard, take such steps which may be necessary to prevent any interference with the aircraft, the wreck or wreckage and anything transported therein and any marks resulting from the accident which may be of assistance in an investigation;

(b) forthwith arrange with a member of the South African Police Service to guard the aircraft, the wreck or wreckage and anything transported therein and any marks resulting from the accident which may be of assistance in an investigation.

Access to the scene of accident

12.04.2 (1) No person other than –

(a) a member of the rescue service;
(b) a *pro tem* investigator;
(c) an investigator;
(d) an accredited representative;
(e) an advisor;
(f) a member of the South African Police Service; or

(g) any other person authorised by the Director, after consultation with the investigator-in-charge, shall, until such time as the investigator-in-charge otherwise determines, have access to an aircraft which has been involved in an accident or to the wreck or wreckage and any marks resulting from the accident which may be of assistance in an investigation.

(2) Every person permitted by the provisions of sub-regulation (1) or authorised in terms thereof to have access to an aircraft which has been involved in an accident or to the wreck or wreckage or to places where marks resulting from the accident occur which may be of assistance in an investigation, shall be subject to the direction of the investigator-in-charge until the investigation has been completed.

Control of evidence

12.04.3 The aircraft, the wreck or wreckage and anything transported therein and any marks resulting from the accident which may be of assistance in an investigation, shall remain under the control of the investigator-in-charge until released by such investigator-in-charge.

Interference with objects and marks at scene of accident

12.04.4 (1) Subject to the provisions of this part, no person shall interfere with an aircraft which has been involved in an accident, the wreck or wreckage, a part or component thereof or anything transported therein or any marks resulting from the accident which may be of assistance in an investigation –

(a) until authorised to do so by the investigator-in-charge; and
(b) until, in the case of an aircraft which must be cleared by a customs officer by virtue of the provisions of the Customs and Excise Act, 1964 (Act No. 91 of 1964), clearance has been issued or permission granted by such officer.

(2) The provisions of sub-regulation (1) shall not prevent any action necessary for –

(a) the rescue or extrication of persons or animals from the aircraft or the wreck;
(b) the reasonable protection of the aircraft, the wreck or wreckage from destruction by fire or other causes;
(c) the safeguarding by the owner, operator or police guard of precious metals, jewellery or valuables;
(d) the prevention of danger or removal of an obstruction to other aircraft, other means of transport or to the public; and
(e) the removal of the aircraft, any part or component thereof or anything transported therein to a safe place, when in water or otherwise endangered.

Removal of damaged or disabled aircraft

12.04.5 Subject to the conditions which the Director may determine, a person authorised by the Director for this purpose, may direct any person to move an aircraft which is damaged or disabled or to move any part thereof or any cargo or thing carried therein, to another place, at the expense of the owner or operator of the aircraft.