

### Non-disclosure of records

**12.04.6** (1) The following records shall not be made available for purposes other than accident or incident investigations, unless a court of law determines that their public disclosure outweighs the adverse domestic and international impact such action may have on that or future investigations, taking into account all applicable law:

- (a) All statements taken from persons by the investigator/s of the investigation team in the course of the investigation;
- (b) all records of communications between persons having been involved in the operation of the aircraft;
- (c) names, medical and private information regarding persons involved in the accident or incident;
- (d) cockpit voice recordings and transcripts from such recordings;
- (e) recordings and transcriptions of recordings from air traffic control units;
- (f) cockpit airborne image recordings and any part or transcripts from such recordings; and
- (g) opinions expressed in the analysis of information, including information obtained from flight recorders and ATC recordings.

(2) The records referred to in sub-regulation (1) shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident.

(3) Parts of the record not relevant to the analysis shall not be disclosed.

### Use of information for internal proceedings

**12.04.7** Notwithstanding the provisions of regulation 12.04.6, an appropriate authority may authorise the use of the records referred to in regulation 12.04.6(1) except the records mentioned in paragraphs (d) and (f) thereof, for internal proceedings when –

- (a) there is evidence that the occurrence was caused by an act considered, after investigation in accordance with these regulations, to be conducted with intent to cause damage, or conducted with knowledge that damage would probably result, equivalent to reckless conduct, gross negligence or wilful misconduct;
- (b) the appropriate authority considers that circumstances reasonably indicate that the occurrence may have been caused by conduct with intent to cause damage, or conduct with knowledge that damage would probably result, equivalent to reckless conduct, gross negligence or wilful misconduct; or
- (c) a review by the appropriate authority determines that the release of the safety information is necessary for the proper administration of justice, and that its release outweighs the adverse domestic and international impact such release may have on the future availability of safety information.

**SUBPART 5: REPORTING AND REOPENING OF INVESTIGATION****Reporting**

**12.05.1** (1) The investigator-in-charge shall, upon completion of an investigation of an accident or incident carried out in terms of subpart 3, report the findings of such investigation to the Director.

(2) The reporting on an investigation referred to in sub-regulation (1) shall consist of –

- (a) a preliminary report, if necessary in the interests of aviation safety; and
- (b) a final report which shall be compiled and published in the manner as prescribed in Document SA-CATS 12.

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

(4) The Director shall send the draft Final Report of the investigation for comments to:

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) the State of Design; and
- (d) the State of Manufacture.

(5) The States referred to in sub-regulations (3) and (4) shall be given a period of 60 days from the date of receipt of the draft Final Report, within which to make comments therein.

(6) The Director shall give due consideration to any comments received within the period stated in sub-regulation (5) and may either amend the draft Final Report to include the substance of the comments received or, if desired by the State that provided comments, append the comments to the Final Report.

(7) If the Director receives no comments within the period stated in sub-regulation (5) above, the Director shall prepare the Final Report.

**Appeal against findings in investigation**

**12.05.2** (1) Any interested person who feels aggrieved by the findings on an investigation may appeal against such findings to the Director, within 60 days after the publication of such findings.

(2) An appellant shall deliver an appeal in writing, stating the reasons why in his or her opinion, the findings should be varied or set aside.

(3) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the investigator-in-charge concerned and shall furnish proof of such submission for the information of the Director.

(4) The investigator-in-charge concerned must, within 30 days of receipt of the copy of the appeal referred to in sub-regulation (3), deliver his or her written reply to such appeal to the Director.

(5) The Director must –

- (a) adjudicate the appeal on the basis of the documents submitted to him or her; or
- (b) order the appellant and the investigator-in-charge concerned to appear before him or her, either in person or through a representative, at a time and place determined by him or her, to give evidence.

(6) The Director may confirm, vary or set aside the findings referred to in sub-regulation (1).

(7) The Director may keep in abeyance an appeal lodged in terms of this regulation if the Director is satisfied that the Minister has applied or intends to apply the provisions of section 69 of the Act.

### **Reopening of investigation**

**12.05.3** (1) The Director may order the reopening of an investigation –

- (a) of which the findings are set aside in terms of regulation 12.05.2(6);
- (b) if new and significant information which indicates that the findings on the investigation may be incorrect, becomes available; or
- (c) if such a reopening is in the interests of aviation safety.

(2) Any investigation reopened in terms of this regulation shall be conducted in accordance with the provisions of Subpart 3.

(3) The Director shall not order the reopening of an investigation in terms of this regulation if the Director is satisfied that the Minister has applied or intends to apply the provisions of section 69 of the Act.

## **SUBPART 6: ACCIDENT PREVENTION MEASURES**

### **Voluntary incident reporting system**

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

(2) The Director shall establish other safety data collection and processing systems to collect safety information that may not be captured by the incident reporting system mentioned in sub-regulation (1) above.

**Database system**

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

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

**Analysis of data**

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

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

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

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

**Exchange of safety information**

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

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**SUBPART 1: GENERAL****Applicability**

21.01.1 (1) This Part applies to –

- (a) the type certification of products to be manufactured in the Republic ;
- (b) the approval of changes to type certificates;
- (c) the type acceptance certification of products to be imported into the Republic;
- (d) the issuing of supplemental type certificates;
- (e) the issuing of production certificates;
- (f) the airworthiness certification of aircraft;
- (g) the approval of parts and appliances to be manufactured in the Republic;
- (h) the approval of parts and appliances to be imported into the Republic;
- (i) the issuing of export airworthiness approvals; and
- (j) the issuing of ZA-TSO authorisations.

(2) This Part does not apply to –

- (a) hang glider;

- (b) paraglider;
- (c) unmanned free balloon;
- (d) captive balloon;
- (e) kite;
- (f) model aircraft;
- (g) parachute;
- (h) powered paraglider;
- (i) rigid airship; or
- (j) unmanned aerial vehicle.

### **Types of aircraft**

**21.01.2** (1) For the purposes of this Part, the types of aircraft are –

- (a) gliders, power-assisted gliders, and touring gliders;
- (b) very light aeroplanes;
- (c) aeroplanes of normal, utility, acrobatic and commuter categories;
- (d) aeroplanes of the transport category;
- (e) rotorcraft of the normal category;
- (f) rotorcraft of the transport category;
- (g) manned free balloons; and
- (h) non-rigid airships.

(2) The airworthiness design standards for each type of aircraft referred to in sub-regulation (1), are those referred to in regulation 21.02.3.

### **Reporting of failures, malfunctions and defects**

**21.01.3** (1) The holder of any type certificate, supplemental type certificate, production certificate, ZA-PMA or ZA-TSO authorisation issued in terms of this part, shall report in writing to the Director any failure, malfunction or defect in any product, part or appliance manufactured by such holder which –

- (a) has resulted in any of the occurrences specified in Document SA-CATS 21; or
- (b) has passed through such, holder's quality assurance system and may result in any of the occurrences specified in Document SA-CATS 21.

(2) A report referred to in sub-regulation (1) shall include –

- (a) the aircraft serial number;
- (b) if the failure, malfunction or defect is associated with an article approved under ZA-TSO authorisation, the article serial number and model designation;
- (c) if the failure, malfunction or defect is associated with an aircraft engine or aircraft propeller, the engine or propeller serial number;
- (d) the product model;
- (e) an identification, including the part number, of the part, component or system involved; and
- (f) the nature of the failure, malfunction or defect.



(3) A report referred to in sub-regulation (1) shall be submitted to the Director within 24 hours after the holder has become aware of the failure, malfunction or defect required to be reported: Provided that a report which was due on a Saturday, Sunday or public holiday, may be submitted on the next working day.

(4) In the event of the investigation of an accident or service difficulty report indicating that a product is unsafe because of a manufacturing or design defect, the holder concerned shall, upon the request of the Director, report to the Director the results of its investigation and any action taken or proposed by such holder to correct such defect.

(5) If action is required to correct the defect in existing products, the holder concerned shall submit the data necessary for the issuing of an appropriate airworthiness directive, to the Director.

#### **Issuing of airworthiness directives**

**21.01.4** (1) The Director may issue appropriate airworthiness directives in respect of design changes which are necessary to correct the unsafe condition of a product.

(2) If the Director issues an airworthiness directive for a product, the holder of any certificate for the product type, shall –

- (a) upon the request of the Director, submit appropriate design changes to the Director for approval; and
- (b) upon approval of the design changes, make the descriptive data covering the changes available to all operators of the product.

#### **Safety inspections and audits**

**21.01.5** (1) An applicant for the issuing of any certificate, approval or authorisation in terms of this Part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this part.

(2) The holder of any certificate, approval or authorisation issued under this part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this part.

#### **Register of certificates**

**21.01.6** (1) The Director shall maintain a register of all certificates, approvals or authorisations issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars –

- (a) the full name of the holder of the certificate, approval or authorisation;

- (b) the postal address of the holder of the certificate, approval or authorisation;
- (c) the date on which the certificate, approval or authorisation was issued; and
- (d) the nationality of the holder of the certificate, approval or authorisation.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven days from the date on which the certificate, approval or authorisation is issued by the Director.

(4) The register shall be kept in a safe place at the office of the Director.

(5) A copy of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

## **SUBPART 2: TYPE CERTIFICATES**

### **Categories of type certificates**

**21.02.1** The categories of type certificates are –

- (a) standard category type certificates for a Class I product to be manufactured in the Republic; and
- (b) restricted category type certificate for a Class I product to be manufactured in the Republic.

### **Application for type certificate or amendment thereof**

**21.02.2** (1) An application for the issuing of a type certificate for a Class I product or an amendment thereof, shall be –

- (a) made in the prescribed form and manner ; and
- (b) accompanied by –
  - (i) a certified true copy of the approval held by the selected design organisation;
  - (ii) the appropriate fee as prescribed in Part 187;
  - (iii) in the case of an application for an aircraft type, a three-view drawing of the aircraft type and available preliminary basic data;
  - (iv) in the case of an application for an aircraft engine type or an aircraft propeller type, a description of the –
    - (aa) design features;
    - (bb) operating characteristics; and
    - (cc) proposed operating limitations; and
  - (v) the proposed certification basis.

(2) An application referred to in sub-regulation (1) shall be valid –

- (a) in the case of an application for an aeroplane type with a MCM exceeding 5 700 kilograms, for a period of five years;
- (b) in the case of an application for an aeroplane type with a MCM of 5 700 kilograms or less, for a period of three years;

- (c) in the case of an application for a rotorcraft type with a MCM exceeding 2 730 kilograms, for a period of five years;
  - (d) in the case of an application for a rotorcraft type with a MCM of 2 730 kilograms or less; for a period of three years,
- calculated from the date on which the application is submitted to the Director.
- (3) If a type certificate is not issued within the period referred to in sub-regulation (2), the applicant may –
- (a) submit a new application in accordance with the provisions of sub-regulation (1); or
  - (b) submit an application to extend the original application made in terms of sub-regulation (1), and comply with the appropriate airworthiness design standards referred to in regulation 21.02.3, effective on a date selected by the applicant: Provided that such date of validity precedes the date of the issuing of the type certificate by the appropriate period referred to in sub-regulation (2) in respect of the original application.
- (4) The holder of a standard or restricted category type certificate for a Class 1 product to be manufactured shall pay the annual currency fee as prescribed in Part 187, applicable to the type of certification on the anniversary date of such certificate.

#### **Airworthiness design standards**

- 21.02.3** (1) An applicant for the issuing of a type certificate for a Class I product, or an amendment thereof, shall provide the Director with proof that –
- (a) the product complies with the appropriate airworthiness design standards as prescribed in Document SA-CATS 21, in force on the date of application or any later date selected by the applicant in terms of regulation 21.02.2(3)(b);
  - (b) the product complies with the appropriate aircraft noise, fuel venting and engine emission standards referred to in Part 34 or Part 36, as the case may be;
  - (c) the product complies with any special conditions prescribed by the Director in terms of regulation 21.02.13;
  - (d) any airworthiness design standards not complied with, are compensated for by factors providing an equivalent level of safety; and
  - (e) in the case of an aircraft type, no feature or characteristic makes the aircraft type unsafe for the intended use.
- (2) If the applicant selects a later date referred to in sub-regulation (1)(a), the applicant shall provide proof that the product complies with any other airworthiness design standard which the Director determines is directly related.

#### **Type design**

- 21.02.4** An applicant for the issuing of a type certificate for a Class I product, or an amendment thereof, shall –
- (a) provide the Director with a type design consisting of –

- (i) the drawings and specifications necessary to define the configuration and the design features of the product which have been shown to comply with the appropriate airworthiness design standards referred to in regulation 21.02.3;
  - (ii) a list of the drawings and specifications referred to in subparagraph (i);
  - (iii) information on dimensions, materials and processes and on methods of manufacture and assembly of the product necessary to ensure the conformity of the product;
  - (iv) the airworthiness limitations specified in the appropriate airworthiness design standards referred to in regulation 21.02.3; and
  - (v) any other data necessary to allow, by comparison, the determination of the airworthiness, noise characteristics, fuel venting and engine emissions, if applicable, of later products of the same type; and
- (b) identify each type design and each variant within the type design.

### **Inspections and tests**

**21.02.5** (1) An applicant for the issuing of a type certificate for a Class I product, or an amendment thereof, shall inspect and test a product of the type to ensure that –

- (a) the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;
  - (b) the product complies with the appropriate aircraft noise, fuel venting and engine emission standards referred to in Part 34 or Part 36, as the case may be;
  - (c) the materials and product conform to the specifications in the type design;
  - (d) all parts in the product conform to the drawings in the type design; and
  - (e) the manufacturing processes, construction and assembly conform to those specified in the type design.
- (2) The applicant shall, after making the inspections and tests referred to in sub-regulation (1) –
- (a) permit the Director to perform any inspection and flight and ground tests which the Director may require;
  - (b) provide proof to the Director that the product complies with the requirements referred to in sub-regulation (1)(c), (d) and (e); and
  - (c) ensure that the product remains unchanged between the time that the product is shown to comply with the requirements referred to in sub-regulation (1)(c), (d) and (e), and the time of presentation to the Director for testing.

### **Statements of conformity**

**21.02.6** An applicant, for the issuing of a type certificate or an amendment thereof, presenting a product to the Director for the tests referred to in regulation 21.02.5(2), shall provide the Director with a statement of conformity stating that –

- (a) the applicant has complied with the requirements referred to in regulation 21.02.5(1)(c), (d) and (e); and
- (b) the product complies with the applicable type design.

**Flight tests**

**21.02.7** (1) Subject to the provisions of sub-regulations (2) and (3), an applicant for the issuing of a type certificate for an aircraft, or an amendment thereof, shall carry out such flight tests as the Director may require to determine whether –

- (a) the aircraft complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) the aircraft and the aircraft components and equipment are reliable and function properly.

(2) The applicant shall ensure that, before carrying out any flight tests referred to in sub-regulation (1) –

- (a) the aircraft complies with the structural requirements of the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) the aircraft has undergone the necessary ground inspections and tests; and
- (c) the aircraft conforms to the type design.

(3) The flight tests referred to in sub-regulation (1) shall be carried out in accordance with the requirements as prescribed in Document SA-CATS 21.

**Issuing of type certificate**

**21.02.8** (1) An application in terms of regulation 21.02.2 shall be granted and a type certificate for a Class I product issued if –

- (a) the applicant complies with the provisions of regulations 21.02.3 to 21.02.7 inclusive; and
- (b) the inspection and testing of the product confirms that the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3.

(2) A type certificate may be issued in both the standard and restricted categories referred to in regulation 21.02.1 if the provisions of regulations 21.02.3 to 21.02.7 inclusive for each category are complied with.

(3) A restricted category type certificate shall specify the operational purposes for which the product is certificated.

(4) A type certificate shall be issued in the prescribed form .

**Privileges of holder of type certificate**

**21.02.9** The holder of a type certificate shall be entitled to –

- (a) upon compliance with the appropriate requirements prescribed in subpart 7, obtain a production certificate for the type certificated product concerned;
- (b) obtain approval of replacement parts for such product;

- (c) in the case of an aircraft, upon compliance with the appropriate requirements prescribed in subpart 8, obtain a certificate of airworthiness; and
- (d) in the case of an aircraft engine or propeller, obtain approval for the installation thereof on a certificated aircraft.

#### **Period of validity**

**21.02.10** (1) A type certificate shall be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer or inspector, or cancelled by the Director.

(2) The holder of a type certificate which is suspended, shall forthwith produce the type certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a type certificate which is cancelled, shall, within 30 days from the date on which the type certificate is cancelled, surrender such type certificate to the Director.

#### **Transferability**

**21.02.11** The holder of a type certificate shall, before transferring the type certificate –

- (a) notify the Director in writing, of the name and address of –
  - (i) the transferee; and
  - (ii) the subsequent selected design organisation; and
- (b) produce the type certificate to the Director for amendment.

#### **Special conditions**

**21.02.12** The Director may prescribe special conditions for a Class I product to establish a level of safety equivalent to the appropriate airworthiness design standards referred to in regulation 21.02.3, if the Director determines that the airworthiness design standards do not contain adequate or appropriate safety levels because –

- (a) the product has new or unusual design features relative to the design practices on which the appropriate airworthiness design standards are based; or
- (b) the intended use of the product is unconventional.

#### **Duties of holder of type certificate**

**21.02.13** The holder of a type certificate shall –

- (a) keep the original type certificate in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection if so requested by such inspector;
- (b) retain all relevant design information, drawings, test reports and inspection records of the product for a period of two years from the date on which the last example of the product has been permanently withdrawn from service;

- (c) produce the design information, drawings, test reports and inspection records to an authorised officer, inspector or authorised person for inspection if so requested by such inspector;
- (d) provide at least one set of instructions for safe operation and continued airworthiness, prepared in accordance with the appropriate airworthiness design standards referred to in regulation 21.02.3, to each purchaser of the product, upon its delivery, or upon the issuing of the first standard certificate of airworthiness for the product concerned, whichever occurs later;
- (e) make the instructions referred to in paragraph (d), and any changes to the instructions, available to any other person required to comply with the instructions;
- (f) develop and maintain a system for receiving and analysing information relating to defects in the product type;
- (g) inform each owner of a product of the same type of the details of the system developed according to the provisions of paragraph (f);
- (h) generate and update a flight manual for the product;
- (i) report to the Director any failure, malfunction or defect in accordance with the provisions of regulation 21.01.3.

### **SUBPART 3: CHANGES TO TYPE CERTIFICATES**

#### **Changes in type design**

**21.03.1** The changes in type design for products are –

- (a) a minor change;
- (b) a major change;
- (c) an acoustical change; and
- (d) an emission change.

#### **Reporting of minor changes in type design**

**21.03.2** All minor changes in a type design shall be reported in writing to the Director by the holder of a type certificate.

#### **Approval of major changes in type design**

**21.03.3** (1) The holder of a type certificate who applies for the approval of a major change in a type design, shall submit to the Director substantiating data and necessary descriptive data for inclusion in the type design.

(2) Approval of a major change in the type design of an aircraft engine shall be limited to the specific engine configuration upon which the change is made, unless the applicant –

- (a) identifies in the necessary descriptive data for inclusion in the type design the other configurations of the same engine type for which approval is requested; and
- (b) shows that the change is compatible with such other configurations.

**Required design changes**

**21.03.4** (1) In the event of the Director issuing an airworthiness directive, the holder of the type certificate for the product concerned shall –

- (a) if design changes are necessary to correct the unsafe condition of such product, submit the appropriate design changes and substantiation data to the Director for approval, when required to do so; and
- (b) upon approval of the design changes, make available the descriptive data covering the changes to all operators of products previously certificated under the type certificate.

(2) In a case where there are no current unsafe conditions, but the Director or the holder of the type certificate finds through service experience that changes in type design will enhance the safety of the product, the holder of the type certificate may submit appropriate design changes and substantiation data for approval.

(3) Upon approval of the design changes referred to in sub-regulation (2), the holder of the type certificate shall make available information on the design changes to all operators of the same type of product.

**Airworthiness design standards**

**21.03.5** An applicant for the approval of a change to a type certificate shall comply with the appropriate airworthiness design standards referred to in regulation 21.02.3.

**SUBPART 4: TYPE OF ACCEPTANCE CERTIFICATES****Categories of type acceptance certificates**

**21.04.1** The categories of type acceptance certificates are –

- (a) standard category type acceptance certificate for a Class I product to be imported into the Republic; and
- (b) restricted category type acceptance certificate for a Class I product to be imported into the Republic.

**Application for type acceptance certificate**

**21.04.2** An application for the issuing of a type acceptance certificate for a Class 1 product shall be –

- (a) made in the prescribed form and manner ; and
- (b) accompanied by –
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof of compliance with the provisions of regulations 21.04.3 and 21.04.4.



### **Airworthiness design standards**

**21.04.3** An applicant for the issuing of a type acceptance certificate for a Class I product shall provide the Director with proof that –

- (a) the product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3, effective at the date assigned in the foreign type certificate or an equivalent document, unless another date is specified by the Director;
- (b) the product complies with any special conditions prescribed by the Director in terms of regulation 21.02.13;
- (c) any airworthiness design standards not complied with are compensated for by factors providing an equivalent level of safety; and
- (d) feature or characteristic of the product makes it safe for the intended use.

### **Data requirements**

**21.04.4** (1) An applicant for the issuing of a type acceptance certificate for a Class I product shall provide the Director with –

- (a) proof that the type design has been approved by the appropriate authority of the exporting State, by way of a type certificate or an equivalent document;
- (b) details of the airworthiness design standards complied with, for the issuing of the type certificate referred to in paragraph (a), including –
  - (i) the airworthiness design standards;
  - (ii) the effective date of such standards;
  - (iii) any special conditions imposed under the foreign type certification;
  - (iv) any requirements not complied with and any compensating factors providing an equivalent level of safety; and
  - (v) any airworthiness limitations;
- (c) a list identifying the data submitted for the issuing of the type certificate referred to in paragraph (a), showing compliance with the appropriate airworthiness design standards;
- (d) a certified true copy of the flight manual approved under a foreign type certificate or, if the appropriate design standards do not require a flight manual to be provided, a flight manual which complies with the standards as prescribed in Document SA-CATS 21;
- (e) the illustrated parts catalogue; and
- (f) if required by the Director –
  - (i) the maintenance manual for the product;
  - (ii) current service information issued by the manufacturer of the product; and
  - (iii) proof that the manufacturer has agreed to provide the Director with a certified true copy of all amendments and re-issues of the documents referred to in paragraph (d), (e) and (f).

(2) The Director may specify the range of serial numbers or models of products to which the application relates, or redefine the applicability of the certificate if the provisions of this regulation and regulation 21.04.3 are complied with in respect of any additional product.

**Issuing of type acceptance certificate**

**21.04.5** (1) An application in terms of regulation 21.04.2 shall be granted and a type acceptance certificate for a Class I product issued in the prescribed form, if the applicant complies with the provisions of regulations 21.04.3 and 21.04.4.

(2) A type acceptance certificate may be issued in both the standard and restricted categories referred to in regulation 21.04.1, if the provisions of regulations 21.04.3 and 21.04.4 for each category are complied with.

(3) A restricted category type acceptance certificate shall specify the operational purposes for which the product is certificated.

**Period of validity**

**21.04.6** (1) A type acceptance certificate shall be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director.

(2) The holder of a type acceptance certificate which is suspended, shall forthwith produce the type acceptance certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a type acceptance certificate which is cancelled, shall, within 30 days from the date on which the type acceptance certificate is cancelled, surrender such type acceptance certificate to the Director.

**Duty of holder of type acceptance certificate**

**21.04.7** The holder of a type acceptance certificate shall keep the original type acceptance certificate in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection if so requested by such inspector.

**SUBPART 5: SUPPLEMENTAL TYPE CERTIFICATES****Requirements for supplemental type certificate**

**21.05.1** (1) Any person who is not the holder of a type certificate and who alters a product by introducing any change in the type design, but not great enough to require a new application for a type certificate, shall apply to the Director for the issuing of a supplemental type certificate.

(2) An applicant for the issuing of a supplemental certificate shall prove to the Director that –

- (a) the altered product complies with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (b) in the case of an acoustical change, the altered product complies with the appropriate noise standards as prescribed in Part 36; and
- (c) in the case of an emission change, the altered product complies with the appropriate emission standards as prescribed in Part 34.

(3) An applicant for the issuing of a supplemental type certificate shall comply with the provisions of regulations 21.02.5 and 21.02.6 in respect of each change in type design.

(4) For the purposes of this regulation the holder of a type certificate may apply for the amendment of the type certificate in terms of subpart 2.

#### **Application for supplemental type certificate**

**21.05.2** An application for the issuing of a supplemental type certificate shall be –

- (a) made in the prescribed form and manner ; and
- (b) accompanied by –
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof of compliance with the provisions of regulation 21.05.1.

#### **Issuing of supplemental type certificate**

**21.05.3** An application in terms of regulation 21.05.2 shall be granted and a supplemental type certificate issued in the prescribed form, if the applicant complies with the requirements prescribed in regulation 21.05.1.

#### **Privileges of holder of supplemental type certificate**

**21.05.4** The holder of a supplemental type certificate shall be entitled to –

- (a) in the case of an aircraft, upon compliance with the appropriate requirements prescribed in subpart 8, obtain a certificate of airworthiness; and
- (b) in the case of any other product, obtain approval for the installation of such product on a certificated aircraft; and
- (c) upon compliance with the appropriate requirements prescribed in subpart 7, obtain a production certificate for the change in the type design approved by the supplemental type certificate.

#### **Period of validity**

**21.05.5** (1) A supplemental type certificate shall be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director.

(2) The holder of a supplemental type certificate which is suspended, shall forthwith produce the supplemental type certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a supplemental type certificate which is cancelled, shall, within 30 days from the date on which the supplemental type certificate is cancelled, surrender such supplemental type certificate to the Director.

#### **Duty of holder of supplemental type certificate**

**21.05.6** The holder of a supplemental type certificate shall keep the original supplemental type certificate in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection if so requested by such inspector.

### **SUBPART 6: PRODUCTION UNDER TYPE CERTIFICATE**

#### **Production under type certificate**

- 21.06.1** The manufacturer of a product being manufactured under a type certificate only shall –
- (a) determine that each completed product conforms to the applicable type design and is in a condition for safe operation prior to submitting statements of conformity to the Director;
  - (b) unless otherwise authorised by the Director, establish and maintain a production inspection system for products manufactured more than six months after the date on which the type certificate was issued, to ensure that such products conform to the type design and are in condition for safe operation; and
  - (c) upon the establishment of the production inspection system referred to in paragraph (b), submit to the Director a manual which describes such system as well as the procedures for making the determinations referred to in regulation 21.06.2(2).

#### **Production inspection system**

**21.06.2** (1) For the purposes of regulation 21.06.1(c), the manufacturer shall establish a Materials Review Board and materials review procedures.

(2) The procedures for making determinations shall be as prescribed in Document SA-CATS 21.

(3) The composition of the Materials Review Board and its powers and duties, shall be as prescribed in Document SA-CATS 21.

#### **Tests for aircraft**

**21.06.3** The manufacturer of an aircraft being manufactured under a type certificate only shall establish a production flight test procedure as prescribed in Document SA-CATS 21, according to which the aircraft so manufactured, shall be flight tested.

**Tests for aircraft engines**

**21.06.4** The manufacturer of an aircraft engine being manufactured under a type certificate only shall subject each engine other than a rocket engine for which such manufacturer shall establish a sampling technique, to a test run as prescribed in Document SA-CATS 21.

**Tests for propellers**

**21.06.5** The manufacturer of propellers being manufactured under a type certificate only shall give each variable pitch propeller a functional test to determine if the propeller operates properly throughout the normal range of operation.

**Statement of conformity**

**21.06.6** (1) The manufacturer of a product being manufactured under a type certificate only shall submit to the Director, a statement of conformity—

- (a) upon the initial transfer of the ownership of the product manufactured under the type certificate; or
- (b) upon application for the original issuing of —
  - (i) in the case of an aircraft, a certificate of airworthiness; or
  - (ii) in the case of an aircraft engine or propeller, an airworthiness approval tag.

(2) The statement of conformity shall —

- (a) include —
  - (i) for each product, a statement that the product conforms to its type certificate and is in a condition for safe operation;
  - (ii) for each aircraft, a statement that the aircraft has been tested in accordance with the provisions of regulation 21.06.3;
  - (iii) for each aircraft engine, a statement that the engine has been tested in accordance with the provisions of regulation 21.06.4; and
  - (iv) for each variable pitch propeller, a statement that the propeller has been tested in accordance with the provisions of regulation 21.06.5; and
- (b) be signed by the person authorised by the manufacturer to issue statements of conformity.

**SUBPART 7: PRODUCTION CERTIFICATES****Requirements for production certificate**

**21.07.1** Any manufacturer who has been approved by the Director in terms of Part 148, may apply for the issuing of a production certificate if the manufacturer holds —

- (a) a valid type certificate; or
- (b) a valid supplemental type certificate, for the product concerned.

**Application for production certificate or amendment thereof**

**21.07.2** An application for the issuing of a production certificate, or an amendment thereof, shall be –

- (a) made in the prescribed form and manner ; and
- (b) accompanied by –
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) data describing the inspection and test procedures necessary to ensure that each article produced conforms to the type design and is in a condition for safe operation;
  - (iii) a description of inspection procedures for raw materials, purchased items, and parts and assemblies produced by any partner or subcontractor, including methods used to ensure acceptable quality of parts and assemblies which cannot be completely inspected for conformity when delivered by the partner or subcontractor to the applicant.;
  - (iv) a description of the methods used for production inspection of individual parts and complete assemblies, including –
    - (aa) the identification of any special manufacturing processes involved;
    - (bb) the means used to control the processes;
    - (cc) the final test procedure for the complete product, and
    - (dd) in the case of an aircraft, a copy of the applicant's production flight test procedures and checkoff list;
  - (v) an outline of the materials review system, including the procedure for recording review board decisions and disposing of rejected parts;
  - (vi) an outline of a system for informing the personnel responsible for inspections of current changes in the engineering drawings, specifications and quality control procedures;
  - (vii) a list or chart showing the location of all inspection stations; and
  - (viii) the terms of approval referred to in regulation 21.07.4, for which application is being made.

**Issuing of production certificate**

**21.07.3** (1) An application in terms of regulation 21.07.2 shall be granted and a production certificate issued in the prescribed form if the applicant complies with the requirements prescribed in regulation 21.07.1.

(2) The Director may authorise more than one type certificated product to be manufactured under the terms of approval referred to in regulation 21.07.4, if the products have similar production characteristics.

**Terms of approval**

**21.07.4** The terms of approval shall –

- (a) be issued as part of the production certificate;
- (b) specify the type certificated product to be manufactured; and
- (c) contain a production limitation record, listing the type certificate of each product which the holder of the production certificate is authorised to manufacture.

**Duties of holder of production certificate**

**21.07.5** The holder of a production certificate shall –

- (a) display the certificate in a prominent place at such holder's manufacturing facility for the product concerned and, if a copy of the certificate is displayed, shall produce the original certificate to an authorised officer, inspector or authorised person if so requested by such inspector ; and
- (b) maintain the quality control of each product which such holder is authorised to manufacture, in conformity with the data and procedures approved by the Director for such certificate.

**Privileges of holder of production certificate**

**21.07.6** The holder of a production certificate shall be entitled to –

- (a) in the case of an aircraft, obtain a certificate of airworthiness; or
- (b) in the case of any other product, obtain approval for installation on certificated aircraft .

**Transferability and period of validity**

**21.07.7** (1) A production certificate issued in terms of regulation 21.07.3 shall –

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director.

(2) The holder of a production certificate which is suspended, shall forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a production certificate which is cancelled, shall, within 30 days from the date on which the certificate is cancelled, surrender such certificate to the Director.

**SUBPART 8: CERTIFICATES OF AIRWORTHINESS****Categories of certificates of airworthiness**

**21.08.1** (1) The categories of certificates of airworthiness are –

- (a) a standard category certificate of airworthiness;
- (b) a special category certificate of airworthiness.

(2) A standard certificate of airworthiness may be issued to aircraft in the specific operational category provided the aircraft meets the requirements of the specific regulatory part and may consist of the following operation categories:

- (a) Non-commercial operations, Part 91;
- (b) Training, Part 141; and
- (c) Commercial operations, Parts 121, 127, 133, 135, 137 and 138.

(3) A special airworthiness certificate may be issued to an aircraft that does not fully meet the requirements of the State of Design for a standard airworthiness certificate. The types of special category certificate of airworthiness shall consist of –

- (a) an experimental certificate or a special flight permit; and
- (b) a restricted category certificate of airworthiness.

(4) An aircraft may be issued with a standard category certificate of airworthiness which includes limitations that otherwise would require it to be issued with a special category certificate of airworthiness, provided the aircraft –

- (a) can be converted from one configuration to another by removing or adding equipment by simple mechanical means, and complies with the requirements prescribed for flight operations in that configuration and the particular operation; and
- (b) after having been operated in terms of Part 137, is inspected for release to service according to the provisions of Part 43, each time the aircraft is restored to a configuration permitting the carriage of passengers in terms of Part 121, Part 127, Part 135 or Part 138, as the case may be, unless the Director finds this unnecessary for safety in a particular case.

(5) The holder of a standard restricted or special category of airworthiness certificate shall pay the annual currency fee as prescribed in Part 187, applicable to the type of certificate of airworthiness, on the anniversary date of such certificate.

**Requirements for certificate of airworthiness**

**21.08.2** No aircraft shall be operated in the Republic unless such aircraft has been issued with a certificate of airworthiness and unless the conditions on which such certificate was issued or rendered effective are complied with.



(2) The Director shall issue certificate of airworthiness for aircraft registered in the Republic based on satisfactory evidence that the aircraft complies with the design aspects of the appropriate airworthiness requirements (type certificate).

**Application for certificate of airworthiness or amendment thereof**

**21.08.3** (1) Any owner of an aircraft, or his, her or its authorised representative, may apply for the issuing of a certificate of airworthiness for the aircraft, or an amendment thereof.

(2) An application for the issuing of a standard certificate of airworthiness, or an amendment thereof, shall be –

- (a) made in the form and manner prescribed by the Director; and
- (b) accompanied by –
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof of compliance with the provisions of regulation 21.08.4.

(3) An application for the issuing of an experimental certificate, or an amendment thereof, shall be –

- (a) made in the form and manner prescribed by the Director; and
- (b) accompanied by –
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof of compliance with the provisions of regulation 21.08.5.

(4) The holder of a standard restricted or special category of airworthiness certificate shall pay the annual currency fee as prescribed in Part 187, applicable to the type of certificate of airworthiness, on the anniversary date of such certificate.

**Requirements for standard category certificate of airworthiness**

**21.08.4** (1) An applicant for the issuing of a standard category certificate of airworthiness for an aircraft, or an amendment thereof, shall provide the Director with proof that –

- (a) in the case of a new aircraft type manufactured by the holder of a manufacturing organisation approval issued under Part 148 –
  - (i) the applicant is the manufacturer; and
  - (ii) the applicant has issued a statement of conformity in terms of regulation 21.02.6; or
- (b) in the case of an imported aircraft –
  - (i) a standard category type acceptance certificate has been issued for the aircraft type in terms of regulation 21.04.5; and
  - (ii) a statement of conformity has been issued by, or in accordance with the laws of, the appropriate authority of the exporting State.

(2) The applicant shall, in addition to the provisions of sub-regulation (1), provide the Director with proof that –

- (a) the aircraft conforms to an appropriate type certificate or type acceptance certificate;
- (b) any modification to the aircraft conforms to the design changes approved for the type;
- (c) the aircraft complies with the appropriate airworthiness directives issued in terms of regulation 21.01.4;
- (d) the aircraft is issued with the appropriate flight manual, and any logbooks, repair and alteration forms and documents which the Director may require; and
- (e) the aircraft is in a condition for safe operation.

#### **Carrying out test flights in certain circumstances**

**21.08.5** An aircraft required to be issued or re-issued with a certificate of airworthiness or if such certificate of airworthiness is required to be rendered effective may be test flown with the written permission of the owner or operator provided that –

- (a) the aircraft has been issued with or possesses a valid South African certificate of registration;
- (b) an application form, as laid down by SA-CATS 21 requesting the issue of a certificate of airworthiness has been lodged with the Director;
- (c) the application is accompanied by the fee prescribed in Part 187 for the issue of the above-mentioned certificate;
- (d) where the certificate of airworthiness has expired due to an imposed calendar limit and such certificate needs to be re-issued, the requirements pertaining to the currency fee prescribed in the aforementioned regulations are to be met;
- (e) the aircraft is to be certified safe for the intended flight in the airframe logbook, prior to the flight by the holder of a valid, suitably rated AME's licence issued in terms of Part 66, or by such person who is a holder of valid certification, on type, issued in terms of Part 145 of these regulations; and
- (f) the aircraft has to make its first landing at the point of departure.

#### **Requirements and application for experimental certificate**

**21.08.6** (1) An experimental certificate for an aircraft may be issued for the purposes of –

- (a) showing compliance with the regulations with specific reference to the conducting of flight tests and other operations to show compliance with the airworthiness regulations including –
  - (i) flights to show compliance for issuance of a type certificate or
  - (ii) supplemental type certificate;
  - (iii) flights to substantiate major design changes; and
  - (iv) flights to show compliance with the function and reliability requirements of the regulations; or
- (b) research and development relating to the testing of new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses for aircraft.

(2) An experimental certificate for a non-type certificated aircraft is issued as a proving flight authority as prescribed in Part 24 of the regulations.

(3) An application for the issue of an experimental certificate or an amendment thereto, other than for a non-type certificated aircraft, shall be made in the prescribed form and manner and shall include –

- (a) a statement specifying the purposes of the test flights;
- (b) sufficient data to identify the aircraft;
- (c) the estimated time and duration or number of the test flights;
- (d) details of the area over which the tests will be conducted;
- (e) proof that the aircraft complies with any design criteria or design changes necessary for the safe operation of the aircraft that the Director may require;
- (f) flight manuals, maintenance manuals, or such documents relating to the operation of the aircraft that the Director may require, if such manuals or documents already have been developed;
- (g) except for aircraft converted from a previously type-certificated aircraft without appreciable change in the external configuration or silhouette, three-view drawings or three-dimensional views of the aircraft; and
- (h) any other information that the Director may require in the interest of aviation safety.

(4) An application for the issue of a proving flight authority for a non-type certificated aircraft or an amendment thereto shall be made in accordance with the provisions of Part 24.

(5) An experimental certificate issued in terms of this Part shall be valid only for flights within the borders of the Republic and over international waters. For flights over or within the territory of another State, permission of the responsible aeronautical authority is required.

#### **Requirements and application for special flight permit**

**21.08.7** (1) A special flight permit for an aircraft may be issued for the purposes of –

- (a) ferrying an aircraft where the certificate of airworthiness has become invalid due to the aircraft no longer meeting its airworthiness standard to a base where maintenance can be carried out;
- (b) delivering or exporting the aircraft;
- (c) evacuating the aircraft from areas of impending danger;
- (d) carrying out a flight or a series of flights while the aircraft does not conform to the appropriate airworthiness design standards referred to in regulation 21.02.3; or
- (e) operation of an aircraft at a mass in excess of its maximum certificated take-off mass for flights beyond the normal range over water or over land areas where adequate landing facilities or appropriate fuel is not available. The excess mass that may be authorised under this sub-regulation is limited to the additional fuel, fuel-carrying facilities, and navigation and emergency equipment necessary for the flight.

(2) A special flight permit for a non-type certificated aircraft is issued as an authority to fly as prescribed in Part 24 of the regulations.

(3) An application for the issuing of a special flight permit for an aircraft or an amendment thereto, other than for a non-type certificated aircraft, shall be made in the prescribed form and manner and be accompanied by a statement containing –

- (a) the purpose of the flight(s);
- (b) the proposed itinerary;
- (c) details of any non-compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3;
- (d) any restriction that the applicant considers necessary for the safe operation of the aircraft; and
- (e) any other information that the Director may require for the purpose of prescribing operating limitations.

(4) The Director may make, or require the applicant to make appropriate inspections or tests to establish safety aspects.

(5) The application referred to in sub-regulation (3) shall be accompanied by the appropriate fee as prescribed in Part 187.

(6) An application for the issue of an authority to fly for a non-type certificated aircraft or an amendment thereto shall be made in accordance with the provisions of Part 24.

(7) A special flight permit issued in terms of this Part shall be valid only for flights within the borders of the Republic and over international waters. For flights over or within the territory of another State permission of the responsible aeronautical authority is required.

#### **Special flight permits with continued authorisation**

**21.08.8** (1) Upon application, the Director may issue a special flight permit with a continued authorisation to –

- (a) the holder of an operating certificate for the purpose of ferrying an aircraft that may not meet applicable airworthiness requirements but is capable of safe flight to a base where maintenance or alterations are performed; or
- (b) the holder of a manufacturing authorisation approval issued in terms of Part 148 for the purpose of –
  - (i) flight testing new production aircraft manufactured by such holder; and
  - (ii) conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests.

(2) The permit issued under this regulation is an authorisation, including conditions and limitations for flight, which is set forth in the operations manual or manual of procedure of the holder of the operating certificate or authorisation approval, as the case may be.

(3) The permit issued under this Regulation shall be valid only for flights within the borders of the Republic and over international waters. For flights over or within the territory of another State permission of the responsible aeronautical authority is required.

**Form of certificate of airworthiness**

**21.08.9** A certificate of airworthiness shall be issued on the prescribed form .

**Special flight permits with continuing authorisation**

**21.08.10** The Director may issue a special flight permit with a continuing authorisation to –

- (a) the holder of an operating certificate, for the purpose of flying aircraft to a base where maintenance is to be carried out; and
- (b) the holder of a manufacturing organisation approval issued in terms of Part 148, for the purpose of flight testing new production aircraft manufactured by such holder.

**RVSM approval**

**21.08.11** (1) An airworthiness approval certificate is required for aircraft that are to be operated within RVSM airspace.

(2) The requirements for such RVSM airworthiness approval certificate are contained in Section 6 of technical standard 91.04.31 of Document SA-CATS 91.

(3) An application for the issuing of an RVSM approval certificate shall be made to the Director as prescribed in regulation 91.04.31 (3).

**Period of validity**

**21.08.12** (1) A certificate of airworthiness shall be valid until –

- (a) it expires, if an expiry date has been determined; or
- (b) it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director.

(2) Subject to the provisions of sub-regulation (1), a certificate of airworthiness shall remain valid for as long as –

- (a) the aircraft remains a South African registered aircraft; and
- (b) in respect of an aircraft with a standard or restricted category certificate of airworthiness, the aircraft is maintained in accordance with the Regulations.

(3) The holder of a certificate of airworthiness which expires, shall forthwith surrender the certificate to the Director.

(4) The holder of a certificate of airworthiness which is suspended, shall forthwith produce the certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of a certificate of airworthiness which is cancelled, shall, within 30 days from the date on which the certificate is cancelled, surrender such certificate to the Director.

**Transferability**

**21.08.13** A standard or restricted certificate of airworthiness and an experimental certificate shall be transferred with the aircraft.

**Application for reissuing of certificate**

**21.08.14** (1) If a certificate issued under this Part is lost, stolen, damaged or destroyed, the holder thereof, or an AMO approved under Part 145 which is responsible for the servicing and maintenance of the aircraft, may apply to the Director for the issue of a duplicate certificate.

(2) An application referred to in sub-regulation (1) shall be –

- (a) made in the prescribed form ; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the certificate shall be issued in the prescribed form .

**SUBPART 9: APPROVAL OF PARTS AND APPLIANCES****Replacement and modification parts**

**21.09.1** (1) Subject to the provisions of sub-regulation (2), no person shall produce a modification or replacement part for sale for installation on a type certificate product unless such modification or replacement part is produced pursuant to a ZA-PMA issued under this subpart.

(2) The provisions of sub-regulation (1) shall not apply in respect of –

- (a) parts produced under a type certificate;
- (b) parts produced by an owner or operator for maintaining its own product;
- (c) parts produced under ZA-TSO; or
- (d) standard parts conforming to established civil aviation industry or South African civil aviation specifications.

**Inspections and tests**

**21.09.2** (1) An applicant for the issuing of a ZA-PMA shall carry out all inspections and tests which may be necessary to determine –

- (a) compliance with the appropriate airworthiness design standards referred to in regulation 21.02.3
- (b) that the materials conform to the specifications in the design;
- (c) that the part conforms to the drawings in the design; and
- (d) that the manufacturing processes, construction and assembly conform to those processes specified in the design.

(2) Unless authorised by the Director –

- (a) no part shall be presented to the Director for an inspection or test unless compliance with the provisions of sub-regulation (1)(b) and (d) has been proven for such part; and
  - (b) no change shall be made to a part between the time that compliance with the provisions of sub-regulation (1)(b) and (d) is proven for the part, and the time that such part is presented to the Director for the inspection or test.
- (3) The applicant shall establish a manufacturing inspection system to ensure that each completed part conforms to its design data and is safe for installation on appropriate type certified products.

#### **Application for ZA-PMA**

**21.09.3** (1) Any manufacturer who has been approved by the Director in terms of Part 148, may apply for a ZA-PMA.

(2) An application for the issuing of a ZA-PMA shall be –

- (a) made in the prescribed form and manner ; and
- (b) accompanied by –
  - (i) drawings and specifications necessary to show the configuration of the part;
  - (ii) information on dimensions, materials and processes necessary to define the structural strength of the part;
  - (iii) test reports and computations necessary to show that the design of the part complies with the airworthiness design standards referred to in regulation 21.02.3 applicable to the product on which the part is to be installed;
  - (iv) if the design of the part was obtained by a licensing agreement, a copy of such agreement; and
  - (v) the appropriate fee as prescribed in Part 187.

#### **Issuing of ZA-PMA**

**21.09.4** (1) Subject to the provisions of sub-regulation (2), an application in terms of regulation 21.09.3 shall be granted and a ZA-PMA issued if –

- (a) the Director is satisfied, upon examination of the design and the results of all inspections and tests, that the design complies with the airworthiness design standards referred to in regulation 21.02.3, applicable to the product on which the part is to be installed; and
- (b) the applicant submits a statement certifying that the manufacturing inspection system referred to in regulation 21.09.2(3), has been established.

(2) The Director shall not issue a ZA-PMA if the manufacturing facility for the part is located outside the Republic, unless the Director is satisfied that the location of such a facility will not impede the administration of the appropriate airworthiness requirements prescribed in this part.

**Duties of holder of ZA-PMA**

**21.09.5** The holder of a ZA-PMA shall –

- (a) maintain the manufacturing inspection system referred to in regulation 21.09.2(3);
- (b) notify the Director in writing, within 14 days from the date on which the manufacturing facility for the part concerned, was relocated or expanded to include additional facilities at other locations, of such relocation or expansion; and
- (c) determine that each completed part conforms to the approved design data and is safe for installation on type certificated products.

**Transferability and period of validity**

**21.09.6** (1) A ZA-PMA issued in terms of regulation 21.09.4 shall –

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director.

(2) The holder of a ZA-PMA which is suspended, shall forthwith produce the approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a ZA-PMA which is cancelled, shall within 30 days from the date on which the approval is cancelled, surrender such approval to the Director.

**SUBPART 10: APPROVAL OF PARTS AND APPLIANCES: IMPORT****Approval**

**21.10.1** (1) Any part or appliance manufactured in a foreign State with which the South African government has entered into an agreement for the acceptance of the part or appliance for export and import, shall be deemed to comply with the requirements for approval prescribed in this part, if the appropriate authority of the State in which the part or appliance was manufactured, issues an export certificate of airworthiness certifying that such part or appliance complies with those requirements, unless the Director is satisfied, based on the technical data submitted in terms of sub-regulation (2), that the part or appliance is otherwise not consistent with the airworthiness requirements prescribed in this part.

(2) An applicant for the approval of a part or appliance shall, upon request by the Director, submit to the Director any technical data concerning the part or appliance.



**SUBPART 11: EXPORT AIRWORTHINESS APPROVALS****Export airworthiness approvals**

21.11.1 (1) An export airworthiness approval for –

- (a) a Class I product, shall be issued in the form of an export certificate of airworthiness; and
- (b) a Class II or a Class III product, shall be issued in the form of an export airworthiness approval tag.

(2) An export airworthiness approval may be issued for –

- (a) any new aircraft other than an aircraft referred to in paragraph (b), which has been assembled and flight tested, and any other Class I product located in the Republic;
- (b) any small aeroplane, glider or normal category rotorcraft which has been type certificated and manufactured under a production certificate;
- (c) any used aircraft with a valid certificate of airworthiness, or other Class I product which has been maintained in accordance with the provisions of Part 43 and is located in a foreign State, if the Director is satisfied that the location does not impede the administration of the provisions of this Part;
- (d) any Class II or Class III product manufactured and located in the Republic.

**Application for export airworthiness approval**

21.11.2 (1) Any exporter or his, her or its authorised representative may apply for an export airworthiness approval for a Class I or a Class II product.

(2) Any manufacturer who has been approved by the Director in terms of Part 148, may apply for an export airworthiness approval for a Class III product if the manufacturer holds for such product –

- (a) a ZA-PMA; or
- (b) a ZA-TSO authorisation.

(3) An application for the issuing of an export airworthiness approval for a Class I, a Class II or a Class III product shall be –

- (a) made in the prescribed form and manner ; and
- (b) accompanied by –
  - (i) a written statement from the appropriate authority of the importing State that such authority will validate the export airworthiness approval if the product being exported is –

- (aa) an aircraft manufactured outside the Republic and being exported to a foreign State with which the South African government has entered into a reciprocal agreement concerning the recognition of export airworthiness approvals;
- (bb) an unassembled aircraft which has not been flight-tested.;
- (cc) a product which does not comply with the requirements referred to in regulation 21.11.3(1), (2) or (3), as the case may be, for the issuing of an export airworthiness approval, in which case the written statement shall contain a list of those requirements not complied with;
- (ii) in the case of an application for the issuing of an export airworthiness approval for a Class I product –
  - (aa) a statement of conformity for each new product;
  - (bb) the mass and balance report as prescribed in Document SA-CATS 21;
  - (cc) a maintenance manual for each new product if the manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.3;
  - (dd) proof of compliance with the appropriate airworthiness directives issued in terms of regulation 21.01.4, including suitable notation of those directives which are not complied with;
  - (ee) the AFM if such manual is required by the appropriate airworthiness design standards referred to in regulation 21.02.3, for the particular aircraft;
  - (ff) a statement on the date on which ownership passed or is expected to pass to a foreign purchaser; and
  - (gg) the date required by the appropriate authority of the importing State; and
- (iii) the appropriate fee as prescribed in Part 187.

#### **Issuing of export airworthiness approval**

**21.11.3** (1) An application in terms of regulation 21.11.2 shall be granted and an export certificate of airworthiness for a Class I product issued on the appropriate form if –

- (a) in the case of a product manufactured in the Republic, the product complies with the requirements prescribed in subpart 8;
- (b) in the case of a product manufactured outside the Republic, a valid South African certificate of airworthiness has been issued for the product;
- (c) the product has undergone a mandatory periodic inspection and be approved for release to service; and
- (d) the requirements prescribed by the appropriate authority of the importing State are complied with.

(2) An application in terms of regulation 21.11.2 shall be granted and an export airworthiness approval tag for a Class II product issued on the appropriate form if the product –

- (a) is new or has been newly overhauled and conforms to the approved design data;
- (b) is in a condition for safe operation;
- (c) is identified with at least –
  - (i) the name;
  - (ii) the part number;

- (iii) the model and designation; and
- (iv) the serial number or equivalent, of the manufacturer; and
- (d) complies with the requirements prescribed by the appropriate authority of the importing State.

(3) An application in terms of regulation 21.11.2 shall be granted and an export airworthiness approval tag for a Class III product issued on the appropriate form if the product –

- (a) conforms to the approved design data applicable to the Class I or Class II product of which it is part;
- (b) is in a condition for safe operation; and
- (c) complies with the requirements prescribed by the appropriate authority of the importing State.

#### **Duties of holder of export airworthiness approval**

**21.11.4** The holder of an export airworthiness approval shall –

- (a) forward to the appropriate authority of the importing State, all documents and information which may be necessary for the safe operation of the product being exported;
- (b) forward the manufacturer's assembly instructions and a flight test checkoff form approved by the Director, to the appropriate authority of the importing State if unassembled aircraft are being exported;
- (c) remove or cause to be removed any temporary installation incorporated on an aircraft for the purpose of export delivery and restore the aircraft to the approved configuration upon completion of the delivery flight;
- (d) secure all proper foreign entry clearances from all the States involved when conducting sales demonstrations or delivery flights; and
- (e) when ownership of an aircraft passes or has passed to a foreign purchaser –
  - (i) request cancellation of the South African registration and certificate of airworthiness; and
  - (ii) submit a statement certifying that the South African nationality and registration marks have been removed from the aircraft.

#### **Inspections and overhauls**

**21.11.5** Each inspection and overhaul required for export airworthiness approval of a Class I and a Class II product shall be carried out and approved by –

- (a) the manufacturer of the product;
- (b) an AMO approved by the Director in terms of Part 145; or
- (c) an operator, if the product is maintained under the operator's continued airworthiness maintenance programme and maintenance manual.

**SUBPART 12: ZA-TSO AUTHORISATIONS****ZA-TSO markings**

**21.12.1** No person shall identify an article with ZA-TSO marking unless such person holds a ZA-TSO authorisation and the article complies with the appropriate ZA-TSO performance standards as prescribed in Document SA-CATS 21.

**Application for ZA-TSO authorisation**

**21.12.2** (1) An applicant for the issuing of a ZA-TSO authorisation shall be the holder of a manufacturing organisation approval issued in terms of Part 148.

(2) An application for the issuing of a ZA-TSO authorisation shall be –

- (a) made in the prescribed form and manner ; and
- (b) accompanied by –
  - (i) a statement of conformity certifying that the applicant has complied with the requirements prescribed in this subpart and that the article complies with the appropriate ZA-TSO which is valid on the date of application for such article;
  - (ii) one copy of the technical data required in the appropriate ZA-TSO; and
  - (iii) the appropriate fee as prescribed in Part 187.

(3) If a series of minor changes in accordance with the provisions of regulation 21.12.6 is anticipated, the applicant may include in its application the basic model number of the article and the part number of the components, with brackets after such number, to denote that suffix change letters or numbers or combinations thereof, will be added from time to time.

(4) The Director may request the applicant to submit such additional information which may be necessary to prove compliance with the requirements prescribed in this subpart.

(5) If the applicant fails to submit the additional information referred to in sub-regulation (4) within 30 days from the date on which the Director requested such additional information, the application shall be denied and the applicant so notified.

**Issuing of ZA-TSO authorisation**

**21.12.3** (1) An application referred to in regulation 21.12.2 shall be granted and a ZA-TSO authorisation issued if –

- (a) the applicant complies with the requirements prescribed in this Subpart;
- (b) the Director is satisfied that the applicant has the ability to manufacture duplicate articles in accordance with the requirements prescribed in this Subpart; and
- (c) the issuing of the ZA-TSO authorisation is not contrary to the interests of aviation safety.

(2) The Director shall consider the application for ZA-TSO authorisation within 30 days after the receipt of the application or, if additional information has been requested, within 30 days from the date of receiving such additional information.

(3) The Director shall not issue the ZA-TSO authorisation if the manufacturing facility for the article is located outside the Republic, unless the Director is satisfied that the location of such facility will not impede the administration of the appropriate airworthiness requirements prescribed in this part.

#### **Duties of holder of ZA-TSO authorisation**

**21.12.4** A manufacturer who holds a ZA-TSO authorisation for an article shall –

- (a) manufacture the article in accordance with the requirements prescribed in this subpart and the appropriate ZA-TSO;
- (b) conduct all the required tests and inspections and establish and maintain a quality assurance system which is adequate to ensure that the article complies with the requirements referred to in paragraph (a) and is in condition for safe operation;
- (c) prepare and maintain, for each model of each article for which a ZA-TSO authorisation has been issued, a current file of complete technical data and records in accordance with regulation 21.12.7;
- (d) permanently and legibly mark each article to which this regulation applies with –
  - (i) the name and address of the manufacturer;
  - (ii) the name, type, part number or model designation of the article;
  - (iii) the serial number or the date on which the article was manufactured, or both; and
  - (iv) the appropriate ZA-TSO number.

#### **Approval for deviation**

**21.12.5** (1) A manufacturer who requests approval to deviate from any performance standard of a ZA-TSO, shall prove to the Director that the standards from which a deviation is requested, are compensated for by factors or design features providing an equivalent level of safety.

(2) The written request for approval to deviate, together with all pertinent data, shall –

- (a) if the article is manufactured in the Republic, be submitted to the Director;
- (b) if the article is manufactured in a foreign State, be submitted through the appropriate authority of such State to the Director; and
- (c) be accompanied by the appropriate fee as prescribed in Part 187.

(3) The Director shall grant the approval if the Director is satisfied that the deviation concerned will not jeopardise aviation safety.

**Design changes**

**21.12.6** (1) A manufacturer who holds a ZA-TSO authorisation may make minor design changes to an article without the prior approval of the Director if the changed article retains the original model number and such holder submits to the Director any revised data which are necessary for compliance with the provisions of regulation 21.12.2(3).

(2) If a manufacturer who holds a ZA-TSO authorisation wishes to make major design changes to an article, the manufacturer shall assign a new type or model designation to the article and apply for an authorisation in terms of regulation 21.12.2.

(3) No design change by any person other than the manufacturer who submitted the statement of conformity for the article, shall be approved under this subpart unless the person seeking the approval is a manufacturer and applies in terms of regulation 21.12.2(2) for a separate ZA-TSO authorisation.

**Record-keeping requirements**

**21.12.7** (1) A manufacturer who holds a ZA-TSO authorisation shall, for each article manufactured under the authorisation, keep the following documents at its manufacturing facility:

- (a) A complete and current technical data file for each type or model article, including design drawings and specifications; and
- (b) complete and current inspection records reflecting that all inspections and tests required to ensure compliance with the appropriate requirements prescribed in this subpart, have been properly completed and documented.

(2) A manufacturer who holds a ZA-TSO authorisation shall retain the records referred to in sub-regulation (1)(a) until it no longer manufactures the article concerned: Provided that at such time copies of such records shall be submitted to the Director.

(3) A manufacturer who holds a ZA-TSO authorisation shall retain the records referred to in sub-regulation (1)(b) for a period of at least five years.

**ZA-TSO design approval for appliances: Import**

**21.12.8** (1) An application for the issuing of a ZA-TSO design approval shall be made in the prescribed form and manner and shall be accompanied by –

- (a) proof of compliance with the requirements referred to in sub-regulation (2); and
- (b) the appropriate fee as prescribed in Part 187.

(2) A ZA-TSO design approval may be issued for an appliance which is manufactured in a foreign State with which the South African government has entered into an agreement for the acceptance of the appliance for export and import and which is to be imported into the Republic if:

- (a) the appropriate authority of the State in which the appliance was manufactured, certifies that the appliance has been examined and tested and complies with –
  - (i) the applicable ZA-TSO; or
  - (ii) the appropriate performance standards prescribed by the appropriate authority of the State in which the appliance was manufactured and any other performance standards as prescribed in Document SA-CATS 21 to provide a level of safety provided by the applicable ZA-TSO; and
- (b) the manufacturer has submitted to the Director one copy of the technical data required in the appropriate performance standards through the appropriate authority.

(3) The Director shall issue a ZA-TSO design approval if the applicant complies with the requirements referred to in sub-regulation (2), and shall list any deviation granted to the manufacturer in terms of regulation 21.12.5.

(4) After the Director has issued a ZA-TSO design approval and the appropriate authority of the State in which the appliance was manufactured, issues an export certificate of airworthiness referred to in regulation 21.10.1, the manufacturer shall be authorised to identify the appliance in accordance with the ZA-TSO marking requirements referred to in regulation 21.12.4(d) and in the applicable ZA-TSO.

(5) Each appliance shall be accompanied by an export certificate of airworthiness referred to in sub-regulation (3).

#### **Transferability and period of validity**

**21.12.9** (1) A ZA-TSO authorisation issued in terms of regulation 21.12.3 or a letter of ZA-TSO design approval issued in terms of regulation 21.12.8, shall –

- (a) not be transferable; and
- (b) be valid until it is surrendered by the holder thereof; or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director.

(2) The holder of a ZA-TSO authorisation or a ZA-TSO design approval, which is suspended, shall forthwith produce the authorisation or approval upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a ZA-TSO authorisation or a ZA-TSO design approval, which is cancelled, shall within 30 days from the date on which the authorisation or approval is cancelled, surrender such authorisation or approval to the Director.

**PART 24: AIRWORTHINESS STANDARDS: NON-TYPE CERTIFICATED AIRCRAFT****List of regulations****SUBPART 1: GENERAL**

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**SUBPART 1: GENERAL****Applicability**

**24.01.1** (1) This Part applies to –

- (a) Amateur-built aircraft;



- (b) Production-built aircraft;
  - (c) Veteran aircraft;
  - (d) Ex-military aircraft;
  - (e) Any other aircraft not qualifying, or no longer qualifying for the issue of a certificate of airworthiness in terms of Part 21 of these Regulations.
- (2) The aircraft referred to in sub-regulation (1) are classified in the following sub-groups –
- (a) Aeroplanes, including microlight aeroplanes
  - (b) Helicopters
  - (c) Gyroplanes and gyrogliders
  - (d) Gliders, including self-launching gliders and touring gliders
  - (e) Manned captive and manned free balloons
  - (f) Airships
  - (g) Unmanned aerial vehicles
  - (h) Hang-gliders, including powered hang-gliders
  - (i) Paragliders, including powered paragliders and paratrikes
  - (j) Parachutes
  - (k) Model aircraft
  - (l) Rockets
- (3) This Part does not apply to any aircraft that, for the purpose of flight –
- (a) is to be attached to and towed by a vehicle or vessel travelling on the surface;
  - (b) other than a manned captive balloon, is to be moored to the surface or any construction on the surface; and
  - (c) is to be flown line-controlled by a person on the surface:

Provided that such aircraft shall not be operated in contravention of these regulations, or cause an obstruction to aviation.

- (4) The airworthiness design standards for each sub-group of aircraft referred to in sub-regulation (2) are those referred to in regulation 24.01.2(5)(a).

#### **Airworthiness**

**24.01.2** (1) Before a non-type certificated aircraft, other than an aircraft classified in paragraphs (k) and (l) in regulation 24.01.1(2), is considered to be airworthy it shall –

- (a) have been issued with an authority to fly or a proving flight authority or special flight permit, as the case may be in terms of this Part;
- (b) have been maintained in accordance with the provisions of Part 44;
- (c) have no known condition which could make the aircraft unsafe for flight; and
- (d) have on-board, and in working order, the relevant communication and navigation equipment prescribed in Part 94 and Part 96 as applicable for the operation of the particular type of aircraft.

(2) In the case of –

- (a) amateur built aircraft, only those aircraft, of which the build standard has been submitted to the Director, may be built or imported and flown within the Republic: Provided that –
  - (i) Before any person commences with the construction of an aircraft, which is intended to be put on the South African Civil Aircraft Register, such person shall apply for a build number.
  - (ii) The application shall be made to the Director or the organisation designated for the purpose in terms of the Act, as the case may be, in the format prescribed in Document SA-CATS 24 and shall be accompanied by a copy of the design criteria of the aircraft, as prescribed in Document SA-CATS 24.
  - (iii) The Director or the organisation designated for the purpose in terms of the Act, as the case may be, shall on receipt of the prescribed documentation issue the build number to the applicant.
  - (iv) The Director or the organisation designated for the purpose in terms of the Act, as the case may be, must retain a register of build numbers issued and make relevant information available to any authorised officer, inspector or authorised person who needs such information for the purpose of oversight and inspection.
  - (v) The applicant, on being issued with the build number, shall enter a record of the build number in the aircrafts logbook or any other document associated with the construction of the aircraft.
- (b) production built aircraft, only those aircraft, of which the type design, the local or foreign manufacturing organisation and facility, the local assembling organisation and facility or agent/distributor, and the build standard has been approved by the Director may be built or imported and flown within the Republic.

(3) For the purposes of sub-regulation (2), the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, may consider a foreign manufacturing organisation as being approved if that facility was approved by an appropriate authority.

- (4) The design criteria and the build standard for an amateur- or production-built aircraft must –
- (a) comply with the appropriate design criteria as prescribed in Document SA-CATS 24;
  - (b) comply with any special conditions prescribed in regulation 24.02.4 or by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be; and
  - (c) incorporate no feature or characteristic that makes the aircraft type unsafe for its intended use.

(5) In the case of –

- (i) amateur built aircraft, static tests, as required, are to be carried out on the aircraft prior to its first flight or after a structural modification, referred to in Regulation 44.03.14, according to Document SA-CATS 24.
- (ii) production built aircraft, in the absence of static test documentation from an appropriate authority acceptable to the Director, static tests, as required, are to be carried out on the aircraft prior to its first flight or after a structural modification, referred to in regulation 44.03.14, according to Document SA-CATS 24.

(6) The airworthiness of the aircraft, classified in sub-paragraphs (h) to (l) in regulation 24.01.1(2), shall be the sole responsibility of the owner or operator in accordance with generally accepted practices for such aircraft or as laid down by the organisation, approved for the purpose in terms of Part 149.

### **Registration**

**24.01.3** No non-type certificated aircraft classified in the sub-groups (a) to (g) of sub-regulation 24.01.1(2) shall be flown unless it has been registered and marked in accordance with the provisions of Part 47.

### **Aircraft documentation**

**24.01.4** (1) The owner of a non-type certificated aircraft specified under regulation 24.01.1(1) and classified in the sub-groups (a) to (g) of sub-regulation 24.01.1(2) shall submit to the Director or, if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, for approval, the documentation prescribed in SA-CATS 24.

(2) In the case of a production-built aircraft, a copy of the approved manuals, together with the aircraft logbook/s, shall accompany the aircraft, the kit, or the approved build standards on its delivery to a customer.

(3) In the case where proving flights for the purpose of consideration and issue of an authority to fly are carried out, the owner of the non-type certificated aircraft shall retain all documents and records, generated in the process, for the duration of the life of the aircraft.

### **Instruments, equipment and placards**

**24.01.5** (1) Any flight instrument, required to be installed in terms of these Regulations, shall be calibrated before first flight, and be checked for calibration annually thereafter.

(2) The minimum instrumentation and equipment and the placards to be installed in non-type certificated aircraft shall be as prescribed in Document SA-CATS 24.

**Issuing of airworthiness directives**

**24.01.6** (1) The Director may issue appropriate airworthiness directives in respect of design changes that are necessary to correct the unsafe condition of a non-type certificated aircraft.

(2) If the Director issues an airworthiness directive in terms of sub-regulation (1), the holder of any certificate issued in terms of this Part for the aircraft or its component, shall –

- (a) upon the request of the Director, submit appropriate design changes to the Director for approval; and
- (b) upon approval of the design changes, if applicable, make the descriptive data covering the changes available to all operators of the product.

**Safety inspections and audits**

**24.01.7** (1) An applicant for the issuing of any certificate, approval or authorisation in terms of this Part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of any certificate, approval or authorisation issued under this Part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

(3) Any inspection carried out on a non-type certificated aircraft in terms of sub-regulation (1) is of a conditional nature, in that the inspector an appropriately rated approved AMO, AME or approved person, rated in accordance with subpart 4 of Part 66 shall not be required to guarantee the airworthiness of the aircraft. The owner or operator of the aircraft shall at all times be responsible for the airworthiness status of the aircraft and, if called upon, shall prove to an inspector that the aircraft is in an airworthy condition.

**Register of certificates**

**24.01.8** (1) The Director or, if applicable, the organisation designated for the purpose in terms of Part 149 as the case may be, shall maintain a register of all certificates, approvals or authorisations issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) the full name of the holder of the certificate, approval or authorisation;
- (b) the postal address of the holder of the certificate, approval or authorisation; and
- (c) the date on which the certificate approval or authorisation was issued.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within thirty days from the date on which the certificate, approval or authorisation is issued.

(4) The register, and a true, certified copy of the issued certificate, approval or authorisation shall be kept in a safe place at the office of the Director or, if applicable, the organisation designated for the purpose in terms of Part 149 as the case may be.

(5) A copy of the register shall be furnished by the Director or, if applicable, the organisation designated for the purpose in terms of Part 149 as the case may be, on payment of the appropriate fee as prescribed in Part 187, to any person who requests the copy.

#### **Transitional provision**

**24.01.9** For the purposes of this Part, and until such time that an organisation has been approved in terms of Part 149, any person building or maintaining a non-type certificated aircraft for aviation recreational purposes shall comply with the airworthiness standards and procedures prescribed for its members by the national body representative of the particular aviation sport, provided that these standards and procedures include those prescribed in, and are not in conflict with, the provisions of this Part.

### **SUBPART 2: AUTHORITY TO FLY, PROVING FLIGHT AUTHORITY AND SPECIAL FLIGHT PERMIT**

#### **Application**

**24.02.1** (1) (a) An owner of a non-type certificated aircraft classified in the paragraphs (a) to (g) of sub-regulation 24.01.1(2), or his, her or its authorised representative, may apply for the issuing of an authority to fly for the aircraft, or for an amendment thereof.

(b) In respect of an aircraft, classified in paragraphs (h) to (l) of sub-regulations 24.01.1(2), no authority to fly or proving flight authority is required.

(2) An application for the issuing of an authority to fly, or an amendment thereof, shall be –

- (a) made to the Director or, if applicable, the organisation designated for the purpose in terms of Part 149 of these Regulations, as the case may be, on the prescribed form ;
- (b) accompanied by –
  - (i) the appropriate fee as prescribed in Part 187;
  - (ii) proof of compliance with the provisions of regulation 24.01.2(5);
  - (iii) the aircraft logbook/s or similar document, or certified true copies of all entries;
  - (iv) certified true copies of all documents and records in the construction or testing file;
  - (v) a certified true copy of the flight manual, if applicable; and

- (vi) a certified true copy of the approved maintenance schedule, referred to in Part 44.

### Requirements

**24.02.2** (1) An applicant for the issuing of an authority to fly for a non-type certificated aircraft, or an amendment thereof, shall provide the Director or, if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, with proof that, in the case of –

- (a) a non-type certificated aircraft, built in the Republic, –
  - (i) the provisions of Document SA-CATS 24 in respect of proving flights and of performance, handling and strength tests have been complied with; and
  - (ii) the aircraft, other than an amateur-built aircraft, was manufactured or assembled by an organisation designated by the Director in terms of regulation 24.03.1;
- (b) an imported non-type certificated aircraft, where the owner requests the aircraft to be registered in the South African Civil Aircraft Register, the aircraft –
  - (i) has been de-registered in the country of export or was never registered;
  - (ii) had been issued with a certificate of airworthiness, an authority to fly, or similar certificate by the appropriate authority of the country of de-registration; and
  - (iii) complies with all the applicable provisions of this Part; or
  - (iv) where the aircraft is a production-built aircraft which has not been previously issued with an authority to fly or similar certificate by an appropriate authority, it was manufactured or assembled by an organisation designated by the Director in terms of regulation 24.03.1.

(2) Prospective owners of an aircraft referred to in paragraph (b) of sub-regulation (1) shall first consult the Director and obtain approval before importing such an aircraft.

(3) Examples of documentation, required to show compliance with the provisions of sub-regulation (1), are outlined in Document SA-CATS 24.

(4) Except for the production-built aircraft referred to in sub-regulation (1)(b)(iv), only aircraft which previously have been registered and issued with a certificate of airworthiness, an authority to fly, or similar document by the appropriate authority of the country of deregistration may be imported into the Republic.

(5) The applicant shall, in addition to the provisions of sub-regulation (1), submit proof that –

- (a) any modification to the aircraft conforms to the design changes approved for the type;
- (b) the aircraft complies with all appropriate airworthiness directives issued in terms of regulation 24.01.6;
- (c) the aircraft is issued with the appropriate flight manual, and any logbooks, repair and alteration forms and documents which the Director may require;

- (d) an annual inspection has been carried out in accordance with the requirements of regulation 44.01.6; and
- (e) the aircraft is in a condition for safe operation.

(6)(a) Where the application is in respect of a previously type-certificated aircraft, other than a veteran aircraft, the applicant shall provide proof that the original identification plate has been removed and handed to the appropriate authority and the aircraft re-registered as a different make and type of aircraft.

(b) The Director shall inform the original manufacturer of the fact that the aircraft no longer meets its type certificate.

(7) In addition to the provisions of sub-regulation (1), (5) and (6), the applicant shall provide –

- (a) any other airworthiness data which the Director or, if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, may require; and
- (b) any document relating to the operation of the aircraft which the Director or, if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, may require.

(8) An application referred to in sub-regulation (1) shall be accompanied by the appropriate fee as prescribed in Part 187.

### Issuing

**24.02.3** (1) An application in terms of regulation 24.02.1 shall be granted and an authority to fly issued if the applicant complies with the provisions of regulation 24.02.2.

(2) An authority to fly is issued subject to such conditions and limitations which may be determined by the Director or, if applicable, the organisation designated for the purpose in terms of Part 149 of these Regulations, as the case may be.

(3) Whether the authority to fly will include permission to operate the aircraft at night, under IMC, or in commercial air transport operations or to conduct semi-aerobatic or aerobatic flights, depends on the results of the proving flights and the installed equipment.

(4) In the case of a locally built amateur-built aircraft, or in the case of any aircraft that previously has been issued with a certificate of airworthiness in terms of Part 21 or a similar document issued by another State in accordance with Annex 8 to the Convention, or of which the certificate of airworthiness or authority to fly has become invalid as a result of a proposed major modification, the authority to fly may normally be granted, or re-issued as the case may be, in two stages, namely, a proving flight authority and, thereafter, where applicable, the authority to fly.

(5) (a) Before a proving flight authority or an authority to fly is issued, the aircraft may be required to be inspected by an authorised officer, inspector or authorised person, and the owner shall be advised accordingly.

(b) The owner shall make the aircraft available for such inspection, where and when required.

#### **Proving flight authority**

(6) A proving flight authority shall show the base from which the proving flights are to be carried out.

(7) A proving flight authority may be extended for further periods at the discretion of the Director, or if applicable, the organisation designated for the purpose in terms of Part 149 of these Regulations, as the case may be, on the submission of an inspection report equivalent to an annual inspection.

(8) The constructor, as required, may effect modifications and repairs during the periods of validity of the proving flight authority. However, should a major modification or repair be required, the Director or the organisation designated in terms of Part 149 of these Regulations, may require that the proving flights be commenced anew.

(9) Proving flights shall be carried out as prescribed in document SA-CATS 24.

(10) Flights conducted in terms of a proving flight authority –

(a) are limited to an area not exceeding 100 km radius from the specified base from which such flights are to be undertaken, unless stated otherwise on the proving flight authority;

(b) may only be conducted under VMC by day;

(c) are forbidden over open-air assemblies of persons; and

(d) are forbidden over built-up areas, except where necessary for take-off and landing.

(11) Only essential crew members, including those persons assigned to carry out in-flight inspections, may be carried on board the aircraft during flights conducted in terms of a proving flight authority.

(12) Where a proving flight authority is issued in respect of an aircraft of a new design, or of which the originally-approved design has undergone major modification, the first flight or flights shall be conducted by a pilot with the appropriate test flight rating.

(13) With the approval of the Director, the flight or flights referred to in sub-regulation (12), the owner of the aircraft, if suitably qualified, may carry out additional proving flights. For the purpose of this sub-regulation, where the 'owner' consists of more than one natural person, one of these persons shall be designated by the test pilot to carry out the proving flights.



(14) The owner, referred to in sub-regulation (13), shall be a licensed pilot, holding the appropriate category and class rating, and having been converted on type by an appropriately rated flight instructor.

(15) Apart from any conversion training, which may be required in terms of sub-regulation (14), no flight training may be conducted on an aircraft, operated in terms of a proving flight authority.

(16) Where the limitations for flight still have to be established, such proving flight or flights shall be carried out by a pilot with the appropriate test flight rating.

(17) The final proving flight for the issue of an authority to fly shall be carried out by a pilot with the appropriate test flight rating who, if applicable, shall be the pilot who carried out the proving flights, referred to in sub-regulation (16).

#### **Special flight permit**

**24.02.4** (1) The Director or the organisation designated for the purpose in terms of Part 149 of these Regulations, as the case may be, may issue a special flight permit.

(2) A special flight permit for an aircraft may be issued for the purposes of –

- (a) ferrying an aircraft, where the authority to fly has become invalid, to a base where maintenance can be carried out;
- (b) delivering or exporting the aircraft;
- (c) evacuating the aircraft from areas of impending danger;
- (d) carrying out a flight or a series of flights while the aircraft does not conform to the appropriate airworthiness design standards referred to in regulation 24.01.2; or
- (e) operation of an aircraft at a mass in excess of its maximum certificated take-off mass for flights beyond the normal range over water or over land areas where adequate landing facilities or appropriate fuel is not available. The excess mass that may be authorised under this sub-regulation is limited to the additional fuel, fuel-carrying facilities, and navigation and emergency equipment necessary for the flight.

(3) An application for the issuing of a special flight permit for an aircraft or an amendment thereto, shall be made on the prescribed form.

(4) A special flight permit issued in terms of this Part shall be valid only for flights within the borders of the Republic and over international waters. For flights over or within the territory of another State permission of the responsible aeronautical authority is required.

#### **Form**

**24.02.5** An authority to fly and a proving flight authority shall be issued on the appropriate prescribed form.

**Period of validity**

**24.02.6** (1) An authority to fly and a proving flight authority shall be valid until –

- (a) the expiry date;
- (b) it is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person;
- (c) cancelled by the Director, or the organisation designated for the purpose in terms of Part 149, as the case may be;
- (d) a major modification is effected to the aircraft; or
- (e) the aircraft is involved in an incident or accident that results in major damage to its primary structure.

(2) Subject to the provisions of sub-regulation (1), an authority to fly or proving flight authority shall remain valid for as long as –

- (a) the aircraft remains registered on the South African Civil Aircraft Register; and
- (b) the aircraft is maintained in accordance with the regulations.

(3) The holder of an authority to fly or proving flight authority which expired shall forthwith surrender the authority to fly or proving flight authority to the Director or, if applicable, the organisation designated for the purpose in terms of these Regulations, as the case may be.

(4) The holder of an authority to fly or proving flight authority which is suspended shall forthwith produce the authority to fly or proving flight authority upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(5) The holder of an authority to fly or proving flight authority which is cancelled shall, within 30 days from the date on which the authority to fly or proving flight authority is cancelled, surrender such certificate to the Director or, if applicable, the organisation designated for the purpose in terms of Part 149 of these Regulations, as the case may be.

(6) An authority to fly or a proving flight authority, which has been suspended, shall be reinstated when the cause for the suspension has been corrected to the satisfaction of the Director or, if applicable, the organisation designated for the purpose in terms of Part 149 of these Regulations, as the case may be.

**International operations**

**24.02.7** (1) An authority to fly is only valid for flight in South African airspace.

(2) Notwithstanding the provision of sub-regulation (1), a non-type certificated aircraft, issued with a South African Authority to fly, may be flown outside the Republic's borders if the appropriate authority with jurisdiction over the relevant airspace has given prior permission for the aircraft to be flown in such airspace, in the full knowledge that the authority to fly is not equivalent to a certificate of airworthiness issued in terms of ICAO Annex 8 to the Convention.

### Currency fee

**24.02.8** (1) (a) A currency fee, as prescribed in Part 187, shall be payable by the holder of an authority to fly, on the anniversary date of such authority to fly.

(b) Should the authority to fly not be valid at the time for any of the reasons stated in regulation 24.02.6, the currency fee will be waived until such time that the authority to fly is reinstated and the relevant fee for reinstatement becomes payable.

(2) The reinstatement date shall become the new anniversary date.

### Transferability

**24.02.9** (1) Although a proving flight authority or an authority to fly may be transferred in the name of a new owner, the aircraft may be re-registered in the new owner's name only –

(a) if all documents related to the airworthiness of the aircraft, including reports related to proving flights and the aircraft's logbooks, have been handed over to the new owner; or

(b) if the provisions of paragraph (a) have not or cannot be met, an inspection equivalent to an annual inspection has been carried out by a suitably qualified person other than the original owner, and the aircraft has been certified to be airworthy.

(2) After the transfer of a proving flight authority, the provisions of regulation 24.02.3 (6) to (17) shall apply with the necessary changes.

(3) The Director, or if applicable, the organisation designated for the purpose in terms of Part 149, as the case may be, shall determine the conditions for the continuation of the proving flights by or on behalf of the new owner, which conditions may include the instruction that the proving flights shall be commenced anew.

(4) The provisions of Part 47 of these Regulations shall apply with the necessary changes in respect of an application for the re-registration of an aircraft following a change of ownership.

### Aircraft type approval

**24.02.10** (1) An application for an aircraft type approval for an amateur-built aircraft to qualify as a production-built aircraft, shall be made in the prescribed form, and accompanied by –

(a) the appropriate fee as prescribed in Part 187;

(b) proof of compliance with the provisions of regulation 24.01.2, and in particular the technical standard 24.01.2.(2.2);

(c) a copy of the authority to fly issued for the prototype aircraft; and

(d) proof that the applicant meets the requirements of regulation 24.03.1.

(2) The Director shall issue a production-built aircraft type certificate in the prescribed form, if he or she is satisfied that –

(a) the applicant has been or may be approved as a manufacturing organisation in terms of regulation 24.03.1; and

(b) the aircraft will be manufactured according to the approved build standard.

**SUBPART 3: APPROVAL OF ORGANISATION****Application**

**24.03.1** (1) An application for the approval of a manufacturing or assembling organisation shall meet those provisions of Part 148, which the Director considers to be applicable.

(2) An application for the approval of a maintenance organisation or repair facility shall meet those provisions of Part 145, which the Director considers to be applicable.

**Cost recovery**

**24.03.2** The cost incurred by the Authority for approving a local or foreign organisation; i.e. travel, accommodation and subsistence, shall be at the expense of the applicant, manufacturer or agent, as the case may be.

**Approved organisations**

**24.03.3** A list of approved organisations, if any, shall be provided in Document SA-CATS 24.

**PART 34: ENGINE EMISSION CERTIFICATION****List of regulations****SUBPART 1: GENERAL**

- 34.01.1 Applicability
- 34.01.2 Safety inspections and audits
- 34.01.3 Register of certificates

**SUBPART 2: FUEL VENTING CERTIFICATES**

- 34.02.1 Fuel venting standards
- 34.02.2 Recognition of foreign fuel venting certificate
- 34.02.3 Application for fuel venting certificate
- 34.02.4 Issuing of fuel venting certificate
- 34.02.5 Period of validity
- 34.02.6 Transfer of fuel venting certificate

**SUBPART 3: ENGINE EMISSION CERTIFICATE**

- 34.03.1 Engine emission standards
- 34.03.2 Recognition of foreign engine emission certificate

34.03.3	Application for engine emission certificate
34.03.4	Issuing of engine emission certificate
34.03.5	Period of validity
34.03.6	Transfer of engine emission certificate

## **SUBPART 1: GENERAL**

### **Applicability**

**34.01.1** This Part applies –

- (a) in respect of fuel venting, to turbine engine powered aircraft manufactured after 18 February 1982; and
- (b) in respect of engine emissions, to aircraft with –
  - (i) turbo-jet and turbofan engines intended for propulsion only at subsonic speeds; and
  - (ii) turbo-jet and turbofan engines intended for propulsion at supersonic speeds, of which the date of manufacture is on or after 18 February 1982.

### **Safety inspections and audits**

**34.01.2** (1) An applicant for the issuing of a fuel venting certificate or an engine emission certificate, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of a fuel venting certificate or an engine emission certificate issued under this part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this part.

### **Register of certificates**

**34.01.3** (1) The Director shall maintain a current register of fuel venting certificates and engine emission certificates issued in terms of the regulations in this Part.

(2) The register shall contain the following particulars:

- (a) The full name of the holder of the fuel venting certificate or engine emission certificate;
- (b) the postal address of the holder of the fuel venting certificate or engine emission certificate;
- (c) the date on which the fuel venting certificate or engine emission certificate was issued;
- (d) the number of the fuel venting certificate or engine emission certificate issued;
- (e) the date on which the fuel venting certificate or engine emission certificate is suspended, if applicable; and

- (f) in the case of a transfer of an aircraft –
  - (i) the date on which the fuel venting certificate or engine emission certificate was transferred;
  - (ii) the full name and the trade name of the transferee, if any; and
  - (iii) the postal address of the transferee.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven days from the date on which the fuel venting certificate or engine emission certificate is issued, transferred or suspended, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) Information from the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requires such information.

## **SUBPART 2: FUEL VENTING CERTIFICATES**

### **Fuel venting standards**

**34.02.1** Subject to the provisions of regulation 34.01.1, any person who applies in terms of Part 21 for –

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate; or
- (e) a standard category certificate of airworthiness,

shall comply with fuel venting standards as prescribed in Document SA-CATS 34.

### **Recognition of foreign fuel venting certificate**

**34.02.2** The Director may recognise a fuel venting certificate or an equivalent document issued by an appropriate authority, if the standards under which the fuel venting certificate or equivalent document was issued, are not less stringent than the standards as prescribed in Document SA-CATS 34.

### **Application for fuel venting certificate**

**34.02.3** An application for the issuing of a fuel venting certificate shall be –

- (a) made in the prescribed form and manner ; and
- (b) accompanied by –
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof that the aircraft concerned complies with the fuel venting standards referred to in regulation 34.02.1.

**Issuing of fuel venting certificate**

**34.02.4** An application in terms of regulation 34.02.3 shall be granted and a fuel venting certificate issued in the appropriate form, if the applicant complies with the fuel venting standards referred to in regulation 34.02.1.

**Period of validity**

**34.02.5** (1) A fuel venting certificate shall be valid –

- (a) for the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the fuel venting certificate is valid, and such holder complies with the appropriate fuel venting standards referred to in regulation 34.02.1;
- (b) until the fuel venting certificate is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director.

(2) The holder of a fuel venting certificate which is suspended, shall forthwith produce the fuel venting certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a fuel venting certificate which is cancelled, shall, within 30 days from the date on which the fuel venting certificate is cancelled, surrender such fuel venting certificate to the Director.

**Transfer of fuel venting certificate**

**34.02.6** A fuel venting certificate shall be transferred with the aircraft.

**SUBPART 3: ENGINE EMISSION CERTIFICATE****Engine emission standards**

**34.03.1** Subject to the provisions of regulation 34.01.1, any person who applies in terms of Part 21 for –

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate; or
- (e) a standard category certificate of airworthiness,

shall comply with the appropriate engine emission standards as prescribed in Document SA-CATS 34.

**Recognition of foreign engine emission certificate**

**34.03.2** The Director may recognise an engine emission certificate or an equivalent document issued by an appropriate authority, if the standards under which the engine emission certificate or equivalent document was issued, are not less stringent than the standards as prescribed in Document SA-CATS 24.

**Application for engine emission certificate**

**34.03.3** An application for the issuing of an engine emission certificate shall be –

- (a) made in the prescribed form and manner ; and
- (b) accompanied by –
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof that the engine concerned complies with the engine emission standards referred to in regulation 34.03.1.

**Issuing of engine emission certificate**

**34.03.4** An application in terms of regulation 34.03.3 shall be granted and an engine emission certificate issued in the appropriate form, if the applicant complies with the engine emission standards referred to in regulation 34.03.1.

**Period of validity**

**34.03.5** (1) An engine emission certificate shall be valid –

- (a) for the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the engine emission certificate is valid, and such holder complies with the appropriate engine emission standards referred to in regulation 34.03.1;
- (b) until the engine emission certificate is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director.

(2) The holder of an engine emission certificate which is suspended, shall forthwith produce the engine emission certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of an engine emission certificate which is cancelled, shall, within 30 days from the date on which the engine emission certificate is cancelled, surrender such engine emission certificate to the Director.

**Transfer of engine emission certificate**

**34.03.6** An engine emission certificate shall be transferred with the aircraft.



**PART 36: NOISE CERTIFICATION****List of regulations**

36.00.1	Applicability
36.00.2	Noise standards
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36.00.4	Safety inspections and audits
36.00.5	Application for noise certificate
36.00.6	Issuing of noise certificate
36.00.7	Period of validity
36.00.8	Transfer of noise certificate
36.00.9	Register of certificates

**Applicability**

**36.00.1** This Part applies to –

- (a) subsonic jet aeroplanes;
- (b) supersonic aeroplanes;
- (c) propeller driven aeroplanes with a MCM exceeding 5 700 kilograms;
- (d) propeller driven aeroplanes with a MCM of 5 700 kilograms or less;
- (e) propeller-driven STOL aeroplanes; and
- (f) helicopters.

**Noise standards**

**36.00.2** Subject to the provisions of regulation 36.00.1, any persons who applies in terms of Part 21 for –

- (a) the issuing of a type certificate;
- (b) the issuing of a type acceptance certificate;
- (c) any change to a type certificate;
- (d) any change to a type acceptance certificate; or
- (e) a standard category certificate of airworthiness,

shall comply with the appropriate noise standards as prescribed in Document SA-CATS 36.

**Recognition of foreign noise certificate**

**36.00.3** The Director may recognise a noise certificate or an equivalent document issued by an appropriate authority, if the standards under which the noise certificate or equivalent document was issued, are not less stringent than the standards as prescribed in Document SA-CATS 36.

**Safety inspections and audits**

**36.00.4** (1) An applicant for the issuing of a noise certificate, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and flight and ground tests which may be necessary to verify the validity of any application made in terms of this Part.

(2) The holder of a noise certificate issued under this part, shall permit an authorised officer, inspector or authorised person to carry out such safety inspections and audits, including safety inspections and audits of its partners or subcontractors, which may be necessary to determine compliance with the appropriate requirements prescribed in this part.

**Application for noise certificate**

**36.00.5** An application for the issuing of a noise certificate shall be –

- (a) made in the prescribed form and manner ; and
- (b) accompanied by –
  - (i) the appropriate fee as prescribed in Part 187; and
  - (ii) proof that the aircraft concerned complies with the noise standards referred to in regulation 36.00.2.

**Issuing of noise certificate**

**36.00.6** An application in terms of regulation 36.00.5 shall be granted and a noise certificate issued in the appropriate form, if the applicant complies with the noise standards referred to in regulation 36.00.2.

**Period of validity**

**36.00.7** (1) A noise certificate shall be valid –

- (a) for the period for which the type certificate, type acceptance certificate or standard certificate of airworthiness held by the holder of the noise certificate is valid, and such holder complies with the appropriate noise standards referred to in regulation 36.00.2;
- (b) until the noise certificate is surrendered by the holder thereof, or is suspended by an authorised officer, inspector or authorised person, or cancelled by the Director.

(2) The holder of a noise certificate which is suspended, shall forthwith produce the noise certificate upon suspension thereof, to the authorised officer, inspector or authorised person concerned for the appropriate endorsement.

(3) The holder of a noise certificate which is cancelled, shall, within 30 days from the date on which the noise certificate is cancelled, surrender such noise certificate to the Director.

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**Transfer of noise certificate**

**36.00.8** A noise certificate shall be transferred with the aircraft.

**Register of certificates**

**36.00.9** (1) The Director shall maintain a current register of noise certificates issued in terms of this Part.

(2) The register shall contain the following particulars:

- (a) The full name of the holder of the noise certificate;
- (b) the postal address of the holder of the noise certificate;
- (c) the date on which the noise certificate was issued;
- (d) the number of the noise certificate issued;
- (e) the date on which the noise certificate is suspended, if applicable; and
- (f) in the case of a transfer of an aircraft –
  - (i) the date on which the noise certificate was transferred;
  - (ii) the full name and the trade name of the transferee, if any; and
  - (iii) the postal address of the transferee.

(3) The particulars referred to in sub-regulation (2) shall be recorded in the register within seven days from the date on which the noise certificate is issued, transferred or suspended, as the case may be.

(4) The register shall be kept in a safe place at the office of the Director.

(5) Information from the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who requires such information.

**PART 43: GENERAL MAINTENANCE RULES****List of regulations****SUBPART 1: GENERAL**

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**SUBPART 1: GENERAL****Applicability**

**43.01.1** (1) This Part applies to the maintenance, and the release to service after maintenance, of –

- (a) type certificated aircraft registered in the Republic; and
- (b) aircraft components to be fitted to such aircraft.

(2) This Part does not apply to any aircraft specified in regulation 24.01.1.

**Falsification, reproduction or alteration of maintenance documents**

**43.01.2** No person shall make or cause to be made –

- (a) any fraudulent or false entry in any record, which is required to be made, kept, or used to show compliance with any requirement prescribed in this Part; or
- (b) any reproduction or alteration for fraudulent purposes, of any record or report made in terms of the provisions of this Part.

**Logbooks**

**43.01.3** (1) Subject to the provisions of sub-regulation (2), the following logbooks shall be kept in respect of South African registered aircraft and other specified equipment for the purpose of recording therein the maintenance history of the equipment to which each relates:

- (a) an approved aircraft logbook for each aircraft;
- (b) an approved engine logbook for each aircraft engine; and
- (c) an approved propeller logbook for each propeller.

(2) (a) Logbooks should preferably be kept at the aircraft's base of operation.

(b) Details in respect of maintenance carried out while away from base shall be transferred to the appropriate logbook(s) within 48 hours after the return of the aircraft to its base of operation or entered within 48 hours of completion of any maintenance performed on the aircraft or other equipment at its base of operation.

(3) All logbooks shall be made available to an authorised officer, an inspector or an authorised person at all times for inspection.

(4) For an aircraft with a maximum approved passenger seat configuration in excess of nine seats, an aeroplane with a MCM in excess of 5 700 kg, or a helicopter with a MCM in excess of 3 175 kg, the logbook may refer to a separate system approved in its approved maintenance schedule for component and major repair tracking. Any entry in such system shall meet the requirements as prescribed for logbooks.

(5) The format of the logbooks shall be as prescribed in Document SA-CATS 43.

### **Preservation of logbooks**

**43.01.4** (1) The logbooks shall be preserved for a period of not less than six months from the date of destruction of the airframe, engine or propeller for which they were kept, unless the Director has prescribed a longer period in respect of the logbooks of an aircraft, its engine(s) or propeller(s) involved on an accident or incident.

(2)(a) Logbooks shall preferably not be carried in the aircraft to which they relate.

(b) In the case where the provisions of sub-regulation (3) are applicable, or when logbooks are needed for maintenance purposes and no other means of forwarding such logbooks are reasonably available, the logbooks are to be carried in the relevant aircraft.

(3) When an aircraft is exported and the logbooks are transported with the aircraft, a copy of the last major overhaul and repairs performed as well as copies of the defects rectification for the last six (6) months prior to export shall be retained by the exporter or the responsible aviation maintenance organisation, as the case may be.

### **Entries in logbooks**

**43.01.5** (1)(a) Entries in logbooks shall be made and signed by the holder of an appropriate licence, a person holding a valid authorisation issued in terms of Part 145, or by a person approved for the purpose by the Director.

(b) Matters that could not have come to the notice of such licence holder or approved person shall be entered and signed by the pilot-in-command.

(2) Any record kept for the purpose of compiling a logbook entry or where reference is made to a record system other than the logbook shall be produced when called for in the event of any inspection or investigation by an authorised officer, inspector or authorised person.

(3) Entries in logbooks shall contain all the information and particulars provided for in the logbook.

(4) (a) Whenever corrections are made to entries in a logbook, the correction shall be made in such a way that the original entry still remains legible.

(b) The use of tippex or similar correction methods is prohibited.

### **Entries of special significance**

**43.01.6** When repairs to an aircraft, aircraft engine or component or fixed or removable equipment were required in consequence either of damage caused by a forced or hard landing or of defects that occasioned a forced landing, the entry or entries made in the relevant logbook or books in respect of such repairs shall state that they were so required and shall identify the forced or hard landing in question.

**Maintenance of logbooks**

**43.01.7** The logbooks shall be kept up to date and maintained in a legible and permanent manner and in accordance with the "Instructions for use" in the logbook.

**Loss of logbooks**

**43.01.8** (1) When the registered owner of an aircraft reports the loss of a logbook currently in use, a request to open a substitute logbook shall be made in writing to the Director accompanied by affidavit and appropriate data for the purpose of reconstructing the logbook.

(2) When the Director approves the opening of a substitute logbook, the relevant authorisation shall be made a permanent part of that logbook.

(3) The procedure to be followed for the opening of a substitute logbook is prescribed in SA-CATS 43.

(4) When a logbook has been lost, the relevant certificate of airworthiness or authority to fly shall be considered invalid until such time that all the requirements for the opening of a substitute logbook have been met.

**SUBPART 2: MAINTENANCE****Aircraft maintenance schedules**

**43.02.1** (1) Every type certificated aircraft on the South African Civil Aircraft Register shall be maintained according to an approved aircraft maintenance schedule as prescribed in regulation 43.02.8.

(2) The owner of an aircraft shall draw up, or have drawn up a maintenance schedule for his or her aircraft in accordance with the provisions of technical standard 43.02.8 in Document SA-CATS 43.

(3) The owner or the responsible AMO shall submit the proposed maintenance schedule to the Director for approval.

(4) Provided the proposed maintenance schedule meets all the requirements of technical standard 43.02.8, the Director shall approve the proposed aircraft maintenance schedule either as submitted or as amended by him or her in the interest of aviation safety.

(5) The owner may request the Director for a permanent or temporary amendment to the approved aircraft maintenance schedule.



**Persons to carry out maintenance**

**43.02.2** (1) Subject to the provisions of sub-regulations (2) and (3), no person shall carry out maintenance on a type certificated aircraft or aircraft component unless such person –

- (a) is the holder of an AME licence with an appropriate rating issued in terms of Part 66;
- (b) carries out maintenance under the direct supervision of the holder of an AME licence with an appropriate rating issued in terms of Part 66; or
- (c) is authorised by the holder of an AMO approval with an appropriate rating issued in terms of Part 145, to carry out maintenance within the scope of such approval.

(2) The holder of a pilot licence with an appropriate type rating issued in terms of Part 61 or Part 62 may carry out the maintenance as prescribed in Document SA-CATS 43 if –

- (a) such holder is the owner or operator of the aircraft; and
- (b) the aircraft is used for non-commercial operations.

(3) The routine maintenance, scheduled inspections, structural integrity inspections, overhaul, modification, major repairs and structural repairs on aeroplanes with a MCM in excess of 5 700 kg or on helicopters with a MCM in excess of 3 175 kg shall be undertaken and certified by an appropriately rated approved AMO only.

**Carrying out of maintenance**

**43.02.3** Any person who carries out maintenance on an aircraft or aircraft component shall –

- (a) have available adequate accommodation and facilities for the necessary disassembly, proper inspection and re-assembly of the aircraft or aircraft component;
- (b) use methods, techniques and practices which are –
  - (i) prescribed in the current manufacturer's maintenance manual or in any instructions for safe operation and continued airworthiness;
  - (ii) in accordance with the approved maintenance schedule for the aircraft;
  - (iii) in accordance with Document SA-CATS 43; or
  - (iv) approved by the Director;
- (c) use the tools, equipment and test apparatus necessary to ensure that the maintenance is carried out in accordance with the appropriate manufacturer's requirements or standard practices approved by the Director;
- (d) on completion of the maintenance, ensure that the condition of the aircraft or aircraft component is satisfactory for release to service and is at least equal to its original or properly modified condition with regard to –
  - (i) aerodynamic function;
  - (ii) structural strength;
  - (iii) resistance to vibration and deterioration; and
  - (iv) other qualities affecting airworthiness;
- (e) use any special or test equipment recommended by the manufacturer, or equivalent equipment approved by the Director; and

- (f) if maintenance is carried out on an aircraft operated under an operating certificate, carry out such maintenance in accordance with the operator's approved maintenance control manual (MCM). The format and requirements for an MCM are prescribed in Document SA-CATS 43.

#### **Rectification of unsatisfactory items**

**43.02.4** (1) When during any maintenance or at any other time any part, product, component, equipment or item is found to be unserviceable or is unlikely to remain serviceable under normal operating conditions during the period preceding the next inspection, such rectification action as considered necessary shall be taken to ensure the continued serviceability of the part, component or item prior to releasing the aircraft to service.

(2) Deferred defects shall be transferred from the flight folio onto a work sheet. Any maintenance carried out to restore the serviceability of any part, component, equipment or item shall be clearly recorded in the relevant logbook or other approved recording system, and be certified by an appropriately rated licence or approval holder prior to releasing the aircraft to service.

(3) The person certifying the entry referred to in sub-regulation (2) shall furthermore certify in the relevant flight folio that the deferred defect has been rectified, and he or she shall date and sign the entry accordingly.

#### **Overhaul, repair and substitution of major components**

**43.02.5** (1) Unless the Director has otherwise approved, an aircraft and its components and installed equipment shall be overhauled or substituted at such times as recommended or specified by its manufacturer.

(2) Overhaul of a Class I or Class II product and repairs to the primary structure of an aircraft, its engine(s) or propeller(s) shall be undertaken by an appropriately rated approved AMO only.

(3) The procedure for reinstating the validity of a certificate of airworthiness deemed suspended when an aircraft is involved in an accident or incident that renders one or more Class I products defective is prescribed in Document SA-CATS 43.

(4) The requirements for the overhaul of components and equipment installed on an aircraft and of engines and propellers are those prescribed in Document SA-CATS 43.

(5) Where the Director has approved a time between overhaul (TBO) that differs from that recommended or specified by the manufacturer, such TBO shall be specified in the aircraft's approved maintenance schedule. Furthermore, where a manufacturer has not recommended or specified the overhaul of an item at certain times but where the Director considers its overhaul at certain intervals necessary in the interest of safety, he or she may prescribe a time between overhaul for such item in the aircraft's approved maintenance schedule.

(6) The requirements for the substitution of products, components and parts with new or overhauled items are those prescribed in Documents SA-CATS 43.

**Maintenance for IFR operations**

**43.02.6** Any person who carries out an inspection or maintenance on equipment required for communication, navigation and surveillance in an aircraft to be used under IFR shall carry out the inspection as prescribed in Document SA-CATS 43.

**Mass and balance**

**43.02.7** (1) Except with the written permission of the Director, no person may operate any South African registered aircraft unless its current empty mass has been established by means of a mass meter and its centre of gravity computed within the preceding five years.

(2) Whenever alterations are made which could influence an aircraft's empty mass or its centre of gravity, the mass and balance data shall be amended.

(3) An aircraft's empty mass shall be established by means of computation or by means of a mass meter by an appropriately approved AMO or a person acceptable to the Director. The aircraft's new centre of gravity shall be computed thereafter.

(4) The mass meter to be used shall, within the periods of 12 months immediately preceding the date of determination of the aircraft's empty mass, –

- (a) have been certified by a Government Assize Officer; or
- (b) if an electronic mass meter, have been tested by the South African Bureau of Standards or a similar body acceptable to the Director.

(5) The mass and centre of gravity data, as supplied by the manufacturer in respect of new aircraft, shall be acceptable for the purpose of this regulation for the first five-year period, provided that the empty mass was established by means of a mass meter.

(6) For the purpose of this regulation, the empty mass of an aircraft (as ascertained when the mass was last determined or computed) shall be the mass of the aircraft and its powerplant(s), including any engine coolant, unusable fuel, total oil, total hydraulic fluid, any fixed ballast, and all items of fixed equipment.

(7) Notwithstanding the provisions of the preceding sub-regulations, the Director may at any time, when he or she deems it necessary in the interest of aviation safety, require the mass of any aircraft to be established by means of a mass meter or its centre of gravity to be computed.

(8) The procedure to establish mass and the form on which the results of balance computations must be recorded is prescribed in the Document SA-CATS 43.

**Mandatory inspections**

**43.02.8** (1) Mandatory tests and inspections shall be carried in accordance with the approved maintenance schedule for a particular aircraft at the prescribed times or intervals.

(2) Mandatory inspections include –

- (a) for aeroplanes with a MCM of 5 700 kg or less or a maximum approved passenger seating configuration of not more than 9 seats, and for helicopters with a MCM of 3 175 kg or less or a maximum approved passenger seating configuration of not more than 9 seats –
  - (i) a mandatory periodic inspection; and
  - (ii) inspections in accordance with an approved progressive inspection programme;
- (b) for any aircraft, other than those referred to in paragraph (a), the approved maintenance schedule for the particular category and type of aircraft at the intervals prescribed by the schedule.

(3) An aircraft referred to in sub-regulation (2)(a)(i) that has not accumulated 100 hours within 12 months since its last inspection shall undergo a mandatory periodic inspection before it is being released to service.

(4) An aircraft referred to in sub-regulation (2) (a) (ii) that has not completed its progressive inspection programme within the period specified by the manufacturer or the Director shall undergo the remainder of the progressive inspection programme before it is being released to service.

(5) The maintenance schedules referred to in sub-regulation (1) are defined in Document SA-CATS 43.

#### **Air speed indicator and altimeter system tests and inspections**

**43.02.9** Any person who carries out air speed indicator and altimeter system tests and inspections shall –

- (a) perform the tests and inspections as prescribed in Document SA-CATS 43; and
- (b) for the altimeter tests, record on the altimeter case, the date on which and maximum altitude to which the altimeter has been tested.

#### **ATC transponder tests and inspections**

**43.02.10** Any person who carries out ATC transponder tests and inspections shall perform the tests and inspections as prescribed in Document SA-CATS 43.

#### **Emergency locator beacon tests and inspections**

**43.02.11** Any person who carries out emergency locator beacon tests and inspections shall perform the tests and inspections as prescribed in Document SA-CATS -43.

#### **Inspection requirements**

**43.02.12** Any person who carries out an inspection shall –

- (a) carry out the inspection so as to determine that the aircraft or aircraft component under inspection, complies with all appropriate airworthiness requirements prescribed in Part 21 ; and

- (b) if carrying out a mandatory periodic inspection, progressive inspection or scheduled inspection, use a checklist, which includes the scope and detail of the tests and inspections, referred to in regulation 43.02.8.

#### **Non-destructive testing**

**43.02.13** Any person who performs a non-destructive test on an aircraft, aircraft component or aircraft part shall –

- (a) be a holder of a certificate appropriate to the technique being used and to the level of qualification required, as specified in Document SA-CATS 43, or an equivalent certificate approved by the Director;
- (b) perform the non-destructive test using appropriate methods, techniques and standard practices, as specified in Document SA-CATS 43; and
- (c) use test equipment necessary to ensure that the non-destructive test is performed in accordance with the appropriate manufacturer's requirements.

#### **Airworthiness limitations**

**43.02.14** Any person who carries out maintenance specified in the airworthiness limitations section of a manufacturer's maintenance manual, or any instructions for safe operation and continued airworthiness, shall carry out the maintenance in accordance with that section.

#### **Modifications**

**43.02.15** (1) No person shall, without approval of the Director, carry out any modifications to a type certificated aircraft, including changes to equipment or the installation thereof, which affect, or are likely to affect, the serviceability of the aircraft, or the safety of its occupants or of any other persons or property.

(2) Before the approval of the Director is considered for a modification as referred to in sub-regulation (1), the owner of the aircraft, or any other person who applies for the modification, shall –

- (a) furnish the Director with such information, data, calculations, reports on tests, drawings or wiring diagrams relating to the design, and proof of effectiveness or airworthiness of such modification, as the Director may require; and
- (b) pay the appropriate fee as prescribed in Part 187.

(3) Notwithstanding the provisions of sub-regulations (1) and (2), such modifications as may from time to time be recommended by the manufacturer of the type of aircraft or equipment concerned, may be carried out if the modifications are carried out in accordance with the said manufacturer's recommendations.

#### **Test flights**

**43.02.16** (1) After any major repair or major modification to an aircraft, test flights shall be carried out in the aircraft under such conditions and in the manner as prescribed in the SA-CATS 43.

- (2) Only essential crew shall be carried aboard any aircraft undergoing a test flight.

#### **Temporary and permanent repairs after accidents or incidents**

**43.02.17** (1) Any repair to an aircraft or aircraft component, which has been damaged after an accident or an incident, shall be carried out in accordance with the requirements as prescribed in Document SA-CATS 43.

(2) Following the permanent repair of an aircraft that has been involved in an accident, as defined in paragraph (b) of the definition of 'accident' in Part 1 of these Regulations, the aircraft shall be inspected by an authorised officer, inspector or authorised person of the Authority, or another person specifically appointed for the purpose in writing by the Director, before it is released to service.

(3) The maintenance organisation or repair facility that carried out the repair shall pay the applicable inspection fees as prescribed in Part 187.

#### **Aircraft compass requirements**

**43.02.18** Any compass fitted to an aircraft shall be swung and maintained in accordance with the requirements as prescribed in Document SA-CATS 43.

#### **Extended range twin turbine-engine operations (ETOPS)**

**43.02.19** The additional maintenance requirements for twin-engine turbine aeroplanes certified for extended-range operations are prescribed in Document SA-CATS 43.

#### **RVSM Operations**

**43.02.20** The additional maintenance requirements for aircraft holding an RVSM approval certificate are prescribed in Document SA-CATS 43.

#### **Aircraft withdrawn from service for storage**

**43.02.21** (a) Aircraft withdrawn from service for storage shall meet the preservation instructions of the aircraft's manufacturer as prescribed in the relevant maintenance manuals, service bulletins, service letters or service instructions for the inoperative period.

(b) Before such an aircraft is returned to service, any prescribed maintenance shall be carried out prior to release to service.

#### **Suspected, unapproved parts**

**43.02.22** Any Class I, Class II or Class III part, component or product, whether new or previously used, for which no historical records are available or traceable, or for which the available records do not confirm that they have been approved by a responsible aviation authority, shall be considered to be unserviceable and may not be fitted to any type-certificated aircraft.

**SUBPART 3: RECORDING OF MAINTENANCE****Maintenance records**

**43.03.1** (1) Any person who carries out maintenance on an aircraft or aircraft component shall record, on completion of the maintenance –

- (a) details of the maintenance including, where applicable, the type of inspection and any approved data used;
- (b) for a mandatory periodic, progressive or scheduled inspection, whether a detailed inspection or routine inspection of the particular components or areas of the aircraft was carried out;
- (c) the serial numbers, if any, of components removed or fitted;
- (d) details of measurements or test results obtained, including the results of any ground or air tests;
- (e) for an air speed indicator or altimeter system pilot static test and inspection, the date on which, and maximum altitude to which the altimeter has been tested;
- (f) the date of completion of such maintenance;
- (g) the references to the documents used to carry out the maintenance and their revision status;
- (h) the name of the person completing such maintenance, if other than the person certifying the release to service;
- (i) the location and, if applicable, the name of the facility where such maintenance was carried out; and
- (j) where such maintenance has been carried out as a consequence of the failure of any equipment, or damage caused by forced landing or accident, the reasons for carrying out the maintenance.

(2) The person who carries out the maintenance shall –

- (a) record the details referred to in sub-regulation (1) in the appropriate logbook or in a maintenance record approved by the Director;
- (b) where worksheets or other associated maintenance records are used to document the details of the maintenance, make a reference to those records in the logbook, flight folio or in the maintenance record approved by the Director.

(3) The manner for completion of logbooks, flight folios and maintenance records, referred to in sub-regulation (2), and the period for which such documents shall be retained are prescribed in SA-CATS 43.

**Recording of overhaul**

**43.03.2** No person shall state in any maintenance document entry required by the Regulations, including a job card, logbook or a certificate of release to service, that an aircraft, airframe, engine or engine module, propeller, rotor, appliance or other aircraft component has been overhauled unless it has been –

- (a) disassembled, cleaned, inspected, repaired as necessary, and reassembled, using methods, techniques and practices acceptable to the Director; and
- (b) tested to the original tolerances and limits or to approved oversize or undersize dimensions in accordance with –
  - (i) current approved standards and technical data that have been developed and documented by the holder of a type certificate or supplemental type certificate issued in terms of Part 21 in a manual, airworthiness directive, service letter, service bulletin or other similar document declared mandatory by the Director; or
  - (ii) other standards or technical data approved by the Director.

#### **Recording of major repairs and modifications**

**43.03.3** Any person who carries out a major repair or a major modification shall, in addition to the entry referred to in regulation 43.03.1, record the repair or modification and process the certificate relating to the maintenance of the aircraft in the manner as prescribed in Document SA-CATS 43.

#### **Recording of inspection and certification**

**43.03.4** (1) Any inspection prescribed in regulation 43.02.8 must be recorded in the appropriate logbook(s) and mandatory inspections or any maintenance to an aircraft issued with a standard category certificate of airworthiness must be certified by the holder of an AMO approval with the appropriate ratings.

(2) Any aircraft on which the last mandatory inspection was certified by the holder of an AME licence and for which the issue of a standard category certificate of airworthiness in terms of Part 21 is requested, shall be inspected and certified by the holder of an appropriately-rated approved AMO.

(3) Any overhaul classed as mandatory for aircraft issued with a standard category certificate of airworthiness shall be carried out at the times specified and be certified in the prescribed manner by an appropriately rated approved AMO only.

(4) Any additional work, performed during an inspection, shall be recorded on a checklist and be certified in the relevant logbook(s) by the responsible AME or by an authorised person in the AMO concerned.

(5) Records pertaining to life-limited or previously used parts must be available and traceable. Parts with no historical record shall be considered to be unserviceable and such parts shall not be fitted to an aircraft.

#### **Annual review of maintenance**

**43.03.5** Any person who carries out and certifies an annual review of maintenance for an aircraft shall enter –

- (a) the statement as prescribed in Document SA-CATS 43, in the aircraft logbook or other technical record approved by the Director;
- (b) his or her signature, licence or authorised number, and the date on the entry; and



- (c) in the appropriate section of the aircraft technical log, the date of the review.

#### **SUBPART 4: RELEASE TO SERVICE**

##### **Persons to certify release to service**

**43.04.1** (1) No person shall certify an aircraft or aircraft component for release to service after maintenance unless such person –

- (a) is the holder of an AME licence with an appropriate rating issued in terms of Part 66;
- (b) is authorised by the holder of an AMO approval with an appropriate rating issued in terms of Part 145, to certify maintenance within the scope of such approval;
- (c) is authorised by the Director to certify an aircraft or aircraft component for release to service; or
- (d) for maintenance carried out outside the Republic, holds a licence or equivalent authorisation issued by an appropriate authority acceptable to the Director, for the type of aircraft or aircraft component.

(2) The holder of a pilot licence with an appropriate type rating issued in terms of Part 61 or Part 62 may certify maintenance which has been carried out in accordance with the conditions referred to in regulation 43.02.2(2).

##### **Requirements for certifying release to service**

**43.04.2** No person shall certify an aircraft or aircraft component for release to service after maintenance unless such maintenance has been carried out in accordance with the provisions of this Part and the aircraft or aircraft component is fit for release to service.

##### **Validity of a certificate of release to service**

**43.04.3** (1) A certificate of release to service for an aircraft shall be validated for a period not exceeding 12 months or 100 hours of flight time, whichever comes first, or such other time as approved in the progressive inspection programme referred to in regulation 43.02.8(2)(a)(ii).

(2) When a certificate of airworthiness becomes invalid due to an aircraft sustaining a defect not affecting the primary structure, the validity of the certificate is restored when the defect has been rectified and the necessary certification has been made.

(3) When a certificate of airworthiness becomes invalid due to an aircraft sustaining a serious defect in an accident or incident that affects the serviceability of a Class I product, the certificate of release to service shall be invalidated.

##### **Certifying after inspection**

**43.04.4** Any person who certifies an aircraft or aircraft component for release to service after carrying out an inspection shall enter in the appropriate logbook or other maintenance record approved by the Director –

- (a) the statement as prescribed in Document SA-CATS 43; and
- (b) his or her signature, licence or authorisation number and the date of the entry.

#### **Certifying after maintenance**

**43.04.5** (1) Any person who certifies an aircraft or aircraft component for release to service after maintenance shall enter in the appropriate logbook or other maintenance record approved by the Director –

- (a) the statement as prescribed in Document SA-CATS 43; and
- (b) his or her signature, licence or authorisation number and the date of the entry.

(2) If components are not installed in or allocated to an aircraft, the person certifying release to service shall certify the release to service on the appropriate prescribed form.

#### **Discrepancies**

**43.04.6** Any person who carries out an inspection and who does not release the aircraft or aircraft component to service shall –

- (a) provide the owner or operator with a signed and dated list of the discrepancies, including any equipment which is marked "inoperative" in terms of paragraph (c);
- (b) do so, if such person is satisfied that the aircraft –
  - (i) is not airworthy; or
  - (ii) does not comply with the applicable type certificate data, airworthiness directives or other approved data upon which the airworthiness of such aircraft depends;
- (c) for those items, which appear to be imperative, place a label on each inoperative instrument and the cockpit controls of each item of inoperative equipment, marking each item "inoperative";
- (d) enter the date of entry, his or her signature, licence or authorisation number and the appropriate statement, as prescribed in Document SA-CATS 43, in the appropriate logbook or flight folio.

#### **Flight manual data**

**43.04.7** If the approved data for a repair or modification to an aircraft or aircraft component include changes to the operating limitations or flight data in the AFM, the person certifying release to service shall not certify the release to service until the changes have been incorporated into the flight manual.

#### **Duplicate inspection of controls**

**43.04.8** (1) No person shall certify an aircraft component for release to service after the initial assembly, subsequent disturbance or adjustment of any part of an aircraft or component control system unless –

- (a) a duplicate safety inspection of the control system has been carried out; and
- (b) the duplicate safety inspection is recorded and certified in the appropriate logbook, or other maintenance record approved by the Director.

(2) A duplicate safety inspection authorised in terms of sub-regulation (1), shall consist of –

- (a) an inspection by a person referred to in regulation 43.04.1 to certify the release to service of the control system after maintenance; and
- (b) a second inspection carried out by another person who is a person referred to in regulation 43.04.1.

#### **Ground running checks - reciprocating engines**

**43.04.9** No person shall certify a reciprocating engine-powered aircraft for release to service after a mandatory inspection unless such person ensures that –

- (a) a ground run of the aircraft engine has been carried out to determine satisfactory performance, in accordance with the manufacturer's recommendations, for –
  - (i) the power output (static and idle RPM);
  - (ii) the ignition system;
  - (iii) the fuel and oil pressure; and (iv) the cylinder or coolant temperature, and oil temperature; and
- (b) the ambient conditions of temperature and atmospheric pressure and details of the results are recorded –
  - (i) in the appropriate engine or aircraft logbook; and
  - (ii) in the maintenance record.

#### **Ground running checks - turbine engine**

**43.04.10** No person shall certify a turbine engine-powered aircraft for release to service after a mandatory inspection unless such person ensures that –

- (a) a ground run of the aircraft engine has been carried out to determine satisfactory performance, in accordance with the manufacturer's recommendations;
- (b) the ambient conditions of temperature and atmospheric pressure and details of the results are recorded;
- (c) the engine parameters are recorded in accordance with the manufacturer's recommendations –
  - (i) in the appropriate engine or aircraft logbook; or
  - (ii) in the maintenance record.

#### **Flight folio completion**

**43.04.11** (a) No person shall certify an aircraft or aircraft component for release to service in an aircraft flight folio unless each applicable section of the flight folio has been completed.

- (b) This includes the section where any rectification of deferred defects must be recorded.

### **PART 44: MAINTENANCE RULES – NON-TYPE CERTIFICATED AIRCRAFT**

#### **SUBPART 1: GENERAL**

##### **44.01.1 Falsification, reproduction or alteration of maintenance documents**

- 44.01.2 Logbooks
- 44.01.3 Loss of logbooks
- 44.01.4 Persons to carry out maintenance
- 44.01.5 Rectification of unsatisfactory items
- 44.01.6 Annual inspections
- 44.01.7 Periodic and other inspections
- 44.01.8 Mandatory maintenance and inspections
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- 44.01.10 Modifications
- 44.01.11 Test flights
- 44.01.12 Aircraft compass requirements
- 44.01.13 Release to Service
- 44.01.14 Record keeping and audits
- 44.01.15 Entries of special significance
- 44.01.16 Overhaul, repair and substitution of major components
- 44.01.17 Temporary and permanent repairs after accidents or incidents

**SUBPART 2: PRIVATE NON-TYPE CERTIFICATED AIRCRAFT USE**

- 44.02.1 Accepted maintenance schedule

**SUBPART 3: COMMERCIAL NON-TYPE CERTIFICATED AIRCRAFT USE**

- 44.03.1 Accepted maintenance schedule
- 44.03.2 Maintenance control manual

**SUBPART 1: GENERAL**

**Falsification, reproduction or alteration of maintenance documents**

- 44.01.1** No person shall make or cause to be made –

- (a) any fraudulent or false entry in any record, which is required to be made, kept or used to show compliance with any requirements prescribed in this Part.
- (b) any reproduction or alteration for fraudulent purposes, of any record or report made in terms of the provisions of this Part.

### Logbooks

**44.01.2** (1) Subject to the provisions of sub-regulation (2), the following logbooks shall be kept in respect of South African registered non-type certificated aircraft and other specified equipment for the purpose of recording therein the maintenance history of the equipment to which each relates:

- (a) a single approved aircraft logbook. The logbook may also be used as the engine, propeller and airframe logbook; or
- (b) an approved logbook for –
  - (i) the aircraft airframe.
  - (ii) the engine(s), one logbook per engine.
  - (iii) the propeller(s), one logbook per propeller. In the case of a fixed pitch propeller the airframe logbook may be used as the propeller logbook.
- (c) In the event that existing logbooks in accordance with paragraph (b), above, have been used, then the logbooks in accordance with paragraph (b), above, shall continue to be used.

(2) Certain non-type certificated aircraft are exempted from the provisions of sub-regulation (1) in terms of regulation 94.03.2.

(3)(a) Logbooks shall not be kept in the aircraft under any circumstances.

(b) It is the owner's responsibility to keep the logbooks in a safe place.

(4) All logbooks shall be made available to an authorised officer, an inspector or an authorised person at all times for inspection.

(5) For an aircraft with an approved separate system as specified in its accepted maintenance schedule, for the purposes of component and major repair tracking, the logbook(s) must refer to this system and must meet the requirements as prescribed for logbooks.

(6) The format of the logbook(s) is prescribed in Document SA-CATS 44.

(7) The logbook(s) shall be preserved for a period of not less than six months from the date of destruction of the airframe, engine or propeller for which they were kept unless the Director, or the organisation designated for the purpose in terms of Part 149, as the case may be, has

prescribed a longer period in respect of the logbooks of an aircraft, its engine(s) or propeller(s) involved in an accident or incident.

(8) Logbook(s) shall not be carried in the aircraft to which they relate. In the case where logbook(s) are needed for maintenance purposes and no other means of forwarding such logbook(s) are reasonably available, the logbook(s) are to be carried in the relevant aircraft.

(9) Entries in the logbook(s) required to be kept in accordance with sub-regulation (1) shall be effected and signed by an appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66.

(10) The logbook(s) shall be kept up to date and maintained in a legible and permanent manner and in accordance with the instructions for use as prescribed in Document SA-CATS 44.

#### **Loss of logbooks**

**44.01.3** (1) When the registered owner of an aircraft reports the loss of a logbook currently in use, a request to open a substitute logbook shall be made in writing accompanied by an affidavit which includes the last available logbook entries as signed by an appropriately rated approved AMO, AME or approved person, rated in accordance with Subpart 4 of Part 66.

(2) Once the opening of a new logbook has been approved, the relevant authorisation shall be made a permanent part of that logbook.

(3) The procedure to be followed for the opening of a substitute logbook is prescribed in SA-CATS 44.

(4) When a logbook has been lost, the authority to fly shall be considered invalid until such time that all the requirements for the opening of a substitute logbook have been met.

#### **Persons to carry out maintenance**

**44.01.4** (1) No person may carry out maintenance on an amateur built aircraft or a production-built non-type certificated aircraft, or any component thereof, unless such person –

- (a) is appropriately rated or approved on type by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, to carry out maintenance; or
- (b) carries out the maintenance under the prescribed supervision of a person authorised by the Director or by the organisation referred to in paragraph (a). A dual check of the maintenance carried out must be performed by a person referred to in sub-paragraph (a); or
- (c) is the owner of the aircraft provided that an appropriately rated approved AMO, AME or Approved Person, rated in accordance with Subpart 4 of Part 66, performs a dual check on the maintenance which was carried out; or

(d) is an appropriately rated approved AMO, AME or approved person, rated in accordance with Subpart 4 of Part 66.

(2)(a) Components and parts intended to be used on non-type certificated aircraft may be fabricated by a person or organisation not licensed in terms of Part 66 or Part 145.

(b) The owner of the aircraft must provide the Director, or the organisation designated for the purpose in terms of Part 149, as the case may be, with evidence that the components or parts meet the minimum specification for the component or part as specified by the Original Equipment Manufacturer.

(c) An appropriately rated approved AMO, AME or approved person, rated in accordance with Subpart 4 of Part 66 shall sign off the component or part in the appropriate logbook.

#### **Rectification of unsatisfactory items**

**44.01.5 (1)** When during maintenance or at any other time any part, product, component, equipment or item is found to be unserviceable or is unlikely to remain serviceable under normal operating conditions during the period preceding the next inspection, such rectification action as considered necessary shall be taken to ensure the continued serviceability of the part, component or item prior to releasing the aircraft to service.

(2) Any maintenance carried out to restore the serviceability of any part, component, equipment or item shall be clearly recorded in the relevant logbook.

(3) For the case when an unsatisfactory item cannot be rectified an entry shall be made into the relevant logbook by an appropriately rated approved AMO, AME or approved person, rated in accordance with Subpart 4 of Part 66, stating any limits to the serviceability of the aircraft.

#### **Annual inspections**

**44.01.6 (1)** A non-type certificated aircraft, specified in regulation 24.01.1(1) and classified in paragraphs (a) to (g) of regulation 24.01.1(2) shall undergo an annual inspection no later than 365 days since the previous annual inspection, or an inspection equivalent to an annual inspection, was carried out.

(2) The items to be inspected as part of an annual inspection are those listed in Document SA-CATS 44 for the particular type of aircraft, and shall be incorporated in the accepted maintenance schedule.

(3) The annual inspection shall be recorded in the aircraft logbook and certified by the organisation or person by whom, or under whose prescribed supervision, the annual inspection was carried out.

(4) Within 30 days from the day that the annual inspection is completed, the annual inspection form, as prescribed in Document SA-CATS 44, shall be completed and forwarded to the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, together with the currency fee prescribed in regulation 24.02.8.

(5) The inspection, prior to the issue of a proving flight authority and the inspection prior to the issue or reissuing of an authority to fly of an amateur-built or production-built aircraft, referred to in regulation 24.02.2(5)(d), shall be carried out by an appropriately rated approved person who may not be the owner of the aircraft, even if the owner is also an appropriately rated approved person.

#### **Periodic and other inspections**

**44.01.7 (1)** In addition to the annual inspection, referred to in regulation 44.01.6, the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, may prescribe additional periodic inspections for non-type certificated aircraft depending on the type of aircraft and its intended use.

(2) A schedule, reflecting the periodic inspections prescribed in sub-regulation (1) shall be incorporated in the accepted maintenance schedule, referred to in regulation 44.02.1 or regulation 44.03.1, as applicable.

(3) In addition to the periodic inspections, referred to in sub-regulation (1), the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, may prescribe, by way of a Mandatory Airworthiness Notice, any additional inspection of a non-type certificated aircraft if considered necessary in the interest of safety.

#### **Mandatory maintenance and inspections**

**44.01.8** All special inspections and modifications prescribed by the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, to detect and correct an unsafe condition of a non-type certificated aircraft shall be considered mandatory.

#### **Mass and balance**

**44.01.9 (1)** Except with the written permission of the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, no person may operate a South African non-type certificated aircraft unless its current empty mass has been established by means of a suitable mass meter and its centre of gravity computed within the preceding five years as prescribed in Document SA-CATS 44.

(2)(a) The empty mass and centre of gravity of an aircraft shall be determined before any proving flight authorization is issued.

(b) The mass and centre of gravity data must be signed by an appropriately rated approved AMO, AME or approved person, rated in accordance with Subpart 4 of Part 66.

(c) The appropriate form is prescribed by the Director.

(3) The person who is responsible for establishing the mass and the computing of the centre of gravity of the aircraft shall make an appropriate entry in the airframe logbook of the aircraft concerned.



## **Modifications**

**44.01.10** (1) If a person intends to carry out any modifications, including changes to equipment or the installation thereof, which affect, or are likely to affect, the serviceability of the aircraft, or the safety of its occupants or any other persons or property, in relation to an amateur built aircraft or a production built aircraft –

- (a) in the case of a minor modification a notification of the modification must be submitted to the Director, or the organisation designated for the purpose in terms of Part 149, as the case may be, within 30 days of the modification being performed. All subsequent modifications shall be an amendment to the build standard;
- (b) in the case of a major modification an application for the approval of the modification and authority to fly, as prescribed in Document SA-CATS 44, must be submitted to the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, before the modification has been performed.

(2) The application referred to in sub-regulation (1) must be accompanied by the appropriate fee as described in Part 187.

(3) All approved modifications shall be entered into the appropriate logbook(s).

(4) An appropriately rated approved AMO, AME or approved person, rated in accordance with Subpart 4 of Part 66 shall sign in the appropriate logbook(s) that all procedures, as stated in the application for modification, were adhered to and that he or she is satisfied with the quality of the work which was carried out.

## **Test flights**

**44.01.11** (1) After any major repair or major modification to an aircraft, test flights shall be carried out in the aircraft under such conditions and in the manner as prescribed in the Document SA-CATS 44.

(2) Only essential crew, as required for the purpose, shall be carried aboard any aircraft undergoing a test flight

## **Aircraft compass requirements**

**44.01.12** (1) Any compass fitted to a non-type certificated aircraft shall be swung and maintained in accordance with the requirements as prescribed in Document SA-CATS 44.

(2) Notwithstanding sub-regulation (1), alternate means of direction indication may be installed in non-type certificated aircraft according to regulation 44.01.10.

(3) Maintenance for all direction indication equipment must be carried out initially and thereafter every 5 years and in the event of an equipment modification which could affect it, as prescribed in Document SA-CATS 44.

**Release to Service**

**44.01.13** (1) The release to service for an aircraft shall be issued in the prescribed format subject to the compliance with the accepted maintenance schedule as prescribed in regulation 44.02.1 or 44.03.1, as applicable.

(2) In the case of a non-type certificated aircraft operated in terms of –

- (a) Part 94, the release to service shall be confirmed by the aircraft owner following simple line maintenance or the annual inspection.
- (b) Part 96 or Part 141, the release to service shall be issued by an appropriately rated approved AMO, AME or approved person, rated in accordance with Subpart 4 of Part 66.

(3) The format for the issuing of the release to service shall be that as prescribed.

**Record keeping and audits**

**44.01.14** (1) Unless specifically exempted in terms of Part 94, the owner of a non-type certificated aircraft, classified in paragraphs (a) to (g) of regulation 24.01.01(2), shall maintain accurate maintenance records in accordance with sub-regulation (3) and as prescribed in Document SA-CATS 44.

(2) The Director or the organisation designated for the purpose in terms of Part 149, as the case may be, may from time to time carry out audits of the equipment, records and procedures to ascertain whether the aircraft continues to be maintained in a safe and satisfactory manner, and the owner shall allow unrestricted access thereto.

(3) A person who carries out maintenance on a non-type certificated aircraft or aircraft component shall record, on completion of the maintenance all details as specified in the Document SA-CATS 44.

**Entries of special significance**

**44.01.15** When repairs to an aircraft, aircraft engine or component or fixed or removable equipment were required in consequence either of damage caused by an irregular occurrence other than an accident, the entry or entries made in the relevant logbook(s) in respect of such repairs shall state that they were so required and shall identify the irregular occurrence in question.

**Overhaul, repair and substitution of major components**

**44.01.16** (1) Overhaul of a Class I or Class II product and repairs to the primary structure of an aircraft, its engine(s) or propeller(s) shall be signed out by an appropriately rated approved AMO, AME or approved person, in terms of Subpart 4 of Part 66.

(2) The procedure for the reissuing of a proving flight authority or authority to fly which is deemed to have been suspended when an aircraft is involved in an accident that renders one or more Class I products defective, is prescribed in Document SA-CATS 44.

(3) Where the manufacturer's instruction or recommendation has not been complied with, such components or equipment must be overhauled as and when their condition shows that it is necessary to keep the aircraft serviceable.

(4)(a) In the case of an aircraft operated in terms of Part 94, a component or part may be fitted to an aircraft for which traceable records are not available.

(b) It shall be the responsibility of the appropriately rated approved AMO, AME or approved person, in terms of Subpart 4 of Part 66, to ensure that the component or part is acceptable in fit, form and function.

(5) (a) Notwithstanding the provisions of sub-regulation (2), non-type certificated aircraft operated under Part 96 or Part 141 where the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, has approved a time between overhauls that differs from that recommended or specified by the manufacturer, such time between overhauls shall be specified in the aircraft's accepted maintenance schedule, referred to in regulation 44.03.1.

(b) Furthermore, where a manufacturer has not recommended or specified the overhaul of an item at certain times but where the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, considers its overhaul at certain intervals necessary in the interest of safety, he or she may prescribe a time between overhauls for such item in the aircraft's accepted maintenance schedule.

(c) The requirements for the substitution of products, components and parts with new or overhauled items are those prescribed in Document SA-CATS 24.

(d) No part may be fitted to an aircraft for which traceable records are not available. The appropriately rated approved AMO, AME or approved person, in terms of Subpart 4 of Part 66, is responsible for ensuring that any part received comes from a reliable source and is serviceable, and that the storage limitations have not been exceeded. Substitutions must be certified by the holder of an appropriately rated licence or authorisation.

#### **Temporary and permanent repairs after accidents**

**44.01.17(1)** Any repair to an aircraft or aircraft component, which has been damaged after an accident, shall be carried out in accordance with the requirements as prescribed in Document SA-CATS 44.

(2) Following the permanent repair of an aircraft that has been involved in an accident, as defined in paragraph (b) of the definition of 'accident' in Part 1, the aircraft shall meet requirements for the initial authority to fly.

**SUBPART 2: PRIVATE NON-TYPE CERTIFICATED AIRCRAFT USE****Acceptance of maintenance schedule**

**44.02.1** (1) The owner of a non-type certificated aircraft for which a authority to fly is required in terms of these regulations shall submit to the Director, or the organisation designated for the purpose in terms of Part 149, as the case may be, for acceptance, a maintenance schedule or document similar to Annex A in Document SA-CATS 44, for the aircraft.

(2) A non-type certificated aircraft, specified in regulation 24.01.1(1) and classified in the paragraphs (a) to (j) of regulation 24.01.1(2), shall be maintained in accordance with its accepted maintenance schedule in such a manner that it is airworthy at the commencement of any flight.

(3)(a) Any non-type certificated aircraft, other than those referred to in sub-regulation (1) above, shall be maintained by or on behalf of its owner in such a manner that it is airworthy at the commencement of any flight.

(b) Where the aircraft manufacturer or any approved organisation has issued maintenance instructions or guidelines, these instructions or guidelines, should be adhered to.

**SUBPART 3: COMMERCIAL NON-TYPE CERTIFICATED AIRCRAFT USE****Acceptance of maintenance schedule**

**44.03.1** (1) The owner of a non-type certificated aircraft for which an authority to fly is required shall submit to the Director or the organisation designated for the purpose in terms of Part 149, as the case may be, for acceptance a maintenance schedule or document similar to Annex A in Document SA-CATS 44, for the aircraft.

(2) A non-type certificated aircraft, specified in regulation 24.01.1(1) and classified in paragraphs (a) to (j) of regulation 24.01.1(2), shall be maintained in accordance with its accepted maintenance schedule in such a manner that it is airworthy at the commencement of any flight.

(3) In the event that the aircraft is operated under Part 96, the Accepted Maintenance Schedule, referred to in sub-regulation (1) shall –

- (a) prescribe the ratings of an appropriately rated approved AMO, AME or approved person, rated in accordance with Subpart 4 of Part 66.
- (b) specify any special conditions under which maintenance shall be carried out; and
- (c) be in the prescribed format .

(4)(a) Any non-type certificated aircraft, other than those referred to in sub-regulation (1) above, shall be maintained by or on behalf of its owner in such a manner that it is airworthy at the commencement of any flight.

(b) Where the aircraft manufacturer or any approved organisation has issued maintenance instructions or guidelines, these instructions or guidelines shall be adhered to.

#### **Maintenance control manual**

**44.03.2** An owner or operator shall include a maintenance control manual in the format prescribed in Document SA-CATS 44, where such owner or operator is required in terms of Part 96 to maintain an operations manual. .

### **PART 47: REGISTRATION AND MARKING**

#### **List of regulations**

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47.00.12	Cancellation of registration
47.00.13	Duration of certificate of registration
47.00.14	South African Civil Aircraft Register

#### **Applicability**

**47.00.1** This Part applies to –

- (a) the registration of aircraft used in the Republic; and
- (b) the nationality, registration and marking of South African registered aircraft.

(2) This Part does not apply to –

- (a) hang-glider;
- (b) paraglider;
- (c) unmanned free balloon;
- (d) captive balloon;

- (e) kite;
- (f) model aircraft;
- (g) foreign registered aircraft;
- (h) parachute; or
- (i) powered paraglider.

#### **Requirement for aircraft registration**

**47.00.2** The owner of an aircraft shall, if the aircraft flies to, from, within or over the Republic, hold a valid certificate of registration for such aircraft issued by –

- (a) the Director, in the case of an aircraft to be registered in the Republic, including any –
  - (i) amateur-built aircraft; and
  - (ii) production-built aircraft; or
- (b) an appropriate authority in the case of any other aircraft not to be registered in the Republic.

#### **Requirement for aircraft marking**

**47.00.3** (1) The Director shall be responsible for the allocation of nationality and registration marks to be displayed on South African registered aircraft.

(2) Upon the registration of an aircraft in terms of regulation 47.00.6(1), the Director may –

- (a) if the aircraft was previously registered in the Republic, allocate the same registration marks as were originally borne by such aircraft, if the registration marks are still available; or
- (b) allocate special registration marks as requested by the applicant: Provided that the application for registration is –
  - (i) accompanied by the appropriate fee as prescribed in Part 187; and
  - (ii) is made in the appropriate prescribed form.

(3) No person shall use a South African registered aircraft unless such aircraft displays a nationality mark and a registration mark in the manner, and in accordance with specifications as prescribed in Document SA-CATS 47.

(4) No person shall place on any South African registered aircraft any mark or symbol which modifies, confuses or purports to be the nationality or registration mark allocated and displayed in accordance with the specifications referred to in sub-regulation (3).

#### **Nationality of aircraft**

**47.00.4** Aircraft registered on the South African Civil Aircraft Register shall be deemed to have South African nationality.

**Application for registration**

**47.00.5** (1) An application for the registration of an aircraft and the issuing of a certificate of registration shall be made to the Director in the appropriate prescribed form.

(2) An application referred to in sub-regulation (1) shall be accompanied by –

(a) in the case of an aircraft which is imported into the Republic for the first time or returns to the Republic and has to be re-registered on the register in terms of Part 21 –

- (i) a certificate or notification of cancellation from the appropriate authority of the State or territory in which the aircraft was last registered; or
- (ii) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and
- (iii) the original of –
  - (aa) the valid certificate of airworthiness issued by the appropriate authority of the last State or territory from which the aircraft is imported; or
  - (bb) the export certificate of airworthiness issued by the appropriate authority of the State or territory from which the aircraft is imported; and
- (iv) confirmation that a type acceptance certificate has been issued by the Director; and
- (v) the supporting documents from the South African Revenue Service issued in terms of section 38, 39 or 44 of the Customs and Excise Act, 1964, as prescribed in Document SA-CATS 47;

(b) in the case of a non-type certificated aircraft which is imported into the Republic for the first time or returns to the Republic and has to be re-registered on the register in terms of Part 24, if a –

**(i) Production-built aircraft**

- (aa) a certificate or notification of cancellation from the appropriate authority of the State or territory in which the aircraft was last registered; or
- (bb) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and
- (cc) a copy of the certificate of conformity issued by the manufacturer;
- (dd) the original of –
  - (A) the valid authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory in which the aircraft was last registered; or
  - (B) an export authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory from which the aircraft is imported;
- (ee) confirmation that a certificate of acceptance for the non-type certificated aircraft has been issued by the Director;

- (ff) the supporting documents from the South African Revenue Service issued in terms of section 38, 39 or 44 of the Customs and Excise Act, 1964, as prescribed in the Document SA-CATS 47.
- (ii) Amateur-built aircraft**
- (aa) a certificate or notification of cancellation from the appropriate authority of the State or territory in which the aircraft was last registered; or
  - (bb) a certificate or notification of non-registration from the appropriate authority of the State or territory from which the aircraft is imported; and
  - (cc) the original of –
    - (A) the valid authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory in which the aircraft was last registered; or
    - (B) an export authority to fly or flight permit or other similar document, as the case may be, issued by the appropriate authority of the State or territory from which the aircraft is imported;
  - (dd) the supporting documents from the South African Revenue Service issued in terms of the Customs and Excise Act of 1964, section 38, 39 and 44 as prescribed in the Document SA-CATS 47:
- (c) in the case of an aircraft that is locally manufactured or assembled and has to be registered in the Republic for the first time, or returns to the Republic and has to be re-registered in terms of Part 21:
- (i) a copy of the certificate of conformity issued by the manufacturer; and
  - (ii) a copy of the type certificate issued by the Director;
- (d) in the case of a non-type certificated aircraft that is locally manufactured or assembled and has to be registered in the Republic for the first time or returns to the Republic in terms of Part 24, if a –
- (i) Production-built aircraft**
- (aa) a copy of the certificate of conformity issued by the manufacturer; and
  - (bb) confirmation that a certificate of acceptance of the non-type certificated aircraft has been issued by the Director;
- (ii) Amateur-built aircraft – derived from an approved kit**
- (aa) a copy of the certificate of conformity issued by the manufacturer; and
  - (bb) confirmation that a certificate of acceptance of non-type certificated aircraft has been issued by the Director.
- (iii) Amateur-built aircraft – derived from approved plans**
- (aa) notification of authorisation for registration issued by the Director;
- (e) in the case of a veteran aircraft or ex-military aircraft that has to be registered in the Republic for the first time or returns to the Republic and has to be re-registered in terms of Part 24, the requirements shall be those prescribed in regulation 47.00.5(2)(b)(i) as applicable;



- (f) if the aircraft is to be registered in the name of an individual, proof of his or her identity;
- (g) if the aircraft is to be registered in the name of a company –
  - (i) a certified true copy of its most recent register of directors lodged with the Registrar of Companies in terms of the Companies Act, 2008 (Act No. 71 of 2008);
  - (ii) proof of identity of the director authorised to act on behalf of the applicant; and
  - (iii) the relevant authorising resolution in the appropriate prescribed form ;
- (h) if the aircraft is to be registered in the name of a close corporation –
  - (i) a certified true copy of its founding statement, approved by the Registrar of Close Corporations in terms of the Close Corporation Act, 1984 (Act No. 69 of 1984);
  - (ii) proof of identity of the member authorised to act on behalf of the applicant; and
  - (iii) the relevant authorising resolution in the appropriate prescribed form ;
- (i) if the aircraft is to be registered in the name of a trust –
  - (i) a certified true copy of –
    - (aa) the trust instrument; or
    - (bb) the appropriate letter of appointment;
  - (ii) proof of identity of the trustee authorised to act on behalf of the applicant; and
  - (iii) the authorising resolution concerned in the appropriate form as prescribed by the Director;
- (j) if the aircraft is to be registered in the name of any other applicant –
  - (i) a certified true copy of any other founding documents;
  - (ii) proof of identity of the person authorised to act on behalf of the applicant; and
  - (iii) the relevant authorising resolution in the appropriate prescribed form ;
- (k) the appropriate fee as prescribed in Part 187.

(3) The Director may exempt an applicant from the provisions of sub-paragraph (a)(iii), sub-paragraph (b)(i)(dd) or sub-paragraph (b)(ii)(cc) of sub-regulation (2), if, the Director is satisfied that such exemption will not jeopardise aviation safety.

#### **Registration and Issuing of certificate**

**47.00.6** (1) An application in terms of regulation 47.00.5 is granted, the aircraft registered and a certificate of registration issued on the appropriate form if –

- (a) in the case of an individual, the applicant is a resident of the Republic;
- (b) in the case of a juristic person, the applicant is registered and has its principal place of business in the Republic; and
- (c) the aircraft is not registered in any other State or territory.

(2) Registration of an aircraft and the issuing of a certificate of registration under this part shall not confer or imply ownership of the aircraft.

#### **Duties of holder of certificate**

**47.00.7** The holder of a certificate of registration shall –

- (a) keep the original certificate of registration in a safe place and produce such certificate to an authorised officer, inspector or authorised person for inspection if so requested by such officer, inspector or person;
- (b) carry a certified true copy of the certificate of registration in the aircraft at all times;
- (c) on an annual basis, confirm to the Director in the appropriate prescribed form—
  - (i) that he, she or it is still the owner of the aircraft;
  - (ii) his, her or its postal and physical address.

#### **Application for amendment of certificate**

**47.00.8** (1) If the holder of a certificate of registration desires to amend –

- (a) the name in which the certificate of registration was issued; or
- (b) the address on the certificate of registration,

such holder shall apply to the Director for such amendment.

(2) An application referred to in sub-regulation (1) shall be –

- (a) made in the appropriate prescribed form ; and
- (b) accompanied by –
  - (i) if the aircraft is registered in the name of a company and the name of the company is changed, a certified true copy of the certificate of change of name of a company, approved in terms of the Companies Act, 2008;
  - (ii) if the aircraft is registered in the name of a close corporation and the name of that close corporation is changed, a certified true copy of the amended founding statement of the close corporation, approved in terms of the Close Corporations Act, 1984; and
  - (iii) the appropriate fee as prescribed in Part 187.

(3) When a bank or other financier registers a mortgage over an aircraft in terms of the Mortgaging of Aircraft Regulations, 1997, the holder of a certificate of registration for such a mortgaged aircraft shall simultaneously apply for an amendment of such certificate in order to have the said certificate endorsed with the details of mortgage, mortgagee, mortgagor and date of registration of the said mortgage.

(4) An application for amendment referred to in sub-regulation (3) shall be –

- (a) made in the appropriate prescribed form ; and
- (b) accompanied by –
  - (i) a certified excerpt from the South African Mortgage Register indicating registration of the said mortgage;
  - (ii) the appropriate fee for the amendment by endorsement of a certificate of registration as prescribed in Part 187.

(5) The Director shall issue the amended certificate in the appropriate prescribed form .

**Application for reissuing of certificate**

**47.00.9** (1) If a certificate of registration is lost, stolen, damaged or destroyed, the holder thereof, or an AMO approved under Part 145 and which is responsible for the servicing and maintenance of the aircraft, may apply for the issue of a duplicate of the certificate of registration.

(2) An application referred to in sub-regulation (1) shall be –

- (a) made in the appropriate form as prescribed in Document SA-CATS 47; and
- (b) accompanied by the appropriate fee as prescribed in Part 187.

(3) A duplicate of the certificate of registration shall be issued on the appropriate prescribed form.

**Notification of transfer of right of possession of aircraft**

**47.00.10** (1) If the holder of a certificate of registration transfers to another person the right of possession of the aircraft specified in the certificate, such holder shall, within thirty (30) days from the date of transfer notify the Director in the appropriate prescribed form.

(2) If the holder in whose name the aircraft is registered –

- (a) is an individual and has died, and an executor has been appointed, the notification referred to in sub-regulation (1) shall be accompanied by a certified true copy of the letter of executorship issued in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965);
- (b) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, the notification referred to in sub-regulation (1) shall be accompanied by a certified true copy of the certificate of appointment issued in terms of the Insolvency Act, 1936 (Act No. 24 of 1936);
- (c) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, the notification referred to in sub-regulation (1) shall be accompanied by a certified true copy of the certificate of appointment issued in terms of the Companies Act, 2008, or the Close Corporations Act, 1984, as the case may be.

(3) An application for registration by the person to whom the right of possession of the aircraft referred to in sub-regulation (1) is transferred, shall be made in terms of regulation 47.00.5 within thirty (30) days from the date of transfer.

(4) A certificate of registration shall no longer be valid from the thirty-first day after the date on which the holder of the certificate of registration has transferred to another person the permanent and unconditional right of possession of the aircraft.

(5) From the date on which a certificate of registration has become invalid in terms of sub-regulation (4), no person shall use the aircraft specified in the certificate until such time that the

aircraft is registered in the name of the person to whom the right of possession of the aircraft is transferred.

(6) (a) From the date on which a certificate of registration has become invalid in terms of sub-regulation (4), the Director shall prohibit any further flight or operation of such aircraft, by way of written notification to the Air Traffic & Navigation Services Company, as well as the person to whom the right of possession has been transferred.

(b) Such grounding or prohibition will be valid as from the date of the said notification and may not be uplifted until the latest owner of the aircraft has complied with all such requirements, as prescribed in these Regulations, as may be necessary to issue a new certificate of registration, and has also paid the appropriate fees as prescribed for registration as well as uplifting of such grounding in Part 187.

#### **Application for cancellation of registration**

**47.00.11** (1) If the holder of a certificate of registration desires to transfer the aircraft for permanent use outside the Republic, such holder shall apply to the Director for the cancellation of the registration of such aircraft.

(2) An application referred to in sub-regulation (1) shall be made in the appropriate prescribed form as , and be accompanied by –

- (a) the original of the last certificate of registration;
- (b) in the case of an aircraft other than an amateur-built or production- built, the original of the last certificate of airworthiness issued in terms of Part 21;
- (c) in the case of an amateur-built or production-built aircraft, the original of the last authority to fly issued in terms of Part 24;
- (d) if the holder in whose name the aircraft is registered –
  - (i) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorship issued in terms of the Administration of Estates Act, 1965 (Act 66 of 1965);
  - (ii) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued in terms of the Insolvency Act, 1936 (Act 24 of 1936); or
  - (iii) is a company or a close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued in terms of the Companies Act, 2008, or the Close Corporations Act, 1984, as the case may be; and
- (e) the appropriate fee as prescribed in Part 187.

(3) If a South African registered aircraft –

- (a) is destroyed, lost or stolen;
- (b) is damaged beyond repair and becomes permanently useless as an aircraft; or
- (c) is permanently withdrawn from use,

the holder of the certificate of registration concerned shall apply to the Director for the cancellation of such certificate of registration, and in addition, shall give provisional notice in

writing to the Director within 30 days from the date on which such event occurred, of his, her or its intention to apply for such cancellation.

(4) An application referred to in sub-regulation (3) shall be –

- (a) made in the appropriate prescribed form ; and
- (b) accompanied by –
  - (i) the original of the last certificate of registration;
  - (ii) in the case of any amateur-built aircraft or production-built aircraft, the special flight permit issued in terms of Part 21;
  - (iii) in the case of an aircraft other than an amateur-built aircraft or production-built aircraft, the certificate of airworthiness issued in terms of Part 21;
  - (iv) the airframe data plate of the aircraft;
  - (v) if the holder in whose name the aircraft is registered –
    - (aa) is an individual and has died, and an executor has been appointed, a certified true copy of the letter of executorship issued in terms of the Administration of Estates Act, 1965;
    - (bb) is an individual and the estate of such holder is sequestrated and a trustee has been appointed, a certified true copy of the certificate of appointment issued in terms of the Insolvency Act, 1936; or
    - (cc) is a company or close corporation and such holder is liquidated and a liquidator has been appointed, a certified true copy of the certificate of appointment issued in terms of the Companies Act, or the Close Corporations Act, 1984, as the case may be.

#### **Cancellation of registration**

**47.00.12** (1) An aircraft shall remain registered on the register until the registration of such aircraft is cancelled.

(2) The Director shall cancel the registration of an aircraft, amend the register and issue a certificate of cancellation in the prescribed form if the Director is satisfied of the occurrence of any of the events referred to in regulation 47.00.11(1) and (3).

(3) The Director may cancel the registration of an aircraft, amend the register and issue a certificate of cancellation if–

- (a) the holder of a certificate of registration has not submitted the maintenance records of the aircraft for a period of three months;
- (b) the holder of a certificate of registration has not paid the currency fees for a period of three months;
- (c) the aircraft was erroneously placed in the register; or
- (d) the holder of a certificate of registration has not complied with the duties of the holder of the certificate prescribed in regulation 47.00.7(d)(i).

**Duration of certificate of registration**

**47.00.13** (1) A certificate of registration shall remain in force until –

- (a) it has been invalidated in terms of regulation 47.00.10(4); or
- (b) the registration of the aircraft is cancelled by the Director.

(2) The holder of a certificate of registration which has become invalid in terms of this Part, shall surrender such certificate to the Director within thirty (30) days from the date on which the certificate became invalid.

**South African Civil Aircraft Register**

**47.00.14** (1) The Director shall maintain a register of South African aircraft, which shall be called "South African Civil Aircraft Register".

(2) The register shall contain the following particulars:

- (a) The full name and, if any, the trade name of the holder of the certificate of registration;
- (b) the postal address of the holder of the certificate of registration;
- (c) the date on which the aircraft was registered for the first time;
- (d) the date on which the aircraft was registered in the name of the holder;
- (e) particulars of the manufacturer's designation, serial number and MCM of the aircraft;
- (f) the nationality and registration marks of the aircraft; and
- (g) the airworthiness category of the aircraft.

(3) An excerpt of the register shall be furnished by the Director, on payment of the appropriate fee as prescribed in Part 187, to any person who may request such an excerpt.

**PART 48: LEASING OF AIRCRAFT****List of regulations****SUBPART 1: GENERAL**

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#### **SUBPART 1: GENERAL**

##### **Application**

**48.01.1** (1) This Part applies to all aircraft lease agreements involving South African air service operators, South African registered aircraft and foreign registered aircraft operated by South African air service operators.

(2) The provisions of this Part apply with the necessary changes to any dry lease agreement whereby either the lessor or the lessee is a South African entity but not an air service operator.

(3) The provisions of this Part apply with the necessary changes to any sub-lease agreement.

#### **SUBPART 2: FINANCIAL OR CAPITAL LEASES**

##### **Filing of lease agreement**

**48.02.1** (1) Any South African operator, who enters into a financial or capital lease agreement as lessee in respect of an aircraft, must –

- (a) provide the Director with a certified copy thereof; and
- (b) adhere to the provisions of the Convention on the International Recognition of Rights in Aircraft Act, 1993 (Act 59 of 1993), where applicable.

(2) Any aircraft, acquired on a financial or capital lease, to be used for the provision of an air service, shall –

- (a) be deemed to be on a dry lease, and the provisions of regulation 48.03.1 shall apply with the necessary changes; and
- (b) be put on the South African Civil Aircraft Register, if not already so registered, in accordance with the provisions of Part 47.

### **SUBPART 3: OPERATING LEASES**

#### **Dry lease-in**

**48.03.1** (1) (a) An operator who intends to dry lease-in an aircraft for the purpose of providing an air service therewith, shall submit an application to the Director in the appropriate prescribed form signed by both parties, together with the appropriate fee as prescribed in Part 187 for prior approval to dry lease-in the aircraft.

(b) Where a dry lease involving a foreign operator is approved by the Director, a copy of the duly completed form, must be forwarded to the International Air Services Council or the Domestic Air Service Council, as applicable, for record keeping purposes.

(2) The oversight responsibilities in respect of a dry lease-in of a foreign registered aircraft may be fully or partially transferred in terms of an Article 83bis Agreement from the appropriate authority of the State of Registry to the appropriate authority of the State of the Operator.

(3) Subject to such conditions as he or she may determine, the Director may grant approval for the lease agreement if satisfied that –

- (a) the aircraft to be leased-in is type-certificated in accordance with the requirements prescribed in Part 21;
- (b) the aircraft to be leased-in will be maintained in accordance with an approved maintenance schedule and current manufacturer's maintenance manual;
- (c) the aircraft to be leased-in will be operated under the operating certificate held by the lessee and the applicant will not operate the air service concerned contrary to any provision of the Act, the International Air Services Act, 1993 or the Air Service Licensing Act, 1990;
- (d) if a foreign-registered aircraft, –
  - (i) the transfer of responsibilities, as contemplated in sub-regulation (2), has been effected;
  - (ii) the appropriate authority of the State of Registry is in a position to carry out its oversight responsibilities effectively;
  - (iii) the duration of the dry lease-in is for a period not exceeding six consecutive calendar months in any 12-months period calculated from the commencement date of the lease; and
  - (iv) the number of foreign registered aircraft leased by the operator referred to in sub-regulation (1) constitutes not more than half the number of aircraft listed on that operator's operating certificate.

(4) When the conditions, contemplated in sub-regulation (3)(d), are not met, the aircraft to be dry leased-in must be registered in the Republic as prescribed in Part 47 of these Regulations, and –



- (a) the aircraft shall be subject to the airworthiness certification, maintenance, and inspection procedures prescribed by the Regulations in respect of South African registered aircraft;
- (b) the responsibility or custody of the aircraft and control of all operations shall be vested in the lessee operator;
- (c) the responsibility for the airworthiness and maintenance of the aircraft shall be vested in the lessee operator; and
- (d) the registration of the aircraft shall be valid only for the duration of the lease agreement, and for as long as the aircraft is operated in accordance with the Regulations, the terms or conditions specified in the lessee operator's operating certificate, the related operations specifications, and the lessee operator's operations and maintenance control manuals.

(5) The conditions of approval referred to in sub-regulation (3) must be made part of the lease agreement, and in particular must specify the responsibilities of the parties involved in respect of

- (a) airworthiness of the aircraft and performance of maintenance;
- (b) signing the maintenance release;
- (c) flight and cabin crew member certification;
- (d) crew member training, competency and currency;
- (e) scheduling of crew members;
- (f) dispatch or flight-following; and
- (g) insurance arrangements.

(6) A dry lease agreement between South African operators must include the arrangements concerning the party's respective responsibilities in respect of the airworthiness of the aircraft.

#### **Dry lease-out**

**48.03.2** (1) An operator of a South African registered aircraft may dry lease-out the aircraft to any other South African operator (the lessee), subject to the provisions of sub-regulation (2).

(2) The provisions referred to in sub-regulation (1), include confirmation in the lease agreement of the parties' respective responsibilities in respect of the continued airworthiness of the aircraft; and that the aircraft will be operated in terms of the operating certificate held by the lessee.

(3) An operator (the lessor) of a South African registered aircraft may dry lease-out the aircraft to any other operator (the lessee) in a Contracting State.

(4) Upon application by an operator (the lessor) of a South African registered aircraft in the appropriate prescribed form, the Director may remove the aircraft from the operating certificate held by such operator.

(5) The removal, contemplated in sub-regulation (4), in respect of an aircraft to be dry leased-out to an operator in a Contracting State, shall be conditional on –

- (a) the appropriate authority of the State of the Operator to whom such aircraft is dry leased concluding an Article 83bis Agreement with the Minister whereby it has accepted responsibility for surveillance of the maintenance and operation of such aircraft in terms of the applicable requirements of Subpart 6; and

- (b) such aircraft being maintained according to an approved maintenance schedule and current manufacturers maintenance manual.

(6) When a South African registered aircraft is dry leased-out to an operator in a State that is not a Contracting State, the Minister may not transfer responsibility for surveillance of the maintenance and operation of the aircraft to the relevant authority of that State, and the lessor operator shall be liable for any costs incurred by the Authority in carrying out its oversight function in respect of such aircraft. The lessor operator shall be liable also for any such costs in respect of an aircraft for which no transfer of duties, as contemplated in sub-regulation (5)(a), has been agreed upon.

(7) The provisions of sub-regulations (5) and (6) shall apply with the necessary changes in respect of a dry leased-out aircraft remaining on the operating certificate of the lessor.

#### **Wet lease-in**

**48.03.3** (1) A South African operator who intends to wet lease-in an aircraft for the purpose of providing an air service therewith, must –

- (a) be the holder of an appropriate operating certificate applicable to the category and type of aircraft, as defined in the Air Services Licensing Act, 1990 (Act No. 115 of 1990) and the International Air Services Licensing Act, 1993 (Act No. 60 of 1993); and
- (b) submit an application to the Director in the appropriate prescribed form, signed by both parties, together with the appropriate fee as prescribed in Part 187 for prior approval to wet lease-in the aircraft. Where the Director approves a wet lease-in involving a foreign operator, a copy of the duly completed form prescribed in Document SA-CATS 48 must be forwarded to the International Air Services Council or the Air Service Licensing Council, as applicable, for record keeping purposes.

(2) The duration of the lease agreement concerned, in respect of foreign-registered aircraft, shall be limited to a maximum period of six consecutive calendar months in any 12-months period calculated from the date on which the Director approves the lease.

(3) The approval referred to in sub-regulation (2) may, subject to such conditions as the Director may determine, be granted if such aircraft –

- (a) is wet leased-in from an operator (the lessor) who is the holder of an operating certificate or similar document issued by an appropriate authority;
- (b) has been type-certificated by an appropriate authority;
- (c) holds a valid certificate of airworthiness or similar document issued by an appropriate authority;
- (d) is maintained and operated in accordance with safety standards at least equivalent to the safety standards referred to in these Regulations in respect of aircraft operated in a commercial air transport operation; and
- (e) will be operated in terms of the operating certificate or similar document held by the lessor: Provided that, if the operator concerned is a foreign operator, the appropriate authority of the State of the Operator and the Minister may enter into an Article 83bis Agreement as provided for in Subpart 6 in terms of which it is agreed that the aircraft shall be operated in terms of the operating certificate of the South African lessee, and that

certain specified oversight responsibilities be transferred from that authority to the Director.

(4) The lessee must –

- (a) satisfy the Director that the safety standards of the lessor are not less than the applicable safety standards referred to in these Regulations; and
- (b) ensure that any law applicable to the aircraft to be wet leased-in, and the maintenance or operation thereof, is complied with.

(5) The total number of wet leased-in aircraft, either foreign or South African registered, may not constitute more than half the number of aircraft listed on the operating certificate of the operator referred to in sub-regulation (1) (the lessee).

(6) The conditions of approval referred to in sub-regulation (1)(b) must be part of the lease agreement between the lessor and the lessee.

(7) Should any agreement, contemplated in sub-regulation (3)(e), have been concluded, such agreement must be formally registered with the Council of ICAO and the appropriate authority of any third State affected must be notified.

#### **Wet lease-out**

**48.03.4** (1)(a) The South African operator of a South African registered aircraft who intends to wet lease-out the aircraft to any non South African operator, where the non South African operator is licensed in a non contracting State, must remain the operator of the aircraft in terms of his or her operating certificate, and responsibility for surveillance of the maintenance and operation of such aircraft may not be transferred to the appropriate authority of the State of the Operator to which such aircraft is wet leased-out.

(b) The provisions of regulation 48.03.2(6) in respect of the cost of oversight by the Authority shall apply with the necessary changes.

(2) (a) Subject to the provisions of sub-regulation (3), the South African operator of a South African registered aircraft may wet lease-out the aircraft to any non South African operator in a Contracting State.

(b) In such case, and upon application by such operator in the prescribed form, the Director may remove the aircraft from the operating certificate held by such South African operator: Provided that –

- (i) the appropriate authority of the State of the Operator to whom such aircraft is wet leased has accepted, in writing, responsibility for surveillance of the maintenance and operation of such aircraft, as provided for in Article 83bis of the Convention; and
- (ii) such aircraft is maintained according to an approved maintenance schedule.

(3) (a) A non South African licensed lessee operator may only use a wet leased-out South African registered aircraft, in commercial air transport operations to and from the Republic if the lessee has the underlying traffic rights to enter South Africa.

(b) The South African registered wet leased aircraft does not need to be listed on the Foreign Operator's Permit of the lessee.

(4) (a) A South African operator, intending to wet lease-out an aircraft to another South African operator must submit an application to the Director in the appropriate prescribed form as , signed by both parties, together with the appropriate fee as prescribed in Part 187 for prior approval to wet lease out the aircraft.

(b) Where the Director approves a wet lease-out of an aircraft to another South African operator, a copy of the duly completed form must be forwarded to the Air Services Licensing Council or the International Air Services Council, as applicable, for record keeping purposes.

(5) Any conditions prescribed in granting such approval must be incorporated by the operators into the lease agreement.

(6) Notwithstanding the provisions of sub-regulations (4) and (5), the Director may provide any South African operator with a list of South African operators from whom aircraft may be wet leased-in by such operator without prior approval.

(7) A South African operator, who agrees to wet lease-out an aircraft to another South African operator, must remain the operator of the aircraft and must retain the functions and responsibilities prescribed in his, her or its operating certificate.

(8) Notwithstanding the provisions of sub-regulation (5), the lessee operator, who in terms of the Air Services Licensing Act, 1990, or International Air Services Act 1993 (as the case may be) is required to be actively and effectively in control of the air service, must ensure that the lessor operator adheres to the conditions of the latter's operating certificate and its operating specifications, which conditions may not be in conflict or less than the conditions of the lessee operator's operating certificate.

(9) The terms of an approved wet lease agreement between South African operators must include –

- (a) the arrangement concerning the operating certificate under which the flights with the leased aircraft shall be operated; and
- (b) any deviation from the operating certificate under which the flights with the leased aircraft shall be operated.

#### **Damp lease**

**48.03.5** (1) When an aircraft is damp leased with only a partial crew (whether flight or cabin crew) the provisions of regulations 48.03.3 and 48.03.4 applies with the necessary changes in respect of the crew provided as part of the lease, while regulations 48.03.1 and 48.03.2 applies with the necessary changes in respect of the aircraft provided by the lessee.

(2) The cabin or flight crew members provided by the lessee for the operation must undergo the Standard Operating Procedures (SOP) training of the lessor prior to the commencement of any commercial air transport operation.